



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda Airport Advisory Board

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Wednesday, October 8, 2025

3:00 PM

Airport Terminal Meeting Room

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After determining that a quorum is present, the Airport Advisory Board of the City of Denton, Texas will convene in a Regular Meeting on Wednesday, October 8, 2025, at 3:00 p.m. in the Meeting Room at the Denton Enterprise Airport Terminal Building, 5000 Airport Road, Denton, Texas, at which the following items will be considered:

### **1. PLEDGE OF ALLEGIANCE**

- A. U.S. Flag
- B. Texas Flag

“Honor the Texas Flag – I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

### **2. PRESENTATIONS FROM MEMBERS OF THE PUBLIC**

Citizens may complete one Request to Speak “Public Comment” card per night for the “Presentations from Members of the Public” portion of the meeting and submit it to the Airport Staff. Presentations from Members of the Public time is reserved for citizen comments regarding items not listed on the agenda. No official action can be taken on these items. Presentations from Members of the Public is limited to five speakers per meeting with each speaker allowed a maximum of three (3) minutes.

### **3. ITEMS FOR CONSIDERATION**

- A. [AAB25-031](#) Consider approval of the minutes of August 13, 2025.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Draft Minutes – August 13, 2025](#)

- B. [AAB25-032](#) Receive a report, hold a discussion, and provide recommendation to City Council regarding the approval of a Consent to Collateral Assignment of an Airport Land Lease Agreement between Sykes-Vaughan Investments, LLC and Huntington National Bank; and providing an effective date.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Consent to Collateral Assignment](#)

- C. [AAB25-034](#) Receive a report, hold a discussion, and provide a recommendation regarding an ordinance amending Chapter 3 of the Code of Ordinances.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Ordinance](#)  
[Exhibit 3 - Amended Chapter 3 \(clean\)](#)  
[Exhibit 4 - Amended Chapter 3 \(redline\)](#)  
[Exhibit 5 - Presentation](#)

- D. [AAB25-035](#) Receive a report, hold a discussion, and consider approval of updates to the Airport Rules and Regulations.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - Amended Airport Rules and Regulations \(clean\)](#)  
                              [Exhibit 3 - Amended Airport Rules and Regulations \(redline\)](#)  
                              [Exhibit 4 - Presentation](#)

#### **4. WORK SESSION**

- A. [AAB25-033](#) Staff Reports:
1. Monthly Operations Report - October 2025
  2. Administrative Update - October 2025
  3. Airport Advisory Board-City Council Airport Related Items Matrix - October 2025

Attachments:      [Monthly Operations Report - October 2025](#)  
                              [Administrative Update - October 2025](#)  
                              [Airport Advisory Board-City Council Airport Related Items Matrix - October 2025](#)

#### **5. CONCLUDING ITEMS**

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Airport Advisory Board or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

NOTE: The Airport Advisory Board reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

Following the completion of the Regular Meeting, the Airport Advisory Board will convene in a Work Session at which the following items will be considered:

#### **CERTIFICATE**

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on October 2, 2025, in advance of the three (3) business day posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

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OFFICE OF THE CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST TWO (2) BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.



# City of Denton

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Denton Enterprise Airport

**ACM:** Frank Dixon

**DATE:** October 8, 2025

### **SUBJECT**

Consider approval of the minutes of August 13, 2025.

### **BACKGROUND**

The draft minutes from the Airport Advisory Board meeting of August 13, 2025, are attached for the Board's consideration and approval.

### **EXHIBITS**

1. Agenda Information Sheet
2. Draft Minutes – August 13, 2025

Respectfully submitted:  
Leanne Alexander, A.C.E.  
Airport Analyst

**MINUTES**  
**AIRPORT ADVISORY BOARD**  
**August 13, 2025**

After determining that a quorum was present, the Airport Advisory Board of the City of Denton, Texas convened in a Regular Meeting on Wednesday, August 13, 2025, at 3:05 p.m. in the Meeting Room at the Denton Enterprise Airport Terminal Building, 5000 Airport Road, Denton, Texas.

**PRESENT:** Chair Rick Woolfolk, Vice Chair Brownie Stonecipher, Members Ann Patterson, Byron Woods, and Craig ORourke

**ABSENT:** Member Davis Bird

**1. PLEDGE OF ALLEGIANCE**

Members conducted the U.S. and Texas pledge of allegiance.

**2. PRESENTATION FROM MEMBERS OF THE PUBLIC**

Harrison Korb – professional introduction, noted in Exhibit A.

**3. ITEMS FOR CONSIDERATION**

**A. Consider approval of the minutes of June 11, 2025. (AAB25-024)**

The item was presented, and discussion followed.

Vice Chair Stonecipher moved to approve the item as presented. Member Woods seconded the motion. Motion carried.

AYES (5): Chair Woolfolk, Vice Chair Stonecipher, and Members Patterson, Woods, and ORourke

NAYS (0): NONE

ABSENT (1): Member Bird

**B. Ratification of the Airport Business Permit for Colin McCabe to conduct Certified Flight Instructor services at the Denton Enterprise Airport. (AAB24-026)**

The item was presented, and discussion followed.

Member Woods moved to approve the item as presented. Vice Chair Stonecipher seconded the motion. Motion carried.

AYES (5): Chair Woolfolk, Vice Chair Stonecipher, and Members Patterson, Woods, and ORourke

NAYS (0): NONE

ABSENT (1): Member Bird

- C. Receive a report, hold a discussion, and provide recommendation to City Council regarding the approval of a resolution authorizing the City Manager to sign a Memorandum of Understanding with the City of Arlington, City of Fort Worth, Dallas Fort Worth International Airport, Perot Field, and the City of Mineral Wells regarding the development of an airport coalition of take-off and landing locations for electric vertical take-off and landing (eVTOL) vehicles; providing an effective date. (AAB25-027)**

The item was presented, and discussion followed.

Member Woods moved to approve the item as presented. Member Patterson seconded the motion. Motion carried.

AYES (5): Chair Woolfolk, Vice Chair Stonecipher, and Members Patterson, Woods, and ORourke  
NAYS (0): NONE  
ABSENT (1): Member Bird

#### **4. WORK SESSION**

- A. Receive a report and hold a discussion regarding a revision to Chapter 3 of the Code of Ordinances and the Airport Rules and Regulations. (AAB25-028)**

The items were presented, and discussion followed. There was no direction provided as the items were for presentation/discussion purposes only.

- B. Receive a report and hold a discussion regarding an update on the proposed FY 2025-2026 Airport Budget and Strategic Initiatives. (AAB25-030)**

The items were presented, and discussion followed. There was no direction provided as the items were for presentation/discussion purposes only.

- C. Staff Reports: (AAB25-029)**

- 1. Monthly Operations Report – August 2025**
- 2. Airport Advisory Board-City Council Airport Related Items Matrix – August 2025**

The items were presented, and discussion followed. There was no direction provided as the items were for presentation/discussion purposes only.

#### **5. CONCLUDING ITEMS**

The next scheduled Airport Advisory Board meeting is September 10, 2025, at 3:00 p.m.

With no further business, the meeting was adjourned at 4:11 p.m.

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X

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Rick Woolfolk  
Chair

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X

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Leanne Alexander  
Recording Secretary

MINUTES APPROVED ON: \_\_\_\_\_

August 13, 2025 - Airport Advisory Board Regular Meeting- EXHIBIT A							
Name	Last	Address	City	Agenda Item	Position	Method	Comments
Harrison	Korb	3000 Internet Blvd. Suite 550	Frisco	N/A	N/A	Public Hearing	Parkhill Engineer Introduction





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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Airport

**ACM:** Frank Dixon

**DATE:** October 8, 2025

### **SUBJECT**

Receive a report, hold a discussion, and provide recommendation to City Council regarding the approval of a Consent to Collateral Assignment of an Airport Land Lease Agreement between Sykes-Vaughan Investments, LLC and Huntington National Bank; and providing an effective date.

### **BACKGROUND**

The Sykes-Vaughan Investments, LLC lease agreement is a 30-year agreement commencing on May 15, 1997, approved by City Council May 20, 1997. The lease agreement has two (2) additional ten (10) year options, which can be exercised at the Lessee's sole discretion, extending the lease to May 14, 2047. The land lease contains one (1) 14,400 square foot two-story building.

The City of Denton has received a request from Sykes-Vaughan Investments, LLC and Huntington National Bank for the execution of a Collateral Assignment of Airport Land Lease. This assignment pertains to property leased by Sykes-Vaughan Investments, LLC at Denton Enterprise Airport and is intended to secure a lien. The City Attorney's Office has reviewed and approved the form of the associated document, which is attached to the proposed ordinance. (**Exhibit 2**).

### **RECOMMENDATION**

Airport Staff recommends approval of the Consent to Collateral Assignment (**Exhibit 2**).

### **FISCAL INFORMATION**

This property lease is for 0.7438 acres of land for a current annual lease rate of \$22,107.55. The annual lease rate is based on price per square foot and the US Department of Labor Bureau of Labor Statistics Consumer Price Index (CPI-U), adjusted every two years. The next CPI-U adjustment(s) will occur on May 1, 2026.

An administrative fee of \$1,000.00 has been received from the Assignor.

**EXHIBITS**

1. Agenda Information Sheet
2. Consent to Collateral Assignment

Respectfully submitted:  
Ryan Adams, C.M.  
Airport Director

## CONSENT TO COLLATERAL ASSIGNMENT OF LEASE

This Consent to Collateral Assignment of Lease (the “Consent”) is made between the City of Denton, Texas, a Texas home rule municipal corporation (“City” or “Landlord”), Sykes-Vaughan Investments, LLC, a Texas Limited Liability Company (“Assignor”) and Huntington National Bank, a National Banking Association (“Assignee”).

WHEREAS, the City is the sole owner and landlord of a pad site at Denton Enterprise Airport located at 1945 Matt Wright Lane, Denton, Texas 76207 (the “Property”); and

WHEREAS, the Property is subject to a ground lease, described as the Airport Lease Agreement dated May 20, 1997, between the City and Hangar 10 Flying Museum, as subsequently amended and assigned to Sykes-Vaughan Investments, LLC (collectively, the “Lease” and the property rights granted thereunder the “Leasehold Estate”); and

WHEREAS, Assignee provided financing for the purchase of the Leasehold Estate and certain improvements on such ground leased property; and

WHEREAS, for the purpose of securing and enforcing the payment obligations of Assignor to Assignee, Assignor now wishes to collaterally assign the Lease to the Assignee through the Leasehold Deed of Trust attached hereto as **Exhibit A** (the “Leasehold Deed of Trust”); and

WHEREAS, Section IX.C of the Lease provides preconditions that must be met before the City will consent to a collateral assignment and those preconditions have been satisfied or are satisfied herein;

NOW THEREFORE, in consideration of the mutual covenants set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City hereby consents to Assignor’s collateral assignment of the Leasehold Estate to Assignee, through the Leasehold Deed of Trust (the “Collateral Assignment”) attached as Exhibit “A,” under the following terms and conditions:

1. Assignor shall pay to the City a transfer fee of One Thousand Dollars (\$1,000.00) in connection with the City providing its consent to the Collateral Assignment of the Leasehold Estate.
2. Assignor will pay or will have Assignee pay for all of the City’s administrative costs for handling and processing the Collateral Assign.
3. Assignee certifies that it has reviewed the Lease and accepts the provisions applicable to the Assignee as Lender as defined therein, including but not limited to Section IX.C.
4. Assignee shall give the City copies of any written notice which Assignee gives to Assignor of any default by Assignor under any financing agreement, promissory note, or the Collateral Assignment at the same time it gives notice to the Assignor. Any such notice shall be delivered as follows:

City Manager  
City of Denton  
215 E. McKinney  
Denton, Texas 76201

with copies to:

Airport Manager  
Denton Enterprise Airport  
5000 Airport Road  
Denton, Texas 76207

City Attorney  
City of Denton  
215 E. McKinney  
Denton, Texas 76201

5. The City agrees to provide Assignee a contemporaneous copy of all written notices provided to Assignor under the Lease. Wherein a notice of default or breach has been provided by the City to Assignor and Assignee, Assignee shall be entitled, at its option, to cure such default or breach, and the City shall accept such cure from Assignee. If the default or breach is not cured as provided under the Lease, the City shall have the remedies available to it as set out therein. Any notice to be delivered from City to Assignee shall be delivered to the following:

Huntington National Bank  
Attn: Legal Department  
41 S. High Street  
Columbus, OH 43215

6. Should Assignee foreclose or otherwise obtain Assignor's rights and interest in the Leasehold Estate, the City will not unreasonably withhold its consent to an assignment by Assignee to future successors upon being provided with the potential successor's (i) financial statement, (ii) confirmation of no outstanding taxes, liens, or judgments, and (ii) a demonstrated history of aviation experience. The City shall be the sole judge of any potential successor's qualifications, which shall be reasonably exercised.
7. In the event of any inconsistency between the terms and conditions of the Lease and the terms and conditions of this Consent, then the Lease shall govern and control.
8. If any provisions of this Consent shall be held or deemed to be illegal, inoperative, or unenforceable, the same shall not affect any other provisions contained herein; the remaining provisions to remain in full force and effect.

9. The City hereby represents and warrants that this Consent is made with proper authority under ordinance.
10. Assignee, its authorized representatives or agents, may, upon reasonable advanced notice (written or oral) to Assignor and City and at any reasonable times, enter the Property for the purposes of inspecting, repairing, or removing personal property. Assignee may further, upon reasonable advanced written notice to City and Assignor and at reasonable times, enter upon the Property to exhibit or conduct a sale(s) of any or all of the collateral pledged to Assignee, subject to the City's interests under the Lease.
11. This Consent shall be governed by and construed in accordance with the laws of the State of Texas. Exclusive venue for any action related to this Consent shall be solely in a court of competent jurisdiction in Denton County, Texas.
12. This Consent will bind and inure to the benefit of the parties, their heirs, executors, administrators, successors in interest, and assigns.

IN WITNESS HEREOF, the parties have executed this Consent as of the date written below.

*[Signatures on following page]*

Dated: \_\_\_\_\_

ASSIGNOR:

Sykes-Vaughan Investments, LLC, a Texas  
limited liability company

DocuSigned by:  
By: J. Micheal Sykes  
279DCD70F673462...  
Name: J. Micheal Sykes  
Title: CEO

ASSIGNEE:

Huntington National Bank, a national banking  
association

DocuSigned by:  
By: Jake Coursey  
7868B0490409460...  
Name: Jake Coursey  
Title: SVP

CITY OF DENTON  
Landlord

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:  
LAUREN THODEN, CITY SECRETARY

By: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

DocuSigned by:  
By: Marcella Lunn  
4B070831B4AA438...



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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Denton Enterprise Airport

**ACM:** Frank Dixon

**DATE:** October 8, 2025

### **SUBJECT**

Receive a report, hold a discussion, and provide a recommendation regarding an ordinance amending Chapter 3 of the Code of Ordinances.

### **BACKGROUND**

The Denton Enterprise Airport operates under the guidance of the Federal Aviation Administration (FAA). The FAA has many policies that regulate the operation of an airport, including grant assurances, policies, orders, and advisory circulars. To assist in compliance with these various FAA documents, many airports establish their own regulations including local ordinances, rules, regulations, and minimum operating standards.

The Denton Enterprise Airport has undertaken a comprehensive review of its regulatory framework, including on Chapter 3 of the Code of Ordinances. Chapter 3 serves as the foundation for the Airport's governance, operational authority, and user responsibilities. It was last revised in 2021 and is now being updated to reflect evolving legal standards, operational needs, and industry best practices.

Chapter 3 of the Code of Ordinances governs the legal and operational framework of the Airport. It governs the Airport's authority to regulate activities, issue permits, and enforce compliance. Among the updates, the proposed changes include the:

- Removal of the Airport Advisory Board's ("AAB") obligation to maintain bylaws;
- Streamlining of lease-related approvals by allowing certain actions to be handled administratively; and
- Shifting of enforcement mechanisms from civil court proceedings to the more standard municipal court process. Additionally, the revisions replace broad, general enforcement language with clearly defined violations, enhancing transparency and enforceability.

This regulatory update is one of the Airport's FY 2025–2026 strategic initiatives. It is intended to enhance safety, improve operational efficiency, and ensure that the Airport remains competitive and compliant in a rapidly evolving aviation environment. The process includes third-party legal and operational reviews, as well as extensive stakeholder engagement to ensure the final documents reflect the needs and concerns of the Airport community.

The timeline for these updates began in August with the drafting of revised documents, internal reviews, and an introductory discussion with the AAB. In September, public input was sought through two informational town halls related to the proposed updates. Additionally, Airport staff met with or solicited

feedback from the Airport's major tenants, lessees, and businesses regarding the proposed changes, and the revised documents will be updated accordingly.

Should the AAB provide a recommendation at the October 8 meeting, the Amended Chapter 3 will be scheduled for Council approval in November 2025.

### **OPTIONS**

1. Consider recommending an ordinance adopting the updates to Chapter 3 of the Code of Ordinances.
2. Request further evaluation by staff.
3. Take no action at this time.

### **STAFF RECOMMENDATION**

Recommendation of the proposed changes with Board direction on select items.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

- August 13, 2025 – Airport Advisory Board Work Session

### **ESTIMATED SCHEDULE OF PROJECT**

Upon adoption, the updated regulations would go into after fourteen (14) days. Staff anticipates an implementation and educational process over the ensuing several months.

### **FISCAL INFORMATION**

No direct financial impact.

### **EXHIBITS**

1. Agenda Information Sheet
2. Ordinance
3. Amended Chapter 3 (clean)
4. Amended Chapter 3 (redline)
5. Presentation

Respectfully submitted:  
Ryan Adams, C.M.  
Airport Director



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON AMENDING CHAPTER 3, TITLED “AIRPORTS,” OF THE CODE OF ORDINANCES OF THE CITY OF DENTON REGARDING AIRPORT GOVERNANCE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Denton (“City”) owns and operates the Denton Enterprise Airport (“Airport”), which functions under the guidelines of the Federal Aviation Administration (“FAA”); and

WHEREAS, the FAA has many instruments that regulate the operations of an airport, including its grant assurances, policies, orders, and advisory circulars (“FAA Policy”), with which the Airport must abide; and

WHEREAS, to assist in compliance with the FAA policy, many airports establish their own policies, guidelines, rules, regulations, and standards; and

WHEREAS, it is advisable and recommended to update such documents from time to time and both Chapter 3, titled “Airports”, of the Code of Ordinances was last updated in 2021.

WHEREAS, at its October 8, 2025, meeting, the Airport Advisory Board recommended that the City Council adopt an ordinance amending Chapter 3 by a vote of X-X.

WHEREAS, the City Council hereby find the attached Amended Chapter 3 reasonable, necessary, and consistent with the intent of the City Council; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are true and correct and are hereby incorporated herein by reference.

SECTION 2. The Code of the City of Denton, Texas is hereby amended by repealing the previously adopted Chapter 3 in its entirety and replacing it in its entirety with the Amended Chapter 3.

SECTION 3. The effective date of this Ordinance, and of Amended Chapter 3, shall be fourteen (14) days following the date of the passage and adoption of this Ordinance. All future duties and obligations thereafter arising under the previously adopted Chapter 3 shall cease, but liability for fees and violations of the previously adopted Chapter 3 as of the effective date of this Ordinance are preserved and continue unaffected by this Ordinance.

SECTION 4. Any person found violating the provisions of this Ordinance, upon conviction, shall be subject to the penalties set out in Amended Chapter 3. Each day that a provision of this Ordinance is violated shall constitute a separate and distinct offense.

SECTION 5. If any section, article, paragraph, sentence, phrase, clause, or word in this ordinance, or application thereof to any persons or circumstances, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; the City Council declares that it would have ordained such remaining portion despite such invalidity, and such remaining portions shall remain in full force and effect.

SECTION 6. The City Secretary is hereby directed to record and publish the Amended Chapter 3 in the Code of the City of Denton, Texas, as authorized by section 52.001 of the Texas Local Government Code.

SECTION 7. This Ordinance, providing for a penalty, shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this Ordinance to be published twice in the Denton Record Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of passage.

The motion to approve this ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_, the ordinance was passed and approved by the following vote [\_\_\_ - \_\_\_]:

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

ATTEST:  
INGRID REX, INTERIM CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

BY: \_\_\_\_\_

***Denton Enterprise Airport***

***DTO***

AIRPORT ADMINISTRATION OFFICE

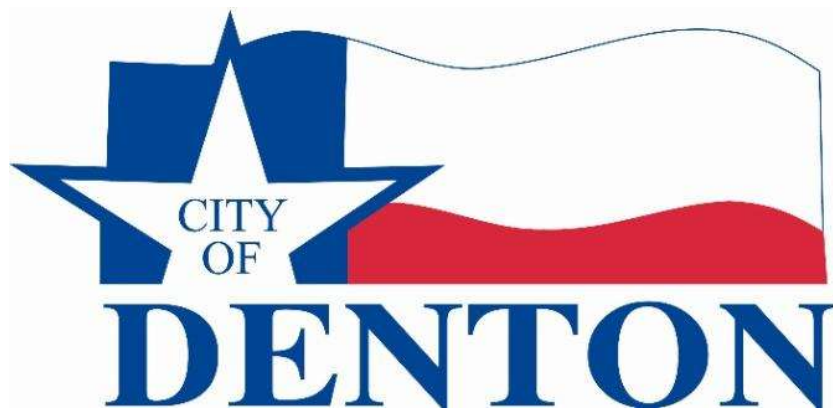
5000 AIRPORT RD.

DENTON, TEXAS 76210

(940) 349-7736

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### ***CHAPTER 3 – AIRPORT***



## REVISIONS

<b><u>REVISION NO.</u></b>	<b><u>DATE</u></b>	<b><u>SECTION</u></b>
1	09/28/2021	Removed all references to Council Airport Committee in the Definitions, 3-121, 3-124, 3-202, 3-505, 3-705, 3-805, and 3-807. 3-109, added contract and leases to Airport Advisory Board responsibilities.
2	Pending	3-121, permit the City Manager to approve lease consents. Removed references to civil enforcement mechanism. Updated violations.

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## ARTICLE I. - IN GENERAL

*Secs. 3-1—3-100. - Reserved.*

### *Sec. 3-101. - Definitions.*

The following words and phrases, whenever used in this chapter or documents promulgated hereunder, shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. § 40101 et seq. (previously known as the Federal Aviation Act of 1958, hereinafter cited as “FAA Act”) and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases.

*Abate or abatement* means to put an end to or correct a violation of this chapter.

*Abandon*, as applied to property left at the airport, means that it has been left on city property or the property of another without consent of the city for forty-eight (48) hours without the owner moving or claiming it. Such property shall be impounded by the city police department.

*Accident* means a collision or other contact between any part of an aircraft or a vehicle, person, stationary object or other thing which results in property damage, personal injury, or death; or an entry into or emerging from a moving aircraft or vehicle by a person which results in personal injury or death to such person or some other person or which results in property damage.

*Aeronautical Activity* means any activity or service which involves, makes possible, or is required for the operation of aircraft, or contributes to, or is required for, the safety of such operations. “Aeronautical Activities” include, but are not limited to, charter operations (under either Federal Aviation Regulation (FAR) Part 121 or 135), charter brokerage, aircraft hangar leasing, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, fire suppression, aerial advertising and surveying, aircraft sales, leasing, and servicing, aircraft management, and sale of aviation petroleum products, whether or not conducted in conjunction with other included activities which have a direct relationship to the operation of aircraft, repair and maintenance of aircraft, sale of general aviation aircraft parts, and any other activities which because of their relationship to the operation of aircraft can appropriately be regarded as an “Aeronautical Activity.”

*Aircraft* means any device intended to be used, or designed, to navigate, or fly in the air.

*Aircraft parking and storage areas* means those hangar and apron locations of the airport designated by the Airport Manager for the parking and storage of aircraft, and such areas of the airport designated for aircraft maintenance, engine run-up, and self-fueling.

*Airport Business Permit* means administrative approval issued by the Airport Manager to a person to conduct commercial Aeronautical Activity and to provide such services to based and



transient aircraft on the Airport exclusively within facilities on the Airport at which such services are authorized.

*Airport* means all of the City owned or leased real or personal property comprising Denton Enterprise Airport as now exists or as may hereafter be expanded and developed. “Airport” includes all of its facilities as shown on the most current Airport Layout Plan.

*Airport Advisory Board* means the duly appointed seven-member Airport Advisory Board of the City.

*Airport Appeals Board* means a body consisting of the Chairman of the Airport Advisory Board, another Airport Advisory Board member appointed by the Chairman, and a City representative appointed by the City Manager or their designee.

*Airport Manager* means the duly appointed manager of the City’s Airport or the City Manager’s designee.

*Airport traffic control tower* means the control tower located at the airport.

*Airside* means the area of the airport that is either contained within the airport perimeter fence, or which requires access through a controlled access point.

*Based aircraft* means an aircraft: (1) which the owner physically locates at the Airport with the intent and purpose to remain for an undetermined period; (2) which, whenever absent from the Airport, its owner intends to return to the Airport for permanent storage; and (3) whose presence in the Airport is not transitory in nature. Based includes an aircraft that is located at the Airport for a limited or seasonal duration.

*City* means the City of Denton, a Texas home-rule municipal corporation.

*City Attorney* means the duly-appointed attorney for the City or their designee. The City Attorney’s office includes both the Civil and Criminal divisions.

*Commercial activity* means the conduct of any aspect of a business, concession, or service in order to provide goods or services to any person for compensation. An activity is a commercial activity even if it is bartered or the business is nonprofit, charitable, or tax-exempt.

*Landside* means the general public common use areas of the airport such as public roadways, parking lots and buildings which are not contained in the airside area.

*Movement area* means the runways, taxiways and other areas of the airport which require permission from air traffic control prior to entering. The designation of movement areas shall apply at all times including hours when the airport traffic control tower is closed.

*Owner of an aircraft* means a person who holds legal title to an aircraft, or any person having exclusive possession of an aircraft pursuant to a written lease.

*Pedestrian* means any person traveling on foot.

*Permission or permit* means permission granted by the City.

*Person* means the state, county, a political subdivision of the state, other governmental entity, a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual. Person includes a trustee, receiver, assignee, or similar representative.

*Public area* means those areas normally used by the general public, including structures and devices such as roadways, sidewalks and terminal facilities that are maintained and kept at the airport for use by the general public.

*Recreational Vehicle* (“RV”) means any vehicle or trailer, both motorized or towable, equipped with living space and amenities designed for temporary accommodation, travel, and leisure. RVs include, but are not limited to, motorhomes, campervans, travel trailers, fifth-wheel trailers, pop-up campers, and truck campers.

*Runway* means a defined area on the Airport for aircraft landings and takeoffs along its length.

*Smoking* means burning or carrying any lighted cigarette, tobacco or any other weed or plant, or placing any burning tobacco, weed or plant in an ashtray or other receptacle and allowing smoke to diffuse into the air.

*Taxilane* means the portion of the airport apron area, or any other area, used for access between taxiways and aircraft parking and storage areas.

*Taxiway* means a defined path established for the taxiing of aircraft from one part of the airport to another.

*Vehicle* means a device, except aircraft, in, upon, or by which any person or property is or may be propelled or moved, except a device moved by human power.

*Vehicle parking area* means any portion of the airport designated and made available temporarily or permanently for the parking of vehicles as designated by pavement markings or as approved by the Airport Manager.

### ***Sec. 3-102. - General conditions of use.***

The conditions under which the Airport or any of its facilities may be used shall be as established pursuant to this chapter or otherwise by the City Council.

### ***Sec. 3-103. - Permission to use Airport conditional; denial of permission.***

Any permission granted by the City directly or indirectly, expressly or by implication, to enter upon or use the Airport or any part thereof, including but not limited to, operators, off-Airport users, crew members and passengers, spectators, sightseers, pleasure and commercial vehicles, officers and employees of airlines, lessees and other persons occupying space at the Airport, persons doing business with the Airport, its lessees, sublessees, and permittees, and all other persons whatsoever, whether or not of the type indicated, is conditioned upon compliance with this chapter and any rules, regulations, or minimum operating standard promulgated hereunder. Entry upon or into the Airport by any person shall be deemed to constitute an agreement by such

person to comply with this chapter. The City reserves the right to deny any or all usage of the Airport to any person or persons for any cause.

***Sec. 3-104. - Consent of City.***

Unless expressly provided otherwise, any consent or other permission of the City under this chapter must be obtained in advance, in writing, and signed by the Airport Manager.

***Sec. 3-105. - Notices and applications.***

Unless expressly provided otherwise, any notice or application to the City must be given in writing to the Airport Manager, or their designee, during normal business hours at the Airport administration office in the terminal building.

***Sec. 3-106. - Adopted by reference.***

The following publications, on file with the City Secretary, are hereby adopted by reference as if set out at length in this chapter:

- (a) Denton Enterprise Airport Rules and Regulations and any amendments thereto as may be approved by the Airport Advisory Board.
- (b) Denton Enterprise Airport Minimum Operating Standards and any amendments thereto as may be approved by the Airport Advisory Board.
- (c) Denton Enterprise Airport Rates and Fees Schedule and any amendments thereto as may be approved by the Airport Advisory Board and City Council.

***Sec. 3-107. - Conflicting laws, ordinances, regulations, and contracts.***

- (a) In any case where a provision of this chapter, rules and regulations, minimum operating standards, or rates and fees schedule adopted hereunder is found by the City Attorney to be in conflict with any other provision of this chapter or regulations adopted hereunder or in conflict with a provision of any zoning, building, fire, safety, health, or other ordinance or code of the City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (b) In cases where two (2) or more provisions of this chapter are in conflict, the most stringent or restrictive shall prevail.
- (c) It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter, or to excuse any person from performing obligations to the City under any lease or other contract.
- (d) No existing or future City contract, lease, agreement, or other contractual arrangement, nor any payment or performance thereunder, shall excuse full and complete compliance with this chapter. Compliance with this chapter shall not excuse full and complete compliance with any obligations to the City under any existing or future City contract, lease, agreement, or other contractual arrangement.
- (e) Compliance with this chapter does not excuse failure to comply with any other law.

***Sec. 3-108. - Application.***

Except where expressly limited by its terms, this chapter is effective throughout the City.

***Sec. 3-109. - Airport Advisory Board.***

- (a) There is created an Airport Advisory Board consisting of seven (7) members who shall meet the qualifications and residency requirements as provided in Section 2-61 of the Code of Ordinances.
- (b) All members shall be appointed by the City Council for terms not to exceed two (2) years and continue in office until their successors are appointed.
- (c) The Airport Advisory Board shall, with the assistance of City staff, advise the City Council as necessary on matters related to:
  - (1) Airport safety;
  - (2) Flight and ground operations;
  - (3) Safety and security issues arising from the creation and development of long-term master plans;
  - (4) Tenant/stakeholder outreach;
  - (5) Airport business plan and Airport master plan as now written or hereafter amended or enacted;
  - (6) Airport infrastructure improvements or other major project impacting the Airport;
  - (7) Acquisition, review, and consideration of grant funding for the Airport;
  - (8) Long-term financial planning and budgetary issues affecting the Airport;
  - (9) Issues raised as a result of interface between citizens, Airport tenants, or other interested parties;
  - (10) Contracts and leases of Airport property; and
  - (11) Other Airport matters as may from time to time, be assigned by the City Council, or requested by the City manager or their designee.
- (d) The City Manager, or their designee, will act as staff liaison to the Airport Advisory Board, and will provide guidance and assistance to the board and shall be responsible for insuring that records are maintained in accordance with the requirements of the City Secretary's office.
- (e) The Airport Advisory Board shall meet not less than monthly unless any such meeting is cancelled by the Board Chairman after consultation with the City Manager, or their designee.
- (f) The Airport Advisory Board shall perform such other duties as are imposed on the Airport Advisory Board by this chapter.
- (g) The City Council shall have the right and prerogative to initiate review of any decision of the Airport Advisory Board and shall uphold, modify, or overrule said decision.

***Sec. 3-110. - Effect of agreements with federal government.***

All lease agreements, permits, and other contractual or governmental arrangements to which the City may be a party shall be subordinate to the provisions of any existing or future agreement between the City and the United States relative to the operation and maintenance of the Airport.

***Sec. 3-111. - Conformance with federal, state, and other rules, regulations, and agreements.***

- (a) No person shall navigate, land aircraft upon, or conduct any aircraft or other operations on or from the Airport, nor shall any person engage in any other Aviation Activity at the Airport or elsewhere within the City, otherwise than in conformity with the requirements of the Federal Aviation Administration and all other applicable federal, state, and City laws, statutes, ordinances, rules, regulations, and minimum operating standards.
- (b) Any use of the Airport by any Person constitutes that Person's agreement to conform in all respects to the requirements of any grant agreements by the City with the State of Texas, the United States, and any other governmental entity.

***Sec. 3-112. - Liability of City.***

The City is not responsible or liable for any loss, injury, or damage to persons or property on the Airport, or using Airport facilities, for any reason, including but not limited to fire, civil disorder, criminal activity, theft, vandalism, winds, flood, earthquake, collision, act of third parties or otherwise, or acts contrary to this chapter or any regulations promulgated hereunder.

***Sec. 3-113. - Indemnification.***

- (a) To the fullest extent permitted by law, any Person accessing or using the Airport or any of its facilities, and the Person's successors, assigns, and guarantors, must indemnify, defend, and hold harmless, the City, its agents, employees, elected and appointed officials, directors, officers, commissioners, board members, and representatives from and against all allegations, demands, proceedings, suits, actions, claims, damages, losses, and expenses (including, but not limited to, claims adjustment, attorney fees, and court costs), related to, arising from or out of, or resulting from:
  - (1) Any negligent or intentional actions, acts, errors, mistakes, or omissions caused in whole or in part by such Person, or the Person's employees or agents; or
  - (2) The exercise of any rights or privileges under the Denton Code of Ordinances, Chapter 3, or under the Airport Minimum Operating Standards, and Airport Rules and Regulations.
- (b) This section includes, but is not limited to, environmental claims for property damage, cleanup, response, removal, and remediation.

***Sec. 3-114. - Forms.***

The Airport Manager shall have authority to specify forms to be used for applications, permits, reports, and other documents required under this chapter and to reject any documents not conforming to said forms.

***Sec. 3-115. - Supplementing information.***

Within fifteen (15) calendar days after any discovery of a material misstatement, omission, or other inaccuracy or material change in any information contained in any application, report, or other document provided to the City, the person submitting the information shall inform the City in writing of the inaccuracy or change and shall provide the City with the correct information in writing. The City reserves the right to take any necessary action as a result of such supplementing information as may be necessary including, but not limited to, cancellation of any agreement that was based on the erroneous information.

***Sec. 3-116. - Payment of fees and charges.***

No Person shall perform any activity for which a fee or charge is imposed under this chapter without first reporting the activity to the City and paying the appropriate fee to the City (as identified in the Airport Minimum Operating Standards and/or Airport Rates and Fees Schedule). Notwithstanding the preceding sentence, when a reporting procedure in this chapter specifically provides for subsequent reporting, prior reporting is not required. Fees, rates, and charges for use of any Airport facilities and for any service or accommodations provided by the City shall be established in the same manner as rules and regulations are established under this chapter. Nothing in this chapter impairs or limits the City's ability to impose fees or charges by contract.

***Sec. 3-117. - Airport-related fee administration and collection.***

The administration and collection of Airport-related fees is vested in the Airport Manager, or their designee. Except as expressly stated to the contrary in this chapter, all procedures, remedies, requirements, penalties, and other provisions for the determination, administration, and collection of other City fees shall apply to Airport-related fees.

***Sec. 3-118. - Payment of bills and default of obligations.***

All City billings are payable upon presentation. When any Person is formally notified that said Person is held in default of any written or implied obligation to the City, whether it be for breach of performance, services, covenants, or nonpayment, the Person shall thereafter be billed for all losses of revenue and expenses incurred to reestablish performance or service and other costs, unless the Person files with the City, within ten (10) calendar days of receipt of the formal notification, a statement that corrective or preventive measures have been initiated and will diligently be carried out. If the promises contained in the statement are not fulfilled, the Person will be considered in absolute default and appropriate lawful steps will be initiated by the City.

***Sec. 3-119. - Repealer and savings clause.***

The effective date of this chapter shall be fourteen (14) days following the date this ordinance is adopted by the City Council. All future duties and obligations thereafter arising under the pre-existing Chapter 3 of the Denton Code of Ordinances shall cease, but liability for fees and violations of the pre-existing Chapter 3 of the Denton Code of Ordinances as of the effective date of this ordinance are preserved and continue unaffected by this ordinance.

***Sec. 3-120. - Severability.***

If any section, subsection, paragraph, sentence, clause, phrase, or portion of this chapter should be declared invalid or unconstitutional for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect; the City Council of the City of Denton declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional; and, to this end, the provisions of this chapter are hereby declared to be severable.

***Sec. 3-121. - Use of City-owned Airport property.***

The Airport Manager may enter into a lease, license, permit, or other such agreement for the use of any City-owned Airport property, including but not limited to, land, buildings, office space, counter space, and aircraft storage facilities, subject to the following conditions:

- (1) Any new lease of City-owned Airport property shall be in a form approved by the City Attorney and subject to recommendation by the Airport Advisory Board and approval of City Council.
- (2) Any City approval required within an existing lease (e.g., consent to assign, sublease, mortgage, etc.) shall be in a form approved by the City Attorney and approved by the City Manager and/or their designee and can be administratively executed by the City Manager or their designee.
- (3) Any Airport license or other such agreement shall be in a form approved by the City Attorney, with a term of three (3) years or less and a minimum of a thirty (30) calendar day cancellation clause. Any license or other such agreement not meeting these criteria shall be subject to recommendation by the Airport Advisory Board and approval of City Council.
- (4) Any Airport permit shall be in a form approved by the City Attorney and shall remain in effect until such time as the permittee requests cancellation in writing, or the permit is revoked pursuant to Division 4 of Article IV of this chapter.
- (5) Any use of City-owned Airport property for commercial aeronautical activities is subject to the requirements of the Airport Minimum Operating Standards.

***Sec. 3-122. - Access keys/codes/gate access devices/access cards.***

- (a) Persons who have been provided a key, code, gate access device, or access card to obtain access to the Airport shall only use Airport-issued key/codes/ devices/cards and shall not divulge, duplicate, or otherwise distribute the same to any other Person, unless otherwise approved in writing by the Airport Manager.
- (b) If a gate access key, device, or access card is found in the possession of an unauthorized Person, the device/card shall be confiscated by the Airport Manager and the Person shall be escorted off the airside area.
- (c) A gate access device or access card that has not been used in one hundred eighty (180) consecutive days shall be deactivated.

***Sec. 3-123. - Permit not transferable.***

No lease, license, permit, or agreement shall be assigned, transferred, or in any other manner set over to another person without the prior written consent of the City.

***Secs. 3-124—3-200. - Reserved.***

**ARTICLE II. - RULEMAKING AUTHORITY**

***Sec. 3-201. - Airport Rules and Regulations.***

The Airport Manager is authorized to establish or amend such rules, regulations, and minimum operating standards as are necessary or useful to carry out or supplement the provisions of this chapter and provide for the orderly and safe operation of the Airport.

***Sec. 3-202. - Limitation on rules and regulations by Airport Manager.***

- (a) No rule, regulation, or minimum operating standard established by the Airport Manager shall be effective until fourteen (14) calendar days after it is approved by the Airport Advisory Board. Any regulation established by the Airport Manager shall be posted in the lobby or other area of the Airport terminal building open to the public during normal business hours for a period of not less than five (5) calendar days prior to approval by the Airport Advisory Board; however, City Council has the ability to review and approve rules, regulations, or minimum operating standards the Airport Advisory Board does not approve and such rules, regulations, or minimum operating standards shall be effective fourteen (14) days after it is approved by City Council.
- (b) No regulation established by the Airport Manager shall increase fees identified in the Airport Rates and Fees Schedule.
- (c) Creation or modification of any fee is subject to approval by the Airport Advisory Board and the City Council.

***Sec. 3-203. - Posting and filing of documents.***

Airport Rules, Regulations, Minimum Operating Standards, and Rates and Fees Schedule shall be filed with the City Secretary. All amendments to these documents shall be filed with the City Secretary.

***Sec. 3-204. - Emergency rules and regulations.***

With the approval of the City Manager, the Airport Manager has authority to impose emergency regulations. Such emergency regulations are limited to a forty-five (45) calendar day duration and take effect immediately upon execution by both the Airport Manager and the City Manager and posting of copies of the regulations at the Airport terminal building and at two (2) other public places within the City. Each emergency rule or regulation shall be reviewed and considered to be established as a permanent rule or regulation at the next regularly scheduled Airport Advisory Board meeting.



***Secs. 3-205—3-300. - Reserved.***

### **ARTICLE III. - AIRPORT BUSINESS PERMITS**

***Sec. 3-301. - Airport Business Permit required.***

No Commercial Aeronautical Activity shall be conducted by any Person at the Airport without said person being in possession of a valid Airport Business Permit. Each Person holding an Airport Business Permit must hold a valid and current sales and use tax permit issued by the state, if such license is required by the state and hold applicable insurance or other documentation as required by the minimum operating standards. Any Person that is not a natural person must be a duly formed entity that is authorized to do business in the State of Texas. Issuance of an Airport Business Permit does not entitle the holder to possess, occupy, or exclusively use any portion of the Airport, grant any exclusive right to conduct any business or activity, or authorize any conduct prohibited by zoning laws or any other applicable law.

***Sec. 3-302. - Airport Business Permit applications.***

Except as specifically stated otherwise in this chapter, an application for an Airport Business Permit is subject to approval by the Airport Manager as indicated in the Airport Minimum Operating Standards and is subject to ratification by the Airport Advisory Board at its next regularly scheduled meeting. The City is not responsible or liable for any loss, injury, or damage as a result of the failure of the Airport Advisory Board to ratify an administrative approval of an Airport Business Permit. Each application for an Airport Business Permit shall be accompanied by the following:

- (1) An Airport Business Permit application;
- (2) All information identified in section 2-1 of the Airport Minimum Operating Standards; and
- (3) Such other information as the Airport Manager may reasonably request.

***Sec. 3-303. - Temporary Airport Business Permits.***

Notwithstanding section 3-302, the Airport Manager shall have authority to issue temporary Airport Business Permits and to establish procedures relating thereto. Such temporary permits shall cover a single period of not more than sixty (60) consecutive days identified on the permit. No more than one (1) temporary permit shall be issued to any Person in any twelve (12) month period. Each application for a temporary Airport Business Permit shall be accompanied by an Airport Business Permit form and any other applicable documentation as determined by the Airport Manager.

***Sec. 3-304. - Permit display.***

Any Person conducting Commercial Aeronautical Activity shall, upon demand, produce the Airport Business Permit to a City representative for inspection.

***Sec. 3-305. - Duration of permit.***

An Airport Business Permit shall remain in effect so long as the permittee complies with all of its terms, conditions, and covenants.

***Sec. 3-306. - Nonwaiver of defaults.***

The waiver by the City of any breach by the permittee of any term, covenant, or condition of any permit shall not operate as a waiver of any subsequent breach of the same or any other term, covenant, or condition of the permit. No term, covenant, or condition thereof can be waived except by the written consent of the Airport Manager, and forbearance or indulgence by City, in any regard whatsoever, shall not constitute a waiver of the term, covenant, or condition to be performed by permittee, and until complete performance by permittee of the term, covenant, or condition, the City shall be entitled to invoke any remedy available to it hereunder or by law, despite such forbearance or indulgence.

***Sec. 3-307. - General conditions for all permits.***

The City is neither a joint venturer with, nor a partner or associate of, the permittee with respect to any manner provided for in the permit. Nothing herein contained shall be construed to create any such relationship between the parties or to subject the City to any obligation of the permittee whatsoever. The permit is a license and not a lease.

***Sec. 3-308. - Insurance.***

- (a) The operator, lessee, licensee, permittee, or other person using the Airport, required to obtain and maintain insurance under the Airport Minimum Operating Standards, shall, at their own expense, obtain and maintain a general liability policy or Airport premises policy from an insurance company authorized to do business in Texas, with the minimum coverage required by the applicable Airport Minimum Operating Standards. All policies, except Workers' Compensation, shall name the City of Denton, its agents, employees, elected and appointed officials, directors, officers, commissioners, board members, and representatives as Additional Insureds. All policies of insurance, except Workers' Compensation, shall be primary and non-contributory to any insurance or self-insurance maintained by the City.
- (b) The operator, lessee, licensee, permittee, or other person using the Airport, is responsible for working with an informed and reputable insurance representative to understand and obtain all the applicable insurance required by the Airport Minimum Operating Standards.
- (c) The City does not represent or warrant that the types of coverage or minimum limits contained in the applicable Airport Minimum Operating Standards are sufficient to protect any Airport user from liabilities that might arise out of the access or use of the Airport, or any of its facilities.

***Secs. 3-309—3-400. - Reserved.***

**ARTICLE IV. - ENFORCEMENT**

## ***DIVISION 1. - GENERALLY***

### ***Sec. 3-401. - Violations.***

- (a) When two (2) or more persons have liability to the City or are responsible for a violation, their responsibility shall be joint and several.

### ***Sec. 3-402. - Reserved.***

### ***Sec. 3-403. - Violations not exclusive.***

Violations of this chapter are in addition to any other violation enumerated within this Code and in no way limit the penalties, actions, or abatement procedures which may be taken by the City for any violation of this chapter which is also a violation of any other provisions of this Code or statutes of the state. The City reserves the right to pursue any applicable remedy under local, state, or federal law.

### ***Sec. 3-404. - Each day separate violation.***

Each day any violation of any provision of this chapter, or the failure to perform any act or duty required by this chapter, continues shall constitute a separate offense.

### ***Sec. 3-405. - Inspections.***

- (a) The Airport Manager shall enforce the provisions of this chapter, and is hereby authorized and directed to make inspections in the normal course of job duties; or in response to a complaint that an alleged violation of the provisions of this chapter may exist; or when there is a reason to believe that a violation of this chapter has been or is being committed.
- (b) The Airport Manager may enter onto any property, or into any building or premises, at all reasonable times to inspect or to perform the duties imposed upon the Airport Manager by this chapter, provided that if such property, building, or premises is occupied, the Airport Manager shall present credentials to the occupant and request entry. If such property, building, or premises is unoccupied, the Airport Manager shall first make a reasonable effort to locate the owner or other Person having charge or control of the property, building, or premises and request entry. If entry is refused, the Airport Manager has recourse to every remedy provided by law to secure entry.
- (c) No Person shall interfere with, prevent, or attempt to interfere with or prevent an individual employed by the City or other person contracted for by the City, from investigating an alleged violation of this chapter, or from abating a violation of this chapter.

### ***Sec. 3-406. - False information.***

No Person shall knowingly make a false or fraudulent statement, or knowingly misrepresent a fact, or mislead an individual employed by the City or other person contracted for by the City, when that individual is investigating or abating a violation of this chapter.

***Sec. 3-407. - Service of notices.***

- (a) Any notice required to be given for any purposes under this chapter to the City shall be given by the Airport Manager or their designee by hand-delivery; by mailing the notice by certified mail, return receipt requested; by email, return receipt requested; or by facsimile transmission.
- (b) Notice is deemed effective on the date it is hand-delivered, deposited in the United States mail, emailed, or faxed.
- (c) Nothing herein shall preclude the City from giving additional oral or written notice at its discretion. If the City does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situation.

***Sec. 3-408 Aircraft parking.***

- (a) No person shall park, leave parked, or allow to remain stationary any aircraft at the Airport except within an aircraft parking and storage area.
- (b) No person shall park an aircraft in a based aircraft parking and storage area without obtaining approval from the airport and/or its Lessee.
- (c) The prolonged storage of damaged/dismantled aircraft or aircraft that appear to be non-airworthy in aircraft tiedowns or other unscreened areas of the airport shall not exceed thirty (30) calendar days after written notification from the Airport Manager. The aircraft owner is required to diligently correct such condition as soon as possible to prevent an unsightly airport appearance.

***Sec. 3-409 General vehicular requirements.***

No person shall operate a vehicle on the Airport except in accordance with the rules prescribed by the Airport Manager and all federal, state and local law.

- (a) No person shall operate airside without an approved permit for that vehicle operator or while being monitored by a business or facility that has a vehicle control plan which has been approved by the Airport Manager.

Vehicles shall remain on paved surfaces unless otherwise permitted by the Airport.(c) Vehicles shall yield right of way to aircraft in motion and emergency vehicles.

- (d) No vehicles shall operate such vehicle in a careless, negligent, or reckless manner nor pass closer than fifty (50) feet to the rear of taxiing aircraft.
- (e) No vehicles shall operate such vehicle in a careless, negligent, or reckless manner nor approach closer than fifty (50) feet to any aircraft whose engines are running, excluding ground service and emergency vehicles.
- (f) All vehicles, upon entering or exiting an Airport access gate, must wait for the gate to completely close behind them before proceeding to their destination so as to not allow the entry of

an unauthorized vehicle.

***Sec. 3-410 Licensing, registration, and insurance.***

(a) No person shall operate a vehicle of any kind on the Airport without a current motor vehicle operator's license.

(b) All vehicles, whether operating on the airport or stored in a hangar, shall maintain a current state motor vehicle registration and be in an operable or drivable condition.

(c) All vehicles shall maintain the appropriate type and amount of vehicle liability insurance required by state law.

***Sec. 3-411 Control of vehicles.***

No person shall operate or park a vehicle at the Airport in a manner prohibited by signs, pavement markings, or other signals posted by the City or by regulations under this article. The Airport Manager has plenary power to regulate or prohibit any class or type of vehicle or any other type or class of wheeled vehicle or other form of transport that operates in the airside area.

***Sec. 3-412 Speed limits.***

All vehicles shall be operated in strict compliance with all posted speed limits at the airport. The maximum speed limit for all vehicles in the airside area, with the exception of authorized municipal vehicles in the performance their official duties, is fifteen (15) miles per hour or less if conditions warrant in order to ensure safe operation.

***Sec. 3-413 Vehicles operating in the movement area.***

(a) No vehicle shall be operated in the movement area unless so authorized in writing by the Airport Manager.

(b) Any vehicle authorized to operate in the movement area must display a rotating or steady beacon that complies with FAA Advisory Circular 150/5210-5, as amended, and is visible to the air traffic control tower personnel. Exceptions to this rule must be authorized in writing by the Airport Manager.

(c) All vehicles that are authorized to operate in the movement area must be equipped with a two-way aviation radio, receive a clearance from, and remain in continuous communications with, the Airport traffic control tower. The installation of a two-way radio does not permit the operation of vehicles in the movement area without prior written permission of the Airport Manager. If vehicles are not equipped with radios, prior arrangements must be made with the Airport Manager. Additionally, all vehicle operators shall be conversant with the standard airport light gun signals.

***Sec. 3-414 Authority to remove property.***

The Airport Manager may cause to be removed from any area of the Airport any property which is disabled, abandoned, deposited in violation of these regulations, or which presents an operational problem to any area of the Airport, at the operator's expense and without liability for damage which may result in the course of such movement. The City of Denton may clean up any material unlawfully spilled, placed, or otherwise deposited at the airport and may charge the responsible party for the cost of the cleanup, removal, and/or any required remediation, and any expenses incurred by, or fines or damages imposed on, the City of Denton or airport as a result of the cleanup.

***Sec. 3-415 Bicycles, scooters and miscellaneous vehicles.***

No person shall use airside any bicycle, velocipede, go-cart, go-ped, skateboard, rollerblade, all-terrain vehicle or other vehicle not licensed or otherwise permitted by state law for operation on a public street or highway. This section does not pertain to City vehicles or vehicles used solely for tugging, marshaling, or refueling aircraft, , or vehicles permitted under Texas Transportation Code Chapter 551, Subchapters D and F. On a case-by-case basis, and with the prior written approval of the Airport Manager, bicycles or other modes of transportation may be used on airside of the Airport.

***Sec. 3-416 Boats, recreational vehicles, and portable buildings.***

Boats and recreational vehicles (RVs), and portable buildings shall not be stored anywhere on the airport unless in accordance with a City-approved lease or with the written consent of the Airport Manager.

***Sec. 3-417 Vehicle accidents.***

The driver of any vehicle involved in an accident on the Airport which results in injury or death to any person, or damage to any property, shall immediately stop such vehicle at the scene of the accident; render reasonable assistance to a person injured in the accident, including making arrangement for the caring of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the caring is requested by the injured person; and give his name, address and operator's license and registration number to the person injured, the Airport Manager and to any police officer or witnesses of the accident. The operator of such vehicle shall make a report of such accident in accordance with state law and provide a copy of same to the Airport Manager.

***Sec. 3-418 Careless operation, driving while intoxicated, etc.***

No vehicle shall be operated at the Airport or upon any area thereof:

- (a) In a careless, negligent or reckless manner;
- (b) In disregard of the rights and safety of others;

- (c) Without due caution or circumspection;
- (d) At a speed or in a manner which endangers or is likely to endanger persons or property;
- (e) While the driver would be prohibited by law from operating an automobile upon the public streets of the City due to drug or alcohol impairment or influence;
- (f) If the vehicle is so constructed, equipped or loaded as to endanger or be likely to endanger persons or property, or to result in the load or other materials becoming separated from the vehicle;
- (g) Without operating headlights, tail lights, turn signals, and brake lights during hours of darkness or during inclement weather; or
- (h) In a manner that does not allow the vehicle to be immediately driven or towed away from any nearby aircraft.

***Sec. 3-419 Parking restrictions.***

- (a) No person shall park or leave any vehicle standing, whether occupied or not, except within a designated parking area.
- (b) Operators of a vehicle parked in an aircraft storage area shall park in a manner so as to be completely contained in the aircraft storage space and not obstruct adjacent aircraft parking and storage areas, or taxilanes unless for the purposes of immediate and temporary loading, unloading, or staging of an aircraft.

***Sec. 3-420 Volunteer assistance.***

No person shall enter the airside area of the Airport for the purposes of attending, observing or assisting at the scene of an accident except persons authorized by law or otherwise requested or with consent of the Airport Manager.

***Sec. 3-421 Pedestrians in the airside area.***

No person shall walk, stand, or loiter in the airside area if such activity is determined to be an operational, security, or safety concern as determined by the Airport Manager. Pedestrians shall make all reasonable efforts to avoid crossing taxilanes and access hangars from the airside entrances.

***Sec. 3-422 Pedestrians soliciting rides.***

No person shall solicit aircraft rides from any area of the Airport.

***Sec. 3-423 Vehicle repair.***

No person shall clean or make any repairs to vehicles anywhere on the Airport, other than in designated shop areas, except those minor repairs necessary to remove such vehicles from the Airport. This provision shall not apply to ground support equipment or vehicles used in the sole operation of a permitted airport business and are owned or leased by such business.

No person shall move, interfere or tamper with any vehicle, or put in motion the engine, or take, or use any vehicle part, instrument or tool thereof, without the written permission of the owner or satisfactory evidence of the right to do so duly presented to the Airport Manager.

***Sec. 3-424 Airport security.***

- (a) The owner/operator or any facility located on the Airport perimeter shall at all times maintain and comply with an Airport facility security plan or policies that have been approved by the Airport Manager.

***Sec. 3-425 Aircraft washing.***

- (a) All aircraft washing shall be conducted in accordance with posted rules, with biodegradeable soap, and without the use of solvents or degreasers, only:

1. At approved wash areas, or
2. By aircraft owners at the based location, or
3. By permitted mobile aircraft washing services operators in accordance with their Approved Wash Plan (AWP).

- (b) City-owned wash areas shall be used for the purposes of aircraft washing and polishing.

- (c) Runoff shall be collected and properly disposed of in a manner acceptable to the Airport Manager, in accordance with all federal, state, county and local law.

- (d) In no case shall aircraft washing be conducted within fifty (50) feet of storm water drainage or dirt/grass areas without containment (berm, tarp, etc.), nor shall wash/waste water be disposed of in storm water drainage or dirt/grass areas.

***Sec. 3-426 Smoking areas.***

No smoking shall be permitted:

- (a) Airside



- (b) Within fifty (50) feet of an aircraft, fuel truck and/or fuel storage area
- (c) Where specifically prohibited by the city.

***Sec. 3-427 Aircraft accident reports.***

All airport property damage must be reported to Airport Staff. Any persons involved in an aircraft accident occurring on the Airport, within the city, or that involves aircraft which departed from or were enroute to the Airport, shall make a full report thereof to the Airport Manager as soon after the accident as possible, but in no event later than the time required for reporting the accident to the FAA or to any other governmental agency, or within forty-eight (48) hours of the accident, whichever is sooner. The report shall include the names and addresses of the persons involved, and a description of the accident and its cause. When a written report of an accident is required by federal or state law, regulation, or agency, a copy of such report shall also be submitted to the Airport Manager.

***Sec. 3-428 Interfering or tampering with aircraft.***

- a) No person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools without permission of the owner, or under the specific direction of the Airport Manager in an emergency.
- b) No person shall interfere with the operation of any aircraft, including, without limitation, obstructing an aircraft in movement or obstructing or distracting or interfering with the vision of the pilot or pilots of any aircraft by mechanical means, light, sound, or any other means.

***Sec. 3-429—3-500. - Reserved.***

***DIVISION 2. - DENIAL OF USE***

***Sec. 3-501. - Denial grounds.***

- (a) The Airport Manager may deny access to, and deny the use and privileges of, the Airport or any of its facilities to any Person:
  - (1) Who violates this chapter, or any rules, regulations, or minimum operating standards promulgated hereunder;
  - (2) Whose action would place the Airport in violation of 49 U.S.C. § 47160 et seq., 14 C.F.R. Part 1 et seq., or the FAA Grants and Assurances (see 14 C.F.R. Part 152), as amended or its successor regulation; or
  - (3) Who violates any future conditions which the City may impose by appropriate process or any federal statute or regulations hereafter enacted.

- (b) The Person to whom the aircraft is registered is responsible for the acts of all Persons (including, but not limited to, all agents, employees, and pilots) to whom control, operation, or any authority to use said aircraft is granted. The involvement of said aircraft in any act or omission that violates any of the above-enumerated laws, statutes, ordinances, rules, regulations, minimum operating standards, or other conditions may result in one (1) or more enforcement actions by the City.
- (c) The Airport Manager may deny access for up to five (5) years. After the denial period ends, a Person may request access, but the Airport Manager may continue to deny access if denial is in the best interests of the Airport. A denial may be appealed to the Airport Appeals Board as set forth in sections 3-504 and 3-505.
- (d) Notwithstanding the provisions of this section, the Airport Manager may summarily deny Airport access, effective immediately, pending the hearing specified in section 3-503, to any Person for whom cause exists to believe the Person committed an act or omission relating to dangerous refueling, dangerous aircraft or vehicle operation, lack of insurance, theft of or damage to property, assault and battery, or such other act or omission as may constitute a danger to the health, safety, or welfare of any individual or the public in general.

***Sec. 3-502. - Denial procedure.***

- (a) Upon cause to believe that a Person has committed acts constituting grounds for denial of access, the Airport Manager shall provide the affected party with notice of an order to show cause why access should not be denied. The notice shall give at least seventy-two (72) hours' notice of the hearing date and list the grounds for the possible denial of access.
- (b) Persons subject to subsection 3-501(d) shall be provided a hearing as soon as reasonably practical but in no event shall said hearing be delayed more than seventy-two (72) hours after the effective time of the denial of access, except upon mutual agreement of the Airport Manager and the affected party.

***Sec. 3-503. - Denial hearing.***

Except for the summary denial of access under subsection 3-501(d), access to, and the use and privileges of, the Airport or any of its facilities shall be denied at the date and time of the hearing if the affected party fails to appear to contest the denial. The affected party shall have the right to present evidence and cross-examine any witnesses. The hearing shall be informal, and the rules of evidence shall not apply. The hearing is an administrative proceeding reviewed under the substantial evidence standard. The Airport Manager may rule on the denial of use at the close of the evidence and argument, but, in any case, shall enter a ruling within ten (10) calendar days after the completion of the hearing. The Airport Manager shall notify the affected party in accordance with section 3-407. Pending any appeal to the Airport Appeals Board, the Airport Manager's denial of access shall be effective immediately if the ruling is made by the Airport Manager at the time of the hearing, or upon notice of the ruling when the ruling is made after the hearing.

***Sec. 3-504. - Appeal.***

- (a) A person may appeal the denial of use to the Airport Appeals Board by filing a written notice of appeal with the Airport Manager not later than ten (10) calendar days after the

Airport Manager has taken the action to be appealed from. The right to appeal is waived if the notice of appeal is not timely filed. Except as provided under subsection 3-501(d), the timely filing of an appeal shall stay enforcement of the denial of access until the appeal is finally determined by the Airport Appeals Board.

- (b) This division contains all the appellate relief to which an aggrieved party is entitled through City procedures. The exhaustion of appellate remedies at the City level does not preclude an aggrieved party from seeking any other remedies provided by law.

***Sec. 3-505. - Appeal procedure.***

- (a) Upon receipt of a written notice of appeal, the Airport Appeals Board shall set an appeal hearing within ten (10) calendar days and shall give notice of the hearing as provided in this division.
- (b) When required in the interest of fairness, the Airport Appeals Board may grant continuances of the hearing, but all hearings on denial of access shall be heard not later than thirty (30) calendar days from the date on which the notice of appeal was filed.
- (c) The appeal hearing must be a trial de novo. The decision of the Airport Appeals Board is final.
- (d) Except for the summary denial of access under subsection 3-501(d), access to, and the use and privileges of the Airport or any of its facilities shall be denied at the date and time of the hearing unless the affected party or the party's counsel appears to contest the denial.
- (e) An appellant may be represented by counsel at the hearing and the City may be represented by the City Attorney. Formal rules of evidence shall not apply. Both the appellant and the City shall have the right to present evidence through testimony or exhibits and to cross-examine witnesses. The Airport Appeals Board shall preside over the proceedings and shall determine the order and manner of proof.
- (f) At the conclusion of the hearing, the Airport Appeals Board shall rule on the appeal and notify the appellant of the ruling in accordance with section 3-407, within ten (10) calendar days after the hearing, unless all parties stipulate that additional time is required to render a decision. The Airport Appeals Board's decision shall be supported by a preponderance of evidence. The decision of the Airport Appeals Board is final.
- (g) Except for the summary denial of access under subsection 3-501(d), the denial of access shall be effective immediately if the ruling is made by the Airport Appeals Board at the time of the hearing, or upon notice of the ruling when the ruling is made after the hearing.

***Sec. 3-506. - Settlement agreements.***

- (a) After the Airport Manager denies access to, and the use and privileges of the Airport or any of its facilities, and before the Airport Manager enters a ruling, the Airport Manager and affected Person may enter into a settlement agreement to allow access.
- (b) After the affected person appeals the denial of access to the Airport Appeal Board, and before the Airport Appeals Board enters a ruling, the Airport Appeals Board and the affected person may enter into a settlement agreement to allow access.

***Secs. 3-507—3-600. - Reserved.***

***DIVISION 3. - SANCTIONS; PROCEDURES***

***Sec. 3-601. - Remedies.***

The Airport Manager, the City Attorney's office, and the City Manager, or their designees, may pursue any or all of the remedies provided in this article or allowed by local, state or federal law.

***Sec. 3-602. - Jurisdiction of City court.***

- (a) Jurisdiction of all proceedings to enforce the provisions of this chapter shall be in the Denton municipal court.

***Sec. 3-603. - Reserved***

(1) '.

***Sec. 3-604. - Reserved.***

***Sec. 3-605. - Appearance by defendant.***

The defendant shall, within ten (10) calendar days of the issuance of the citation, appear in person or through the defendant's attorney in the municipal court and shall either admit or deny the allegations contained in the citation. If the defendant admits the allegations, the court shall enter judgment against the defendant for a Class C Misdemeanor, and may, in its discretion, deny defendant use of the Airport pursuant to Section 3-612. If the defendant denies the allegations contained in the citation, the court shall set the matter for hearing.

***Sec. 3-606. - Reserved.***

***Sec. 3-607. - Reserved.***

***Sec. 3-608. - Reserved.***

***Sec. 3-609. - Rules of procedure for criminal violations.***

The Texas Rules of Criminal Procedure shall be followed by the Denton Municipal Court for criminal violations of this chapter, except as modified or where inconsistent with provisions of this chapter.

***Sec. 3-610. - Criminal penalty.***

Upon a conviction of a misdemeanor the court may impose a penalty in accordance with subsection 1-8(a) of this Code and state law for Class C Misdemeanors.

***Sec. 3-611. - Restitution.***

In addition to any civil sanction or criminal penalty provided for in this article, any Person violating this chapter shall be liable for all costs which may be associated with the City's rectifying any violation of this chapter. The court shall impose restitution in addition to any criminal penalty.

***Sec. 3-612. - Denial of Airport use.***

In addition to any criminal penalty provided for in this article, the court may issue an order suspending the right of any person violating this chapter to use the Airport or any of its facilities.

***Secs. 3-613—3-700. - Reserved.***

***DIVISION 4. - LICENSE AND PERMIT REVOCATION***

***Sec. 3-701. - Revocation grounds.***

The Airport Manager may revoke any license or permit issued pursuant to this chapter, upon the happening of any of the following events:

- (1) A violation of the terms of such license or permit, of any provision of this chapter, or any rules, regulations, or minimum operating standards promulgated pursuant to this chapter;
- (2) Falsification of any application or other information provided to the City under this chapter;
- (3) Any action which would place the Airport in violation of 49 U.S.C. § 47160 et seq., 14 C.F.R. Part 1 et seq., or the FAA Grants and Assurances (see C.F.R. Part 152); or
- (4) A violation of any future rules, regulations, minimum operating standards, or other conditions which the City may impose by appropriate process or any federal statute or regulation hereafter enacted.

***Sec. 3-702. - Revocation procedure.***

Upon cause to believe that the licensee or permittee has committed acts constituting grounds for revocation as provided in section 3-701, the Airport Manager shall provide the affected party with notice of an order to show cause why the license or permit should not be revoked. The notice shall give at least seventy-two (72) hours' notice of the hearing date and list the grounds for the possible revocation. The affected party shall have the right to present evidence and cross-examine any witnesses. The hearing shall be informal and the rules of evidence shall not apply. The hearing is an administrative proceeding reviewed under the substantial evidence standard. Except for the summary suspension under subsection 3-703(c), the license or permit revocation is effective at the date and time of the hearing if the affected party fails to appear to contest the revocation.

***Sec. 3-703. - Revocation hearing.***

- (a) The Airport Manager may rule at the close of the evidence and argument, but shall enter a ruling within ten (10) calendar days of the completion of the hearing. Upon the decision of revocation, the aggrieved party shall forthwith surrender the subject license or permit.
- (b) After a revocation, any Person responsible for the acts constituting the ground for the revocation shall be ineligible to reapply for a like license or permit within an appropriate period of time as determined by the Airport Manager. A partnership, corporation, company, or association which has as a partner, officer, stockholder, or member ineligible for reapplication as provided by this subsection shall itself be ineligible for a like period.
- (c) Notwithstanding the provisions of (b) of this section, the Airport Manager may summarily suspend, effective immediately, pending a revocation hearing, the license or permit of any Person for whom cause exists to believe he/she committed an act relating to dangerous refueling, dangerous aircraft or vehicle operation, lack of insurance, theft of or damage to property, assault and battery, or such other act or omission as may constitute danger or threat to the health, safety, or welfare of any Person or the public in general. The affected party shall be provided a hearing as soon as reasonably practical but in no event shall said hearing be delayed more than seventy-two (72) hours after the effective time of the summary suspension, except upon mutual agreement of the Airport Manager and the affected party.

***Sec. 3-704. - Appeal.***

- (a) An aggrieved party may appeal the denial of a license or permit renewal or revocation to the Airport Appeals Board by filing a written notice of appeal with the Airport Manager not later than ten (10) calendar days after the Airport Manager has taken the action to be appealed from. The right to appeal is waived if the notice of appeal is not timely filed. Except as provided under subsection 3-703(c), the timely filing of an appeal shall stay enforcement of the revocation until the appeal is finally determined by the Airport Appeals Board.
- (b) This division contains all the appellate relief to which an aggrieved party is entitled through City procedures. The exhaustion of appellate remedies at the City level does not preclude an aggrieved party from seeking any other remedies provided by law.

***Sec. 3-705. - Appeal procedure.***

- (a) Upon receipt of a written notice of appeal, the Airport Appeals Board shall set an appeal hearing within ten (10) calendar days and shall give notice of the hearing as provided in this division.
- (b) When required in the interest of fairness, the Airport Appeals Board may grant continuances of the hearing, but all hearings on license or permit revocations and suspensions shall be heard not later than thirty (30) calendar days from the date on which the notice of appeal was filed.
- (c) An appellant may be represented by counsel at the hearing and the City may be represented by the City Attorney. Formal rules of evidence shall not apply. Both the appellant and the City shall have the right to present evidence through testimony or exhibits and to cross-

examine witnesses. The Airport Appeals Board shall preside over the proceedings and shall determine the order and manner of proof. Except for the summary suspension under subsection 3-703(c), the license or permit revocation is effective at the date and time of the hearing unless the affected party or the party's counsel appears to contest the revocation.

- (d) The appeal hearing must be a trial de novo. The decision of the Airport Appeals Board is final.
- (e) At the conclusion of the hearing, the Airport Appeals Board shall rule on the appeal and notify the appellant of the ruling in accordance with section 3-407, within ten (10) calendar days after the hearing, unless all parties stipulate that additional time is required to render a decision. The Airport Appeals Board's decision shall be supported by a preponderance of evidence. The decision of the Airport Appeals Board is final.
- (f) Except for summary suspension under subsection 3-703(c), the revocation shall be effective immediately if the ruling is made by the Airport Appeals Board at the time of the hearing, or upon notice of the ruling when the ruling is made after the hearing.
- (g) The licensee or permittee shall surrender all revoked licenses and permits to the Airport Appeals Board at such time as the revocation becomes effective.

***Sec. 3-706. - Settlement agreements.***

- (a) After the Airport Manager revokes or suspends a license or permit, and before the Airport Manager enters a ruling, the Airport Manager and affected person may enter into a settlement agreement regarding the license or permit.
- (b) After the affected Person appeals the revocation to the Airport Appeals Board, and before the Airport Appeals Board enters a ruling, the Airport Appeals Board and the affected Person may enter into a settlement agreement regarding the license or permit.

***Secs. 3-707—3-800. - Reserved.***

***DIVISION 5. - ABATEMENT OF VIOLATIONS***

***Sec. 3-801. - Abatement in lieu of or in addition to other actions.***

- (a) In addition to or in lieu of denial of access or filing a civil or criminal complaint, the City may file notice to abate any violation of this chapter. Such abatement shall proceed independently of any denial of access or criminal violation filed pursuant to this chapter.
- (b) If any Person, served a notice to abate by the City pursuant to this chapter, fails to comply with such notice or order, the City may abate the conditions subject to the notice.
- (c) If the City elects to abate the violation, the Airport Manager or their designee shall prepare a verified statement as to the actual cost of abating the violation, and shall add an additional fifteen (15) percent for costs of inspection and other incidental costs associated with abating the violation. The statement shall be sent in accordance with section 3-407, to the

owner(s) or other Person(s) upon whom the notice to abate or order was served. That statement shall further set forth the following:

- (1) The person has fifteen (15) calendar days from the date of the statement to pay; and
- (2) Appeal procedures.

***Sec. 3-802. - Emergency abatement.***

If a situation presents an imminent danger or threat to the health, safety, or welfare of any Person or the public in general, the City may issue a notice to abate directing the responsible Person to take such immediate action as is appropriate to abate the emergency. In addition, the City may act to abate the emergency. In the event the City is unable to contact the responsible person, such inability in no way affects the City's right to abate the emergency. The responsible Person shall be granted a review before the Airport Appeals Board on the matter upon that Person's request, as soon as practicable, but such appeal shall in no case stay the abatement of such emergency.

***Sec. 3-803. - Notice to abate.***

- (a) If, after an inspection, the City finds one (1) or more violations of this chapter, and the City elects to use the abatement process, the City shall, in writing, notify the owner, or agent for the owner.
- (b) The notice to abate shall set forth the following information:
  - (1) The owner has fifteen (15) calendar days from service of notice in accordance with section 3-407 to abate the violation;
  - (2) Identification of the property in violation by street address if known, and if unknown, then by book, map and parcel number;
  - (3) Statement of the violation in sufficient detail to allow a reasonable person to identify and correct the violation(s);
  - (4) Reinspection date and time;
  - (5) Name, address, and phone number of the City inspector who sent the notice to abate;
  - (6) A warning stating that, if the violations are not corrected within the fifteen (15) calendar day period, the City can abate the problem and assess the owner the cost of such abatement and record a lien on the property for the assessment;
  - (7) Appeal procedures; and
  - (8) The fifteen (15) calendar day notice set forth in this section shall not apply to emergency abatements pursuant to section 3-802.

***Sec. 3-804. - Appeal of notice to abate.***

- (a) Any notice to abate or any assessment can be appealed to the Airport Appeals Board.
- (b) An appeal must be filed within fifteen (15) calendar days of the service of the notice to abate or the assessment and must be filed with the Airport Manager's office.



- (c) Failure of a Person entitled to appeal under this chapter to timely file an appeal shall constitute a waiver of the right to appeal and such Person shall be estopped to deny the validity of any notice or assessment which could have been timely appealed.
- (d) The notice of appeal shall set forth, in writing, the Person's reasons for believing no violation of the chapter has occurred or that the assessment is excessive.
- (e) The individual appealing shall accompany the written appeal with an appeal fee of twenty-five dollars (\$25.00), such sum to be deposited in the Airport enterprise fund of the City.
- (f) In case of financial hardship, the fee may be suspended by the Airport Manager until the decision on appeal is rendered. The Airport Appeals Board may waive the fee upon a finding of financial hardship.

***Sec. 3-805. - Procedure on appeal.***

- (a) The Airport Appeals Board shall set a hearing date for review of the appeal within forty (40) calendar days of the receipt of notice of appeal by the Airport Manager.
- (b) The Airport Appeals Board shall take testimony from all parties to the appeal. The hearing shall be informal and the rules of evidence shall not apply. The parties may, if they choose, be represented by an attorney.
- (c) The Airport Appeals Board shall prepare a written summary of the hearing and shall set forth the decision reached. A decision shall be rendered and sent in accordance with section 3-407 to all parties to the appeal within fifteen (15) calendar days of the hearing. The decision of the Airport Appeals Board is final.

***Sec. 3-806. - Abatement variances and time extensions.***

- (a) Any Person may request a variance or time extension of a notice to abate or an assessment. Such request shall be made to the Airport Appeals Board.
- (b) The same time limits for filing and written requirement that appear in section 3-704 on appeals applies to this section.
- (c) The procedure shall be the same as set forth in section 3-705.
- (d) The Airport Appeals Board may grant a variance only where it is determined that all of the following apply:
  - (1) Special circumstances or conditions apply to this appeal application such as hardship;
  - (2) Authorization of the variance is necessary for the preservation and enjoyment of substantial property rights; and
  - (3) Authorization of the variance will not be materially detrimental to Persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.
- (e) If a variance is granted by the Airport Appeals Board, the conditions in paragraph (d) allowing the variance and the extent of the variance shall be explicitly stated.
- (f) The Airport Appeals Board may grant one (1) extension of the time limit set forth in section 3-803. Such extension shall not exceed one hundred eighty (180) calendar days. The

extension period granted by the Airport Appeals Board starts to run on the day the Airport Appeals Board issues a decision pursuant to section 3-805(c). The Airport Appeals Board may grant an extension only where it is shown that:

- (1) It would create a hardship to comply with the decision within the fifteen (15)-day period of section 3-803; and
- (2) The moving party presents a plan that is approved by the Airport Appeals Board, by which said party will comply with the decision within no more than one hundred eighty (180) calendar days.

***Sec. 3-807. - Appeal from decision of Airport Appeals Board.***

Any party aggrieved by a decision of the Airport Appeals Board may seek review by the City Council.

***Sec. 3-808. - Stay of order during appeal.***

Except for orders to vacate or violations presenting an imminent hazard, the timely filing of an appeal shall stay enforcement of a notice to abate or assessment until the appeal is finally determined by the Airport Appeals Board.

***Sec. 3-809—3-900. - Reserved.***

***Denton Enterprise Airport***

***DTO***

AIRPORT ADMINISTRATION OFFICE

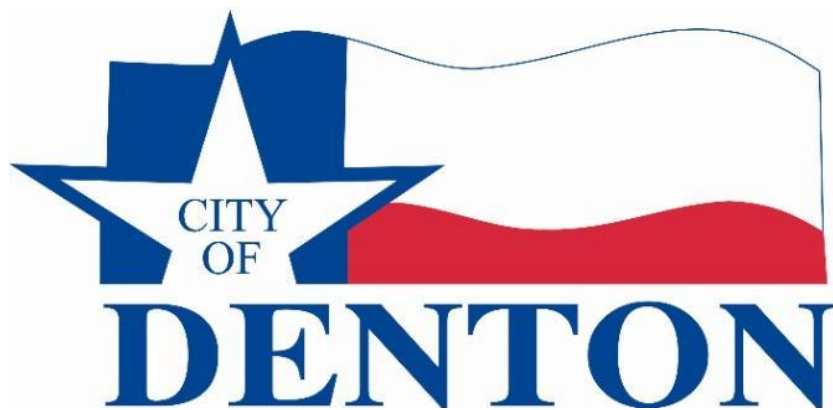
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### ***CHAPTER 3 – AIRPORT***



## REVISIONS

<u>REVISION NO.</u>	<u>DATE</u>	<u>SECTION</u>
1	09/28/2021	Removed all references to Council Airport Committee in the Definitions, 3-121, 3-124, 3-202, 3-505, 3-705, 3-805, and 3-807. 3-109, added contract and leases to Airport Advisory Board responsibilities.
<u>2</u>	<u>Pending</u>	<u>3-121, permit the City Manager to approve lease consents.</u> <u>Removed all references to citation in 3-603, 3-604, 3-605,</u> <u>and 3-606 references to civil enforcement mechanism.</u> <u>Updated violations.</u>

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## ARTICLE I. - IN GENERAL

*Secs. 3-1—3-100. - Reserved.*

### *Sec. 3-101. - Definitions.*

The following words and phrases, whenever used in this chapter or documents promulgated hereunder, shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. § 40101 et seq. (previously known as the Federal Aviation Act of 1958, hereinafter cited as "FAA Act") and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases.

*Abate or abatement* means to put an end to or correct a violation of this chapter.

*Abandon*, as applied to property left at the airport, means that it has been left on city property or the property of another without consent of the city for forty-eight (48) hours without the owner moving or claiming it. Such property shall be impounded by the city police department.

*Accident* means a collision or other contact between any part of an aircraft or a vehicle, person, stationary object or other thing which results in property damage, personal injury, or death; or an entry into or emerging from a moving aircraft or vehicle by a person which results in personal injury or death to such person or some other person or which results in property damage.

*Aeronautical Activity* means any activity or service which involves, makes possible, or is required for the operation of aircraft, or contributes to, or is required for, the safety of such operations. "Aeronautical Activities" include, but are not limited to, charter operations (under either Federal Aviation Regulation (FAR) Part 121 or 135), charter brokerage, aircraft hangar leasing, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, fire suppression, aerial advertising and surveying, aircraft sales, leasing, and servicing, aircraft management, and sale of aviation petroleum products, whether or not conducted in conjunction with other included activities which have a direct relationship to the operation of aircraft, repair and maintenance of aircraft, sale of general aviation aircraft parts, and any other activities which because of their relationship to the operation of aircraft can appropriately be regarded as an "Aeronautical Activity."

*Aircraft* means any device intended to be used, or designed, to navigate, or fly in the air.

*Aircraft parking and storage areas* means those hangar and apron locations of the airport designated by the Airport Manager for the parking and storage of aircraft, and such areas of the airport designated for aircraft maintenance, engine run-up, and self-fueling.

*Airport Business Permit* means administrative approval issued by the Airport Manager to a person to conduct commercial ~~aeronautical activity~~ Aeronautical Activity and to provide such

services to based and transient aircraft on the Airport exclusively within facilities on the Airport at which such services are authorized.

*Airport* means all of the City owned or leased real or personal property comprising Denton Enterprise Airport as now exists or as may hereafter be expanded and developed. “Airport” includes all of its facilities as shown on the most current Airport Layout Plan.

*Airport Advisory Board* means the duly appointed seven-member Airport Advisory Board of the City.

*Airport Appeals Board* means a body consisting of the Chairman of the Airport Advisory Board, another Airport Advisory Board member appointed by the Chairman, and a City representative appointed by the City Manager or ~~his designee~~their designee.

*Airport Manager* means the duly appointed manager of the City's Airport or the City Manager's designee.

*Airport traffic control tower* means the control tower located at the airport.

*Airside* means the area of the airport that is either contained within the airport perimeter fence, or which requires access through a controlled access point.

*Based aircraft* means an aircraft: (1) which the owner physically locates at the Airport with the intent and purpose to remain for an undetermined period; (2) which, whenever absent from the Airport, its owner intends to return to the Airport for permanent storage; and (3) whose presence in the Airport is not transitory in nature. Based includes an aircraft that is located at the Airport for a limited or seasonal duration.

*City* means the City of Denton, a Texas home-rule municipal corporation.

*City Attorney* means the duly-appointed attorney for the City or ~~his designee~~their designee. The City Attorney's office includes both the Civil and Criminal divisions.

*Commercial activity* means the conduct of any aspect of a business, concession, or service in order to provide goods or services to any person for compensation. An activity is a commercial activity even if it is bartered or the business is nonprofit, charitable, or tax-exempt.

*Landside* means the general public common use areas of the airport such as public roadways, parking lots and buildings which are not contained in the airside area.

*Movement area* means the runways, taxiways and other areas of the airport which require permission from air traffic control prior to entering. The designation of movement areas shall apply at all times including hours when the airport traffic control tower is closed.

*Owner of an aircraft* means a person who holds legal title to an aircraft, or any person having exclusive possession of an aircraft pursuant to a written lease.

*Pedestrian* means any person traveling on foot.

*Permission or permit* means permission granted by the City.



*Person* means the state, county, a political subdivision of the state, other governmental entity, a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual. Person includes a trustee, receiver, assignee, or similar representative.

*Public area* means those areas normally used by the general public, including structures and devices such as roadways, sidewalks and terminal facilities that are maintained and kept at the airport for use by the general public.

*Recreational Vehicle* (“RV”) means any vehicle or trailer, both motorized or towable, equipped with living space and amenities designed for temporary accommodation, travel, and leisure. RVs include, but are not limited to, motorhomes, campervans, travel trailers, fifth-wheel trailers, pop-up campers, and truck campers.

*Runway* means a defined area on the Airport for aircraft landings and takeoffs along its length.

*Smoking* means burning or carrying any lighted cigarette, tobacco or any other weed or plant, or placing any burning tobacco, weed or plant in an ashtray or other receptacle and allowing smoke to diffuse into the air.

*Taxilane* means the portion of the airport apron area, or any other area, used for access between taxiways and aircraft parking and storage areas.

*Taxiway* means a defined path established for the taxiing of aircraft from one part of the airport to another.

*Vehicle* means a device, except aircraft, in, upon, or by which any person or property is or may be propelled or moved, except a device moved by human power.

*Vehicle parking area* means any portion of the airport designated and made available temporarily or permanently for the parking of vehicles as designated by pavement markings or as approved by the Airport Manager.

### ***Sec. 3-102. - General conditions of use.***

The conditions under which the Airport or any of its facilities may be used shall be as established pursuant to this chapter or otherwise by the City Council.

### ***Sec. 3-103. - Permission to use Airport conditional; denial of permission.***

Any permission granted by the City directly or indirectly, expressly or by implication, to enter upon or use the Airport or any part thereof, including but not limited to, operators, off-Airport users, crew members and passengers, spectators, sightseers, pleasure and commercial vehicles, officers and employees of airlines, lessees and other persons occupying space at the Airport, persons doing business with the Airport, its lessees, sublessees, and permittees, and all other persons whatsoever, whether or not of the type indicated, is conditioned upon compliance with this chapter and any rules, regulations, or minimum operating standard promulgated hereunder. Entry upon or into the Airport by any person shall be deemed to constitute an agreement by such

person to comply with this chapter. The City reserves the right to deny any or all usage of the Airport to any person or persons for any cause.

***Sec. 3-104. - Consent of City.***

Unless expressly provided otherwise, any consent or other permission of the City under this chapter must be obtained in advance, in writing, and signed by the Airport Manager.

***Sec. 3-105. - Notices and applications.***

Unless expressly provided otherwise, any notice or application to the City must be given in writing to the Airport Manager, [or their designee](#), during normal business hours at the Airport administration office in the terminal building.

***Sec. 3-106. - Adopted by reference.***

The following publications, on file with the City Secretary, are hereby adopted by reference as if set out at length in this chapter:

- (a) Denton Enterprise Airport Rules and Regulations and any amendments thereto as may be approved by the Airport Advisory Board.
- (b) Denton Enterprise Airport Minimum Operating Standards and any amendments thereto as may be approved by the Airport Advisory Board.
- (c) Denton Enterprise Airport Rates and Fees Schedule and any amendments thereto as may be approved by the Airport Advisory Board and City Council.

***Sec. 3-107. - Conflicting laws, ordinances, regulations, and contracts.***

- (a) In any case where a provision of this chapter, rules and regulations, minimum operating standards, or rates and fees schedule adopted hereunder is found by the City Attorney to be in conflict with any other provision of this chapter or regulations adopted hereunder or in conflict with a provision of any zoning, building, fire, safety, health, or other ordinance or code of the City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (b) In cases where two (2) or more provisions of this chapter are in conflict, the most stringent or restrictive shall prevail.
- (c) It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter, or to excuse any person from performing obligations to the City under any lease or other contract.
- (d) No existing or future City contract, lease, agreement, or other contractual arrangement, nor any payment or performance thereunder, shall excuse full and complete compliance with this chapter. Compliance with this chapter shall not excuse full and complete compliance with any obligations to the City under any existing or future City contract, lease, agreement, or other contractual arrangement.
- (e) Compliance with this chapter does not excuse failure to comply with any other law.

***Sec. 3-108. - Application.***

Except where expressly limited by its terms, this chapter is effective throughout the City.

***Sec. 3-109. - Airport Advisory Board.***

- (a) There is created an Airport Advisory Board consisting of seven (7) members who shall meet the qualifications and residency requirements as provided in Section 2-61 of the Code of Ordinances.
- (b) All members shall be appointed by the City Council for terms not to exceed two (2) years and continue in office until their successors are appointed.
- ~~(c) The Airport Advisory Board shall establish bylaws to govern its affairs. The bylaws shall designate:~~
  - ~~(4) Officers of the Airport Advisory Board, the time and manner of their election, the term of office, and the powers and duties of each officer.~~
  - ~~(5) The time, place, and manner of notice of all regular and special meetings in compliance with the Texas Open Meetings Act.~~
  - ~~(6) The manner of adoption, amendment, and repeal of Airport Advisory Board bylaws.~~
  - ~~(7) Such other provisions as may be deemed necessary or desirable which are not contrary to the provisions of any ordinance or resolution, the City charter, or the laws of this state or the United States, to aid the Airport Advisory Board in conducting its affairs.~~
- ~~(h)~~(c) The Airport Advisory Board shall, with the assistance of City staff, advise the City Council as necessary on matters related to:
  - (1) Airport safety;
  - (2) Flight and ground operations;
  - (3) Safety and security issues arising from the creation and development of long-term master plans;
  - (4) Tenant/stakeholder outreach;
  - (5) Airport business plan and ~~airport~~Airport master plan as now written or hereafter amended or enacted;
  - (6) Airport infrastructure improvements or other major project impacting the Airport;
  - (7) Acquisition, review, and consideration of grant funding for the Airport;
  - (8) Long-term financial planning and budgetary issues affecting the Airport;
  - (9) Issues raised as a result of interface between citizens, ~~airport~~Airport tenants, or other interested parties;
  - (10) Contracts and leases of Airport property; and
  - (11) Other Airport matters as may from time to time, be assigned by the City Council, or requested by the City manager or ~~his or her designee~~their designee.
- ~~(i)~~(d) The City Manager, or ~~his or her designee~~their designee, will act as staff liaison to the Airport Advisory Board, and will provide guidance and assistance to the board and

shall be responsible for insuring that records are maintained in accordance with the requirements of the City Secretary's office.

(e) The Airport Advisory Board shall meet not less than monthly unless any such meeting is cancelled by the Board Chairman after consultation with the City Manager, or ~~his or her designee~~ their designee.

(f) The Airport Advisory Board shall perform such other duties as are imposed on the Airport Advisory Board by this chapter.

(g) The City Council shall have the right and prerogative to initiate review of any decision of the Airport Advisory Board and shall uphold, modify, or overrule said decision.

***Sec. 3-110. - Effect of agreements with federal government.***

All lease agreements, permits, and other contractual or governmental arrangements to which the City may be a party shall be subordinate to the provisions of any existing or future agreement between the City and the United States relative to the operation and maintenance of the Airport.

***Sec. 3-111. - Conformance with federal, state, and other rules, regulations, and agreements.***

- (a) No person shall navigate, land aircraft upon, or conduct any aircraft or other operations on or from the Airport, nor shall any person engage in any other Aviation Activity at the Airport or elsewhere within the City, otherwise than in conformity with the requirements of the Federal Aviation Administration and all other applicable federal, state, and City laws, statutes, ordinances, rules, regulations, and minimum operating standards.
- (b) Any use of the Airport by any Person constitutes that Person's agreement to conform in all respects to the requirements of any grant agreements by the City with the State of Texas, the United States, and any other governmental entity.

***Sec. 3-112. - Liability of City.***

The City is not responsible or liable for any loss, injury, or damage to persons or property on the Airport, or using Airport facilities, for any reason, including but not limited to fire, civil disorder, criminal activity, theft, vandalism, winds, flood, earthquake, collision, act of third parties or otherwise, or acts contrary to this chapter or any regulations promulgated hereunder.

***Sec. 3-113. - Indemnification.***

- (a) To the fullest extent permitted by law, any Person accessing or using the Airport or any of its facilities, and the Person's successors, assigns, and guarantors, must indemnify, defend, and hold harmless, the City, its agents, employees, elected and appointed officials, directors, officers, commissioners, board members, and representatives from and against all allegations, demands, proceedings, suits, actions, claims, damages, losses, and expenses (including, but not limited to, claims adjustment, attorney fees, and court costs), related to, arising from or out of, or resulting from:
  - (1) Any negligent or intentional actions, acts, errors, mistakes, or omissions caused in whole or in part by such Person, or the Person's employees or agents; or

(2) The exercise of any rights or privileges under the Denton Code of Ordinances, Chapter 3, or under the Airport Minimum Operating Standards, and Airport Rules and Regulations.

(b) This section includes, but is not limited to, environmental claims for property damage, cleanup, response, removal, and remediation.

***Sec. 3-114. - Forms.***

The Airport Manager shall have authority to specify forms to be used for applications, permits, reports, and other documents required under this chapter and to reject any documents not conforming to said forms.

***Sec. 3-115. - Supplementing information.***

Within fifteen (15) calendar days after any discovery of a material misstatement, omission, or other inaccuracy or material change in any information contained in any application, report, or other document provided to the City, the person submitting the information shall inform the City in writing of the inaccuracy or change and shall provide the City with the correct information in writing. The City reserves the right to take any necessary action as a result of such supplementing information as may be necessary including, but not limited to, cancellation of any agreement that was based on the erroneous information.

***Sec. 3-116. - Payment of fees and charges.***

No Person shall perform any activity for which a fee or charge is imposed under this chapter without first reporting the activity to the City and paying the appropriate fee to the City (as identified in the Airport Minimum Operating Standards and/or Airport Rates and Fees Schedule). Notwithstanding the preceding sentence, when a reporting procedure in this chapter specifically provides for subsequent reporting, prior reporting is not required. Fees, rates, and charges for use of any Airport facilities and for any service or accommodations provided by the City shall be established in the same manner as rules and regulations are established under this chapter. Nothing in this chapter impairs or limits the City's ability to impose fees or charges by contract.

***Sec. 3-117. - Airport-related fee administration and collection.***

The administration and collection of Airport-related fees is vested in the Airport Manager, or ~~his designee~~their designee. Except as expressly stated to the contrary in this chapter, all procedures, remedies, requirements, penalties, and other provisions for the determination, administration, and collection of other City fees shall apply to Airport-related fees.

***Sec. 3-118. - Payment of bills and default of obligations.***

All City billings are payable upon presentation. When any Person is formally notified that said Person is held in default of any written or implied obligation to the City, whether it be for breach of performance, services, covenants, or nonpayment, the Person shall thereafter be billed for all losses of revenue and expenses incurred to reestablish performance or service and other costs, unless the Person files with the City, within ten (10) calendar days of receipt of the formal notification, a statement that corrective or preventive measures have been initiated and will diligently be carried out. If the promises contained in the statement are not fulfilled, the Person will be considered in absolute default and appropriate lawful steps will be initiated by the City.

***Sec. 3-119. - Repealer and savings clause.***

The effective date of this chapter shall be fourteen (14) days following the date this ordinance is adopted by the City Council. All future duties and obligations thereafter arising under the pre-existing Chapter 3 of the Denton Code of Ordinances shall cease, but liability for fees and violations of the pre-existing Chapter 3 of the Denton Code of Ordinances as of the effective date of this ordinance are preserved and continue unaffected by this ordinance.

***Sec. 3-120. - Severability.***

If any section, subsection, paragraph, sentence, clause, phrase, or portion of this chapter should be declared invalid or unconstitutional for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect; the City Council of the City of Denton declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional; and, to this end, the provisions of this chapter are hereby declared to be severable.

***Sec. 3-121. - Use of City-owned Airport property.***

The Airport Manager may enter into a lease, license, permit, or other such agreement for the use of any City-owned Airport property, including but not limited to, land, buildings, office space, counter space, and aircraft storage facilities, subject to the following conditions:

(1) Any new lease of City-owned Airport property shall be in a form approved by the City Attorney and subject to recommendation by the Airport Advisory Board and approval of City Council.

(2) Any City approval required within an existing lease (e.g., consent to assign, sublease, mortgage, etc.) shall be in a form approved by the City Attorney and approved by the City Manager and/or his/her/their designee and can be administratively executed by the City Manager or their designee.

(2)(3) Any Airport license or other such agreement shall be in a form approved by the City Attorney, with a term of three (3) years or less and a minimum of a thirty (30) calendar day cancellation clause. Any license or other such agreement not meeting these criteria shall be subject to recommendation by the Airport Advisory Board and approval of City Council.

(3)(4) Any Airport permit shall be in a form approved by the City Attorney and shall remain in effect until such time as the permittee requests cancellation in writing, or the permit is revoked pursuant to Deivision 4 of Article IV of this chapter.

(4)(5) Any use of City-owned Airport property for commercial aeronautical activities is subject to the requirements of the Airport Minimum Operating Standards.

***Sec. 3-122. - Access keys/codes/gate access devices/access cards.***

(a) Persons who have been provided a key, code, gate access device, or access card to obtain access to the Airport shall only use Airport-issued key/codes/ devices/cards and shall not

divulge, duplicate, or otherwise distribute the same to any other Person, unless otherwise approved in writing by the Airport Manager.

- (b) If a gate access key, device, or access card is found in the possession of an unauthorized Person, the device/card shall be confiscated by the Airport Manager and the Person shall be escorted off the airside area.
- (c) A gate access device or access card that has not been used in one hundred eighty (180) consecutive days shall be deactivated.

***Sec. 3-123. - Permit not transferable.***

No lease, license, permit, or agreement shall be assigned, transferred, or in any other manner set over to another person without the prior written consent of the City.

***Secs. 3-124—3-200. - Reserved.***

## **ARTICLE II. - RULEMAKING AUTHORITY**

***Sec. 3-201. - Airport Rules and Regulations.***

The Airport Manager is authorized to establish or amend such rules, regulations, and minimum operating standards as are necessary or useful to carry out or supplement the provisions of this chapter and provide for the orderly and safe operation of the Airport.

***Sec. 3-202. - Limitation on rules and regulations by Airport Manager.***

- (a) No rule, regulation, or minimum operating standard established by the Airport Manager shall be effective until fourteen (14) calendar days after it is approved by the Airport Advisory Board. Any regulation established by the Airport Manager shall be posted in the lobby or other area of the Airport terminal building open to the public during normal business hours for a period of not less than five (5) calendar days prior to approval by the Airport Advisory Board; however, City Council has the ability to review and approve rules, regulations, or minimum operating standards the Airport Advisory Board does not approve and such rules, regulations, or minimum operating standards shall be effective fourteen (14) days after it is approved by City Council.
- (b) No regulation established by the Airport Manager shall increase fees identified in the Airport Rates and Fees Schedule.
- (c) Creation or modification of any fee is subject to approval by the Airport Advisory Board and the City Council.

***Sec. 3-203. - Posting and filing of documents.***

Airport Rules, Regulations, Minimum Operating Standards, and Rates and Fees Schedule shall be filed with the City Secretary. All amendments to these documents shall be filed with the City Secretary.



***Sec. 3-204. - Emergency rules and regulations.***

With the approval of the City Manager, the Airport Manager has authority to impose emergency regulations. Such emergency regulations are limited to a forty-five (45) calendar day duration and take effect immediately upon execution by both the Airport Manager and the City Manager and posting of copies of the regulations at the Airport terminal building and at two (2) other public places within the City. Each emergency rule or regulation shall be reviewed and [considered to be](#) established as a permanent rule or regulation at the next regularly scheduled Airport Advisory Board meeting.

***Secs. 3-205—3-300. - Reserved.***

**ARTICLE III. - AIRPORT BUSINESS PERMITS**

***Sec. 3-301. - Airport Business Permit required.***

No Commercial Aeronautical Activity shall be conducted by any Person at the Airport without said person being in possession of a valid Airport Business Permit. Each Person holding an Airport Business Permit must hold a valid and current sales and use tax permit issued by the state, if such license is required by the state [and hold applicable insurance or other documentation as required by the minimum operating standards.](#) [Any Person that is not a natural person must be a duly formed entity that is authorized to do business in the State of Texas.](#) Issuance of an Airport Business Permit does not entitle the holder to possess, occupy, or exclusively use any portion of the Airport, grant any exclusive right to conduct any business or activity, or authorize any conduct prohibited by zoning laws or any other applicable law.

***Sec. 3-302. - Airport Business Permit applications.***

Except as specifically stated otherwise in this chapter, an application for an Airport Business Permit is subject to approval by the Airport Manager as indicated in the Airport Minimum Operating Standards and is subject to ratification by the Airport Advisory Board at its next regularly scheduled meeting. The City is not responsible or liable for any loss, injury, or damage as a result of the failure of the Airport Advisory Board to ratify an administrative approval of an Airport Business Permit. Each application for an Airport Business Permit shall be accompanied by the following:

- (1) An Airport Business Permit application;
- (2) All information identified in section 2-1 of the Airport Minimum Operating Standards; and
- (3) Such other information as the Airport Manager may reasonably request.

***Sec. 3-303. - Temporary Airport Business Permits.***

Notwithstanding section 3-302, the Airport Manager shall have authority to issue temporary Airport Business Permits and to establish procedures relating thereto. Such temporary permits shall cover a single period of not more than sixty (60) consecutive days identified on the permit. No more than one (1) temporary permit shall be issued to any Person in any twelve (12) month period. Each application for a temporary Airport Business Permit shall be accompanied by an Airport



Business Permit form and any other applicable documentation as determined by the Airport Manager.

***Sec. 3-304. - Permit display.***

Any Person conducting Commercial Aeronautical Activity shall, upon demand, produce the Airport Business Permit to a City representative for inspection.

***Sec. 3-305. - Duration of permit.***

An Airport Business Permit shall remain in effect so long as the permittee complies with all of its terms, conditions, and covenants.

***Sec. 3-306. - Nonwaiver of defaults.***

The waiver by the City of any breach by the permittee of any term, covenant, or condition of any permit shall not operate as a waiver of any subsequent breach of the same or any other term, covenant, or condition of the permit. No term, covenant, or condition thereof can be waived except by the written consent of the Airport Manager, and forbearance or indulgence by City, in any regard whatsoever, shall not constitute a waiver of the term, covenant, or condition to be performed by permittee, and until complete performance by permittee of the term, covenant, or condition, the City shall be entitled to invoke any remedy available to it hereunder or by law, despite such forbearance or indulgence.

***Sec. 3-307. - General conditions for all permits.***

The City is neither a joint venturer with, nor a partner or associate of, the permittee with respect to any manner provided for in the permit. Nothing herein contained shall be construed to create any such relationship between the parties or to subject the City to any obligation of the permittee whatsoever. The permit is a license and not a lease.

***Sec. 3-308. - Insurance.***

- (a) The operator, lessee, licensee, permittee, or other person using the Airport, required to obtain and maintain insurance under the Airport Minimum Operating Standards, shall, at their own expense, obtain and maintain a general liability policy or Airport premises policy from an insurance company authorized to do business in Texas, with the minimum coverage required by the applicable Airport Minimum Operating Standards. All policies, except Workers' Compensation, shall name the City of Denton, its agents, employees, elected and appointed officials, directors, officers, commissioners, board members, and representatives as Additional Insureds. All policies of insurance, except Workers' Compensation, shall be primary and non-contributory to any insurance or self-insurance maintained by the City.
- (b) The operator, lessee, licensee, permittee, or other person using the Airport, is responsible for working with an informed and reputable insurance representative to understand and obtain all the applicable insurance required by the Airport Minimum Operating Standards.
- (c) The City does not represent or warrant that the types of coverage or minimum limits contained in the applicable Airport Minimum Operating Standards are sufficient to protect

any Airport user from liabilities that might arise out of the access or use of the Airport, or any of its facilities.

*Secs. 3-309—3-400. - Reserved.*

## ARTICLE IV. - ENFORCEMENT

### *DIVISION 1. - GENERALLY*

#### *Sec. 3-401. - Violations.*

~~(a) It shall be unlawful for any Person to cause, facilitate, aid, or abet any violation of any provision of this chapter, or any rules, regulations, or minimum operating standards promulgated hereunder, or to fail to perform any act or duty required by this chapter or rules, regulations, or minimum operating standards promulgated hereunder.~~

~~(b)~~(a) When two (2) or more persons have liability to the City or are responsible for a violation, their responsibility shall be joint and several.

#### *Sec. 3-402. - ~~Enforcement of judgments.~~*

~~Any judgment for abatement, restitution, or civil sanctions taken pursuant to this article may be enforced as any other civil judgment. Reserved.~~

#### *Sec. 3-403. - Violations not exclusive.*

Violations of this chapter are in addition to any other violation enumerated within this Code and in no way limit the penalties, actions, or abatement procedures which may be taken by the City for any violation of this chapter which is also a violation of any other provisions of this Code or statutes of the state. The City reserves the right to pursue any applicable remedy under local, state, or federal law.

#### *Sec. 3-404. - Each day separate violation.*

Each day any violation of any provision of this chapter, or the failure to perform any act or duty required by this chapter, continues shall constitute a separate offense.

#### *Sec. 3-405. - Inspections.*

- (a) The Airport Manager shall enforce the provisions of this chapter, and is hereby authorized and directed to make inspections in the normal course of job duties; or in response to a complaint that an alleged violation of the provisions of this chapter may exist; or when there is a reason to believe that a violation of this chapter has been or is being committed.
- (b) The Airport Manager may enter onto any property, or into any building or premises, at all reasonable times to inspect or to perform the duties imposed upon the Airport Manager by this chapter, provided that if such property, building, or premises is occupied, the Airport Manager shall present credentials to the occupant and request entry. If such property, building, or premises is unoccupied, the Airport Manager shall first make a reasonable

effort to locate the owner or other Person having charge or control of the property, building, or premises and request entry. If entry is refused, the Airport Manager has recourse to every remedy provided by law to secure entry.

~~(c) When the Airport Manager shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant, or Person having charge, care, or control of any property, building, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry by the Airport Manager for the purpose of inspection and examination pursuant to this chapter.~~

~~(d)~~(c) No Person shall interfere with, prevent, or attempt to interfere with or prevent an individual employed by the City or other person contracted for by the City, from investigating an alleged violation of this chapter, or from abating a violation of this chapter.

### ***Sec. 3-406. - False information.***

No Person shall knowingly make a false or fraudulent statement, or knowingly misrepresent a fact, or mislead an individual employed by the City or other person contracted for by the City, when that individual is investigating or abating a violation of this chapter.

### ***Sec. 3-407. - Service of notices.***

- (a) Any notice required to be given for any purposes under this chapter to the City shall be given by the Airport Manager or ~~his designee~~their designee by hand-delivery; by mailing the notice by certified mail, return receipt requested; by email, return receipt requested; or by facsimile transmission.
- (b) Notice is deemed effective on the date it is hand-delivered, deposited in the United States mail, emailed, or faxed.
- (c) Nothing herein shall preclude the City from giving additional oral or written notice at its discretion. If the City does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situation.

### ***Sec. 3-408 Aircraft parking.***

(a) No person shall park, leave parked, or allow to remain stationary any aircraft at the Airport except within an aircraft parking and storage area.

(b) No person shall park an aircraft in a based aircraft parking and storage area without ~~applying for and obtaining an approved aircraft storage permit/agreement;~~ from the airport and/or its Lessee.

(c) The prolonged storage of damaged/dismantled aircraft or aircraft that appear to be non-airworthy in aircraft tiedowns or other unscreened areas of the airport shall not exceed thirty (30) calendar days after written notification from the Airport Manager. The aircraft owner is required to diligently correct such condition as soon as possible to prevent an unsightly airport appearance. ~~An aircraft owner may not store a damaged/dismantled aircraft or aircraft that appear to be unairworthy in aircraft tiedowns or other unscreened areas of the Airport for a prolonged period of thirty (30) calendar days or more after written notification from the Airport Manager.~~

### Sec. 3-409 General vehicular requirements.

No person shall operate a vehicle on the Airport except in accordance with the rules prescribed by the Airport Manager and all federal, state and local law.

(a) No person shall operate airside without an approved ~~driver~~ permit for that vehicle operator or while being monitored by a business or facility that has a vehicle control plan which has been approved by the Airport Manager.

~~(b) When a gate is out of service, vehicles the operator of any vehicle must only shall access a secondary gate as specified by the out of service notification. Airport staff. Vehicles shall remain on paved surfaces unless otherwise permitted by the Airport.~~

(c) ~~Operators of V~~vehicles shall yield right of way to aircraft in motion and emergency vehicles.

(d) No ~~operator of a~~ vehicles shall operate such vehicle in a careless, negligent, or reckless manner nor pass closer than fifty (50) feet to the rear of taxiing aircraft.

(e) No ~~operator of any~~ vehicles shall operate such vehicle in a careless, negligent, or reckless manner nor approach closer than fifty (50) feet to any aircraft whose engines are running, excluding ground service and emergency vehicles.

(f) All ~~operators of~~ vehicles, upon entering or exiting an Airport access gate, must wait for the gate to completely close behind them before proceeding to their destination ~~so as to not allow the entry of an unauthorized vehicle.~~

### Sec. 3-410 Licensing, registration, and insurance.

(a) No person shall operate a vehicle of any kind on the Airport without a current motor vehicle operator's license.

(b) All vehicles, whether operating on the airport or stored in a hangar, shall maintain a current state motor vehicle registration and be in an operable or drivable condition.

~~(c)~~ All ~~operators of~~ vehicles shall maintain the appropriate type and amount of vehicle liability insurance required by state law.

### Sec. 3-411 Control of vehicles.

No person shall operate or park a vehicle at the Airport in a manner prohibited by signs, pavement markings, or other signals posted by the ~~city~~City or by regulations under this article. ~~The Airport Manager has plenary power to regulate or prohibit any class or type of vehicle or any other type or class of wheeled vehicle or other form of transport that operates in the airside area.~~

### Sec. 3-412 Speed limits.

It shall be unlawful for any operator of a vehicle to fail to comply with all posted speed limits at the Airport. All vehicles shall be operated in strict compliance with all posted speed limits at the airport. The maximum speed limit for all vehicles in the airside area, with the exception of authorized municipal vehicles in the performance their official duties, is fifteen (15) miles per hour or less if conditions warrant in order to ensure safe operation.

### Sec. 3-413 Vehicles operating in the movement area.

(a) No ~~operator shall operate a vehicle~~ shall be operated in the movement area unless so authorized in writing by the Airport Manager.

(b) Any ~~operator of a vehicle~~ authorized to operate in the movement area must display a rotating or steady beacon that complies with FAA Advisory Circular 150/5210-5, as amended, and is visible to the air traffic control tower personnel. Exceptions to this rule must be authorized in writing by the Airport Manager.

(c) ~~AnyAll operator of a vehicle that is~~ vehicles that are authorized to operate in the movement area must be equipped with a two-way aviation radio, receive a clearance from, and remain in continuous communications with, the Airport traffic control tower. The installation of a two-way radio does not permit the operation of vehicles in the movement area without prior written permission of the Airport Manager. If vehicles are not equipped with radios, prior arrangements must be made with the Airport Manager. Additionally, all vehicle operators shall be conversant with the standard airport light gun signals.

### Sec. 3-414 Authority to remove ~~vehicles~~property.

The Airport Manager may cause to be removed from any area of the Airport any ~~vehicle~~property which is disabled, abandoned, ~~parked~~deposited in violation of these regulations, or which presents an operational problem to any area of the Airport, at the operator's expense and without liability for damage which may result in the course of such movement. The City of Denton may clean up any material unlawfully spilled, placed, or otherwise deposited at the airport and may charge the responsible party for the cost of the cleanup, removal, and/or any required remediation, and any expenses incurred by, or fines or damages imposed on, the City of Denton or airport as a result of the cleanup.

### Sec. 3-415 Bicycles, scooters and miscellaneous vehicles.

No person shall use airside any bicycle, veloped, go-cart, go-ped, skateboard, rollerblade, all-terrain vehicle or other vehicle not licensed or otherwise permitted by state law for operation on a public street or highway. This section does not pertain to ~~city~~City vehicles or vehicles used solely for tugging, marshaling, or refueling aircraft, , or vehicles permitted under Texas Transportation Code Chapter 551, Subchapters D and F. On a case-by-case basis, and with the prior written approval of the Airport Manager, bicycles or other modes of transportation may be used on ~~airside~~ of the Airport.

*Sec. 3-416 ~~Motor homes, bBoats, recreational vehicles, and trailers~~portable buildings.*

~~No person shall store motor homes, boats, recreational vehicles (RVs), and camper trailers anywhere on the Airport unless in accordance with a city approved lease or with the written consent of the Airport Manager. Motor homes, bBoats and ,recreational vehicles (RVs), and portable buildings and camper trailers shall not be stored anywhere on the airport unless in accordance with a City-approved lease or with the written consent of the Airport Manager.~~

*Sec. 3-417 Vehicle accidents.*

The driver of any vehicle involved in an accident on the Airport which results in injury or death to any person, or damage to any property, shall immediately stop such vehicle at the scene of the accident; render reasonable assistance to a person injured in the accident, including making arrangement for the caring of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the caring is requested by the injured person; and give his name, address and operator's license and registration number to the person injured, the Airport Manager and to any police officer or witnesses of the accident. The operator of such vehicle shall make a report of such accident in accordance with state law and provide a copy of same to the Airport Manager.

*Sec. 3-418 Careless operation, driving while intoxicated, etc.*

No ~~person shall operate a~~ vehicle shall be operated at the Airport or upon any area thereof:

- (a) In a careless, negligent or reckless manner;
- (b) In disregard of the rights and safety of others;
- (c) Without due caution or circumspection;
- (d) At a speed or in a manner which endangers or is likely to endanger persons or property;
- (e) While the driver would be prohibited by law from operating an automobile upon the public streets of the City due to drug or alcohol impairment or influence;
- (f) If the vehicle is so constructed, equipped or loaded as to endanger or be likely to endanger persons or property, or to result in the load or other materials becoming separated from the vehicle;
- (g) Without operating headlights, tail lights, turn signals, and brake lights during hours of darkness or during inclement weather; or
- (h) In a manner that does not allow the vehicle to be immediately driven or towed away from any nearby aircraft.

*Sec. 3-419 Parking restrictions.*

(a) No person shall park or leave any vehicle standing, whether occupied or not, except within a designated parking area.

~~(b) Aircraft owners, operators, and guests shall only park their vehicle in the aircraft storage area when the aircraft is not present.~~

~~(e)~~(b) Operators of a vehicle parked in an aircraft storage area shall park in a manner so as to be completely contained in the aircraft storage space and not obstruct adjacent aircraft parking and storage areas, or taxilanes unless for the purposes of immediate and temporary loading, unloading, or staging of an aircraft.

*Sec. 3-420 Volunteer assistance.*

No person shall enter the airside area of the Airport for the purposes of attending, observing or assisting at the scene of an accident except persons authorized by law or otherwise requested or with consent of the Airport Manager.

*Sec. 3-421 Pedestrians in the airside area.*

No person shall walk, stand, or loiter in the airside area if such activity is determined to be an operational, security, or safety concern as determined by the Airport Manager. Pedestrians shall make all reasonable efforts to avoid crossing taxilanes and access hangars from the airside entrances.

*Sec. 3-422 Pedestrians soliciting rides.*

No person shall solicit aircraft rides from any area of the Airport.

*Sec. 3-423 Vehicle repair.*

No person shall clean or make any repairs to vehicles anywhere on the Airport, other than in designated shop areas, except those minor repairs necessary to remove such vehicles from the Airport. This provision shall not apply to ground support equipment or vehicles used in the sole operation of a permitted airport business and are owned or leased by such business.

No person shall move, interfere or tamper with any vehicle, or put in motion the engine, or take, or use any vehicle part, instrument or tool thereof, without the written permission of the owner or satisfactory evidence of the right to do so duly presented to the Airport Manager.



*Sec. 3-424 Aircraft/Airport security.*

- (a) The owner/operator or any facility located on the Airport perimeter shall at all times maintain and comply with an Airport facility security plan or policies that have been approved by the Airport Manager.

*Sec. 3-425 Aircraft washing.*

(a) It shall be unlawful to wash an aircraft using non-biodegradable soaps, solvents, or degreasers in any area that is not an approved wash area, by individuals who are not aircraft owners at the based location, or by mobile aircraft washing service operators not authorized by an Approved Wash Plan. All aircraft washing shall be conducted in accordance with posted rules, with biodegradeable soap, and without the use of solvents or degreasers, only:

1. At approved wash areas, or
2. By aircraft owners at the based location, or
3. By permitted mobile aircraft washing services operators in accordance with their Approved Wash Plan (AWP).

(b) It is unlawful for any person to use City-owned wash areas shall be used for the purposes other of than aircraft washing and polishing.

(c) Any operator of an aircraft shall collect and dispose of Rrunoff shall be collected and properly disposed of in a manner acceptable to the Airport Manager, in accordance with all federal, state, county and local law.

(d) Any operator of an aircraft In no case shall aircraft washing not wash such aircraft be conducted within fifty (50) feet of storm water drainage or dirt/grass areas without containment (berm, tarp, etc.), nor shall wash/waste water be disposed of in storm water drainage or dirt/grass areas.

*Sec. 3-426 Smoking areas.*

No smoking shall be permitted:

- (a) Airside
- (b) Within fifty (50) feet of an aircraft, fuel truck and/or fuel storage area
- (c) Where specifically prohibited by the city.



**Sec. 3-427 Aircraft accident reports.**

All airport property damage must be reported to Airport Staff. Any persons involved in an aircraft accident occurring on the Airport, within the city, or that involves aircraft which departed from or were enroute to the Airport, shall make a full report thereof to the Airport Manager as soon after the accident as possible, but in no event later than the time required for reporting the accident to the FAA or to any other governmental agency, or within forty-eight (48) hours of the accident, whichever is sooner. The report shall include the names and addresses of the persons involved, and a description of the accident and its cause. When a written report of an accident is required by federal or state law, regulation, or agency, a copy of such report shall also be submitted to the Airport Manager.

**Sec. 3-428 Interfering or tampering with aircraft.**

- a) No person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools without permission of the owner, or under the specific direction of the Airport Manager in an emergency.
- b) No person shall interfere with the operation of any aircraft, including, without limitation, obstructing an aircraft in movement or obstructing or distracting or interfering with the vision of the pilot or pilots of any aircraft by mechanical means, light, sound, or any other means.

**Sec. 3-42908—3-500. - Reserved.**

***DIVISION 2. - DENIAL OF USE***

***Sec. 3-501. - Denial grounds.***

- (a) The Airport Manager may deny access to, and deny the use and privileges of, the Airport or any of its facilities to any Person:
  - (1) Who violates this chapter, or any rules, regulations, or minimum operating standards promulgated hereunder;
  - (2) Whose action would place the Airport in violation of 49 U.S.C. § 47160 et seq., 14 C.F.R. Part 1 et seq., or the FAA Grants and Assurances (see 14 C.F.R. Part 152), as amended or its successor regulation; or
  - (3) Who violates any future conditions which the City may impose by appropriate process or any federal statute or regulations hereafter enacted.
- (b) The Person to whom the aircraft is registered is responsible for the acts of all Persons (including, but not limited to, all agents, employees, and pilots) to whom control, operation, or any authority to use said aircraft is granted. The involvement of said aircraft in any act or omission that violates any of the above-enumerated laws, statutes, ordinances, rules,

regulations, minimum operating standards, or other conditions may result in one (1) or more enforcement actions by the City.

- (c) The Airport Manager may deny access for up to five (5) years. After the denial period ends, a Person may request access, but the Airport Manager may continue to deny access if denial is in the best interests of the Airport. A denial may be appealed to the Airport Appeals Board as set forth in sections 3-504 and 3-505.
- (d) Notwithstanding the provisions of this section, the Airport Manager may summarily deny Airport access, effective immediately, pending the hearing specified in section 3-503, to any Person for whom **probable** cause exists to believe the Person committed an act or omission relating to dangerous refueling, dangerous aircraft or vehicle operation, lack of insurance, theft of or damage to property, assault and battery, or such other act or omission as may constitute a danger to the health, safety, or welfare of any individual or the public in general.

#### ***Sec. 3-502. - Denial procedure.***

- (a) Upon **probable** cause to believe that a Person has committed acts constituting grounds for denial of access, the Airport Manager shall provide the affected party with notice of an order to show cause why access should not be denied. The notice shall give at least seventy-two (72) hours<sup>2</sup> notice of the hearing date and list the grounds for the possible denial of access.
- (b) Persons subject to subsection 3-501(d) shall be provided a hearing as soon as reasonably practical but in no event shall said hearing be delayed more than seventy-two (72) hours after the effective time of the denial of access, except upon mutual agreement of the Airport Manager and the affected party.

#### ***Sec. 3-503. - Denial hearing.***

Except for the summary denial of access under subsection 3-501(d), access to, and the use and privileges of, the Airport or any of its facilities shall be denied at the date and time of the hearing if the affected party fails to appear to contest the denial. The affected party shall have the right to present evidence and cross-examine any witnesses. The hearing shall be informal, and the rules of evidence shall not apply. The hearing is an administrative proceeding reviewed under the substantial evidence standard. The Airport Manager may rule on the denial of use at the close of the evidence and argument, but, in any case, shall enter a ruling within ten (10) calendar days after the completion of the hearing. The Airport Manager shall notify the affected party in accordance with section 3-407. Pending any appeal to the Airport Appeals Board, the Airport Manager's denial of access shall be effective immediately if the ruling is made by the Airport Manager at the time of the hearing, or upon notice of the ruling when the ruling is made after the hearing.

#### ***Sec. 3-504. - Appeal.***

- (a) A person may appeal the denial of use to the Airport Appeals Board by filing a written notice of appeal with the Airport Manager not later than ten (10) calendar days after the Airport Manager has taken the action to be appealed from. The right to appeal is waived if the notice of appeal is not timely filed. Except as provided under subsection 3-501(d), the

timely filing of an appeal shall stay enforcement of the denial of access until the appeal is finally determined by the Airport Appeals Board.

- (b) This division contains all the appellate relief to which an aggrieved party is entitled through City procedures. The exhaustion of appellate remedies at the City level does not preclude an aggrieved party from seeking any other remedies provided by law.

***Sec. 3-505. - Appeal procedure.***

- (a) Upon receipt of a written notice of appeal, the Airport Appeals Board shall set an appeal hearing within ten (10) calendar days and shall give notice of the hearing as provided in this division.
- (b) When required in the interest of fairness, the Airport Appeals Board may grant continuances of the hearing, but all hearings on denial of access shall be heard not later than thirty (30) calendar days from the date on which the notice of appeal was filed.

(c) The appeal hearing must be a trial de novo. The decision of the Airport Appeals Board is final.

~~(e)~~(d) Except for the summary denial of access under subsection 3-501(d), access to, and the use and privileges of the Airport or any of its facilities shall be denied at the date and time of the hearing unless the affected party or the party's counsel appears to contest the denial.

~~(d)~~(e) An appellant may be represented by counsel at the hearing and the City may be represented by the City Attorney. Formal rules of evidence shall not apply. Both the appellant and the City shall have the right to present evidence through testimony or exhibits and to cross-examine witnesses. The Airport Appeals Board shall preside over the proceedings and shall determine the order and manner of proof.

~~(e)~~(f) At the conclusion of the hearing, the Airport Appeals Board shall rule on the appeal and notify the appellant of the ruling in accordance with section 3-407, within ten (10) calendar days after the hearing, unless all parties stipulate that additional time is required to render a decision. The Airport Appeals Board's decision shall be supported by a preponderance of evidence. The decision of the Airport Appeals Board is final.

~~(f)~~(g) Except for the summary denial of access under subsection 3-501(d), the denial of access shall be effective immediately if the ruling is made by the Airport Appeals Board at the time of the hearing, or upon notice of the ruling when the ruling is made after the hearing.

***Sec. 3-506. - Settlement agreements.***

- (a) After the Airport Manager denies access to, and the use and privileges of the Airport or any of its facilities, and before the Airport Manager enters a ruling, the Airport Manager and affected Person may enter into a settlement agreement to allow access.
- (b) After the affected person appeals the denial of access to the Airport Appeal Board, and before the Airport Appeals Board enters a ruling, the Airport Appeals Board and the affected person may enter into a settlement agreement to allow access.

*Secs. 3-507—3-600. - Reserved.*

### ***DIVISION 3. - SANCTIONS; PROCEDURES***

#### ***Sec. 3-601. - Remedies.***

The Airport Manager, the City Attorney's office, and the City Manager, or their designees, may pursue any or all of the remedies provided in this article or allowed by local, state or federal law.

#### ***Sec. 3-602. - Jurisdiction of City court.***

(a) Jurisdiction of all proceedings to enforce the provisions of this chapter shall be in the Denton municipal court.

~~(a) Civil actions commenced in the Denton municipal court to enforce this chapter may be adjudicated by a judge or a court hearing officer.~~

#### ***Sec. 3-603. - Reserved Civil violation; commencement of action.***

~~(a) A civil violation may be commenced by issuance of a citation or by complaint.~~

~~(b) The citation shall be substantially in the same form as a Traffic Citation and shall direct the defendant to appear in municipal court within ten (10) calendar days after issuance of the citation.~~

~~(c) The complaint citation shall further notify the defendant that failure to appear on or before the date specified in the complaint will result in the entry of a judgment by default against the defendant, and the court may, in its discretion, impose a civil sanction not to exceed two hundred fifty dollars (\$250.00).~~

~~(d) Service of the citation/complaint may be accomplished and shall be deemed proper and complete by any of the following methods:~~

~~(5) By having the defendant sign the citation/complaint with a promise to appear in court within ten (10) calendar days of the issuance of the citation/complaint;~~

~~(6) By hand delivering a copy of the citation/complaint to the defendant;~~

~~(7) By mailing a copy of the citation/complaint to the person charged by certified or registered mail, return receipt requested, to the person's last known address; or~~

~~(8)(1) In the event service cannot be accomplished as set forth in (d)(1), (2) or (3), the City may serve the defendant by any means allowed by the Texas Rules of Civil Procedure.~~

#### ***Sec. 3-604. - Civil complaint citation, authority to issue.***

~~*The Airport Manager, the City Attorney, or the City Manager, or their designees, may issue a civil complaint citation pursuant to this chapter. Reserved.*~~

#### ***Sec. 3-605. - Appearance by defendant.***

The defendant shall, within ten (10) calendar days of the issuance of the citation or citation summons and complaint, appear in person or through the defendant's attorney in the municipal

court and shall either admit or deny the allegations contained in the ~~complaint~~<sup>citation</sup>~~citation~~. If the defendant admits the allegations, the court shall enter judgment against the defendant ~~and impose a civil sanction for the violation not to exceed two hundred fifty dollars (\$250.00) for a Class C Misdemeanor~~, and may, in its discretion, deny defendant use of the Airport pursuant to Section 3-612. If the defendant denies the allegations contained in the ~~citation~~<sup>complaint</sup>~~complaint~~, the court shall set the matter for hearing.

***Sec. 3-606. - ~~Default judgment.~~***

~~*If a defendant fails to appear as directed on the civil citation or complaint or at the time set for hearing by the court, the allegations in the civil citation or complaint shall be deemed admitted and the court shall enter judgment against the defendant and impose a civil sanction for the violation not to exceed two hundred fifty dollars (\$250.00), and may, in its discretion, deny defendant use of the Airport pursuant to section 3-612. Reserved.*~~

***Sec. 3-607. - ~~Rules of procedure for civil violations.~~***

~~*The Texas Rules of Criminal Procedure shall be followed by the Denton Municipal Court for civil violations of this chapter, except as modified or where inconsistent with the provisions of this chapter. Reserved.*~~

***Sec. 3-608. - ~~Civil sanctions.~~***

~~*Upon a finding of responsible to a civil violation, the court shall impose a civil sanction not to exceed two hundred fifty dollars (\$250.00). Reserved.*~~

***Sec. 3-609. - Rules of procedure for criminal violations.***

The Texas Rules of Criminal Procedure shall be followed by the Denton Municipal Court for criminal violations of this chapter, except as modified or where inconsistent with provisions of this chapter.

***Sec. 3-610. - Criminal penalty.***

Upon a conviction of a misdemeanor the court may impose a penalty in accordance with subsection 1-8(a) of this Code and state law for ~~Ce~~<sup>Class C</sup> ~~Class C~~<sup>M</sup> misdemeanors.

***Sec. 3-611. - Restitution.***

In addition to any civil sanction or criminal penalty provided for in this article, any Person violating this chapter shall be liable for all costs which may be associated with the City's rectifying any violation of this chapter. The court shall impose restitution in addition to any ~~civil sanction or~~ criminal penalty.

***Sec. 3-612. - Denial of Airport use.***

In addition to any ~~civil sanction or~~ criminal penalty provided for in this article, the court may issue an order suspending the right of any person violating this chapter to use the Airport or any of its facilities.

*Secs. 3-613—3-700. - Reserved.*

#### ***DIVISION 4. - LICENSE AND PERMIT REVOCATION***

##### ***Sec. 3-701. - Revocation grounds.***

The Airport Manager may revoke any license or permit issued pursuant to this chapter, upon the happening of any of the following events:

- (1) A violation of the terms of such license or permit, of any provision of this chapter, or any rules, regulations, or minimum operating standards promulgated pursuant to this chapter;
- (2) Falsification of any application or other information provided to the City under this chapter;
- (3) Any action which would place the Airport in violation of 49 U.S.C. § 47160 et seq., 14 C.F.R. Part 1 et seq., or the FAA Grants and Assurances (see C.F.R. Part 152); or
- (4) A violation of any future rules, regulations, minimum operating standards, or other conditions which the City may impose by appropriate process or any federal statute or regulation hereafter enacted.

##### ***Sec. 3-702. - Revocation procedure.***

Upon ~~probable~~ cause to believe that the licensee or permittee has committed acts constituting grounds for revocation as provided in section 3-701, the Airport Manager shall provide the affected party with notice of an order to show cause why the license or permit should not be revoked. The notice shall give at least seventy-two (72) hours<sup>2</sup> notice of the hearing date and list the grounds for the possible revocation. The affected party shall have the right to present evidence and cross-examine any witnesses. The hearing shall be informal and the rules of evidence shall not apply. The hearing is an administrative proceeding reviewed under the substantial evidence standard. Except for the summary suspension under subsection 3-703(c), the license or permit revocation is effective at the date and time of the hearing if the affected party fails to appear to contest the revocation.

##### ***Sec. 3-703. - Revocation hearing.***

- (a) The Airport Manager may rule at the close of the evidence and argument, but shall enter a ruling within ten (10) calendar days of the completion of the hearing. Upon the decision of revocation, the aggrieved party shall forthwith surrender the subject license or permit.
- (b) After a revocation, any Person responsible for the acts constituting the ground for the revocation shall be ineligible to reapply for a like license or permit within an appropriate period of time as determined by the Airport Manager. A partnership, corporation, company, or association which has as a partner, officer, stockholder, or member ineligible for reapplication as provided by this subsection shall itself be ineligible for a like period.
- (c) Notwithstanding the provisions of (b) of this section, the Airport Manager may summarily suspend, effective immediately, pending a revocation hearing, the license or permit of any

Person for whom ~~probable~~ cause exists to believe he/she committed an act relating to dangerous refueling, dangerous aircraft or vehicle operation, lack of insurance, theft of or damage to property, assault and battery, or such other act or omission as may constitute danger or threat to the health, safety, or welfare of any Person or the public in general. The affected party shall be provided a hearing as soon as reasonably practical but in no event shall said hearing be delayed more than seventy-two (72) hours after the effective time of the summary suspension, except upon mutual agreement of the Airport Manager and the affected party.

***Sec. 3-704. - Appeal.***

- (a) An aggrieved party may appeal the denial of a license or permit renewal or revocation to the Airport Appeals Board by filing a written notice of appeal with the Airport Manager not later than ten (10) calendar days after the Airport Manager has taken the action to be appealed from. The right to appeal is waived if the notice of appeal is not timely filed. Except as provided under subsection 3-703(c), the timely filing of an appeal shall stay enforcement of the revocation until the appeal is finally determined by the Airport Appeals Board.
- (b) This division contains all the appellate relief to which an aggrieved party is entitled through City procedures. The exhaustion of appellate remedies at the City level does not preclude an aggrieved party from seeking any other remedies provided by law.

***Sec. 3-705. - Appeal procedure.***

- (a) Upon receipt of a written notice of appeal, the Airport Appeals Board shall set an appeal hearing within ten (10) calendar days and shall give notice of the hearing as provided in this division.
- (b) When required in the interest of fairness, the Airport Appeals Board may grant continuances of the hearing, but all hearings on license or permit revocations and suspensions shall be heard not later than thirty (30) calendar days from the date on which the notice of appeal was filed.
- (c) An appellant may be represented by counsel at the hearing and the City may be represented by the City Attorney. Formal rules of evidence shall not apply. Both the appellant and the City shall have the right to present evidence through testimony or exhibits and to cross-examine witnesses. The Airport Appeals Board shall preside over the proceedings and shall determine the order and manner of proof. Except for the summary suspension under subsection 3-703(c), the license or permit revocation is effective at the date and time of the hearing unless the affected party or the party's counsel appears to contest the revocation.

(d) The appeal hearing must be a trial de novo. The decision of the Airport Appeals Board is final.

- ~~(e)~~(e) At the conclusion of the hearing, the Airport Appeals Board shall rule on the appeal and notify the appellant of the ruling in accordance with section 3-407, within ten (10) calendar days after the hearing, unless all parties stipulate that additional time is required to render a decision. The Airport Appeals Board's decision shall be supported by a preponderance of evidence. The decision of the Airport Appeals Board is final.



~~(d)~~(f) Except for summary suspension under subsection 3-703(c), the revocation shall be effective immediately if the ruling is made by the Airport Appeals Board at the time of the hearing, or upon notice of the ruling when the ruling is made after the hearing.

~~(e)~~(g) The licensee or permittee shall surrender all revoked licenses and permits to the Airport Appeals Board at such time as the revocation becomes effective.

***Sec. 3-706. - Settlement agreements.***

- (a) After the Airport Manager revokes or suspends a license or permit, and before the Airport Manager enters a ruling, the Airport Manager and affected person may enter into a settlement agreement regarding the license or permit.
- (b) After the affected Person appeals the revocation to the Airport Appeals Board, and before the Airport Appeals Board enters a ruling, the Airport Appeals Board and the affected Person may enter into a settlement agreement regarding the license or permit.

***Secs. 3-707—3-800. - Reserved.***

***DIVISION 5. - ABATEMENT OF VIOLATIONS***

***Sec. 3-801. - Abatement in lieu of or in addition to other actions.***

- (a) In addition to or in lieu of denial of access or filing a civil or criminal complaint, the City may file notice to abate any violation of this chapter. Such abatement shall proceed independently of any denial of access or ~~civil or~~ criminal violation filed pursuant to this chapter.
- (b) If any Person, served a notice to abate by the City pursuant to this chapter, fails to comply with such notice or order, the City may abate the conditions subject to the notice.
- (c) If the City elects to abate the violation, the Airport Manager or ~~his designee~~their designee shall prepare a verified statement as to the actual cost of abating the violation, and shall add an additional fifteen (15) percent for costs of inspection and other incidental costs associated with abating the violation. The statement shall be sent in accordance with section 3-407, to the owner(s) or other Person(s) upon whom the notice to abate or order was served. That statement shall further set forth the following:
  - (1) The person has fifteen (15) calendar days from the date of the statement to pay; and
  - (2) Appeal procedures.

***Sec. 3-802. - Emergency abatement.***

If a situation presents an imminent danger or threat to the health, safety, or welfare of any Person or the public in general, the City may issue a notice to abate directing the responsible Person to take such immediate action as is appropriate to abate the emergency. In addition, the City may act to abate the emergency. In the event the City is unable to contact the responsible person, such inability in no way affects the City's right to abate the emergency. The responsible Person shall



be granted a review before the Airport Appeals Board on the matter upon that Person's request, as soon as practicable, but such appeal shall in no case stay the abatement of such emergency.

***Sec. 3-803. - Notice to abate.***

- (a) If, after an inspection, the City finds one (1) or more violations of this chapter, and the City elects to use the abatement process, the City shall, in writing, notify the owner, or agent for the owner.
- (b) The notice to abate shall set forth the following information:
  - (1) The owner has fifteen (15) calendar days from service of notice in accordance with section 3-407 to abate the violation;
  - (2) Identification of the property in violation by street address if known, and if unknown, then by book, map and parcel number;
  - (3) Statement of the violation in sufficient detail to allow a reasonable person to identify and correct the violation(s);
  - (4) Reinspection date and time;
  - (5) Name, address, and phone number of the City inspector who sent the notice to abate;
  - (6) A warning stating that, if the violations are not corrected within the fifteen (15) calendar day period, the City can abate the problem and assess the owner the cost of such abatement and record a lien on the property for the assessment;
  - (7) Appeal procedures; and
  - (8) The fifteen (15) calendar day notice set forth in this section shall not apply to emergency abatements pursuant to section 3-802.

***Sec. 3-804. - Appeal of notice to abate.***

- (a) Any notice to abate or any assessment can be appealed to the Airport Appeals Board.
- (b) An appeal must be filed within fifteen (15) calendar days of the service of the notice to abate or the assessment and must be filed with the Airport Manager's office.
- (c) Failure of a Person entitled to appeal under this chapter to timely file an appeal shall constitute a waiver of the right to appeal and such Person shall be estopped to deny the validity of any notice or assessment which could have been timely appealed.
- (d) The notice of appeal shall set forth, in writing, the Person's reasons for believing no violation of the chapter has occurred or that the assessment is excessive.
- (e) The individual appealing shall accompany the written appeal with an appeal fee of twenty-five dollars (\$25.00), such sum to be deposited in the Airport enterprise fund of the City.
- (f) In case of financial hardship, the fee may be suspended by the Airport Manager until the decision on appeal is rendered. The Airport Appeals Board may waive the fee upon a finding of financial hardship.

***Sec. 3-805. - Procedure on appeal.***

- (a) The Airport Appeals Board shall set a hearing date for review of the appeal within forty (40) calendar days of the receipt of notice of appeal by the Airport Manager.
- (b) The Airport Appeals Board shall take testimony from all parties to the appeal. The hearing shall be informal and the rules of evidence shall not apply. The parties may, if they choose, be represented by an attorney.
- (c) The Airport Appeals Board shall prepare a written summary of the hearing and shall set forth the decision reached. A decision shall be rendered and sent in accordance with section 3-407 to all parties to the appeal within fifteen (15) calendar days of the hearing. The decision of the Airport Appeals Board is final.

***Sec. 3-806. - Abatement variances and time extensions.***

- (a) Any Person may request a variance or time extension of a notice to abate or an assessment. Such request shall be made to the Airport Appeals Board.
- (b) The same time limits for filing and written requirement that appear in section 3-704 on appeals applies to this section.
- (c) The procedure shall be the same as set forth in section 3-705.
- (d) The Airport Appeals Board may grant a variance only where it is determined that all of the following apply:
  - (1) Special circumstances or conditions apply to this appeal application such as hardship;
  - (2) Authorization of the variance is necessary for the preservation and enjoyment of substantial property rights; and
  - (3) Authorization of the variance will not be materially detrimental to Persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.
- (e) If a variance is granted by the Airport Appeals Board, the conditions in paragraph (d) allowing the variance and the extent of the variance shall be explicitly stated.
- (f) The Airport Appeals Board may grant one (1) extension of the time limit set forth in section 3-803. Such extension shall not exceed one hundred eighty (180) calendar days. The extension period granted by the Airport Appeals Board starts to run on the day the Airport Appeals Board issues a decision pursuant to section 3-805(c). The Airport Appeals Board may grant an extension only where it is shown that:
  - (1) It would create a hardship to comply with the decision within the fifteen (15)-day period of section 3-803; and
  - (2) The moving party presents a plan that is approved by the Airport Appeals Board, by which said party will comply with the decision within no more than one hundred eighty (180) calendar days.

***Sec. 3-807. - Appeal from decision of Airport Appeals Board.***

Any party aggrieved by a decision of the Airport Appeals Board may seek review by the City Council.

***Sec. 3-808. - Stay of order during appeal.***

Except for orders to vacate or violations presenting an imminent hazard, the timely filing of an appeal shall stay enforcement of a notice to abate or assessment until the appeal is finally determined by the Airport Appeals Board.

***Sec. 3-809—3-900. - Reserved.***

# **Regulatory Updates**

Chapter 3, Code of Ordinances

Airport Rules and Regulations

# Overview

- Background
- Benefits
- Areas to Review
  - Chapter 3
  - Airport Rules and Regulations
- Timeline
- Public Engagement
- Questions/Feedback

# Background

## Chapter 3, Code of Ordinances

- The governing code that defines the legal and operational framework of the Airport
- Provides basis for:
  - operational and rulemaking authority,
  - business permitting, and
  - enforcement
- Last revised in 2021

## Airport Rules and Regulations

- A set of rules and procedures for the use of airport facilities, applicable to pilots, tenants, and visitors
- Governs:
  - general use,
  - aircraft rules,
  - vehicles and pedestrians, and
  - fueling and hazardous materials
- Last revised in 2021

# Benefits of a Review

## Safety and Compliance

- Keep aligned with best practices, new laws, and regulations

## Resolve Issues

- Remove vague/confusing language; address new concerns and challenges

## Improve Operations

- Reduce inefficiency, increase competitiveness

# Public Feedback

## Town Halls (2)

- 5 attendees

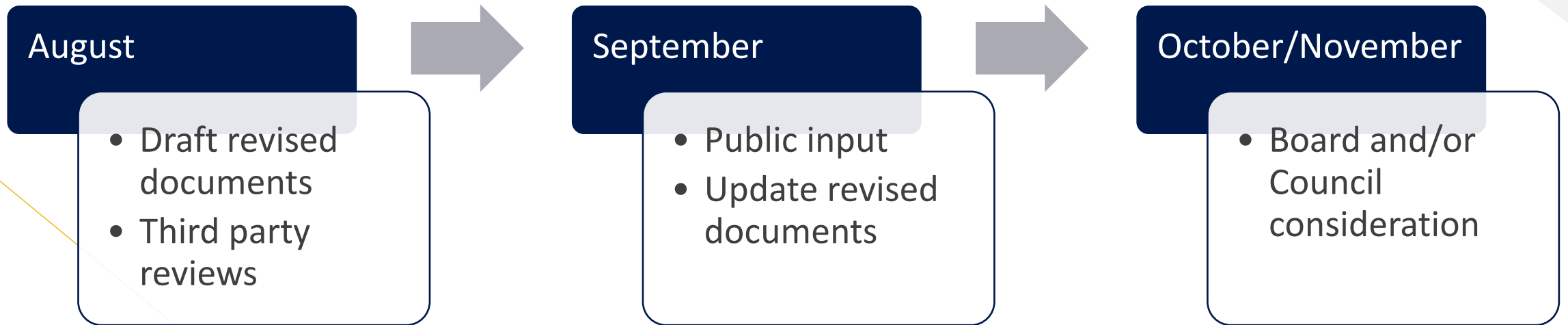
## Large Tenant/Fleet

- Sheltair, US Aviation, Med-Trans, High Flying Hangars, U.S. Trinity, etc.

## Emails



# Timeline



# Chapter 3, Code of Ordinances

## Significant Changes

- Remove Board bylaws requirement
- Lease-related approvals may be performed administratively
- Removes requirement for civil enforcement
- Removes blanket provision allowing enforcement for ANY rule/standard violation
- Adds 22 sections of SPECIFIC violations that may be enforced.

## Minor Changes

- Clarifications in the definitions section
- City may take appropriate action resulting from material misstatements
- Codifies insurance requirements for businesses
- Clarifies vague language related to enforcement procedures.

# Chapter 3, Code of Ordinances

## Section 3-109(c)

- Removes requirement that the Airport Advisory Board maintain bylaws covering board officers, officer powers, and notice of meetings.

## Reason

- Section 2-29 of the Code of Ordinances and the Board and Commission handbook cover these issues
- Approved and regularly reviewed by the City Council
- Maintain consistency with Council direction and other City boards

# Chapter 3, Code of Ordinances

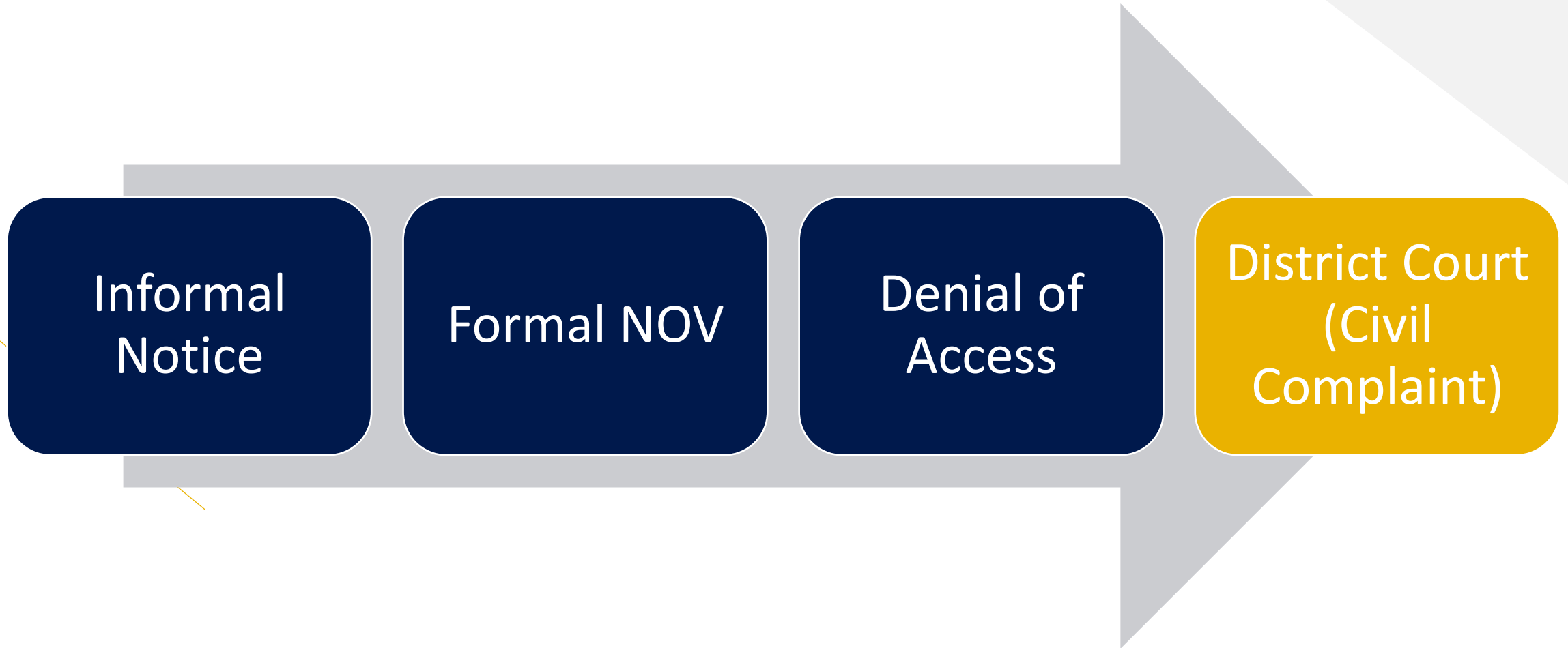
## Section 3-121(2)

- Adds a provision permitting approvals subsequent to a lease to be performed administratively.
- Examples include:
  - Consent to assignment
  - Consent to sublease
  - Consent to mortgage

## Reason

- City Council approval is largely ministerial or automatic.
- Board and Council process adds 30 days or more to the approval process.
- Any changes to lease language (i.e., an amendment) would still require Board and Council approval.

# Current Enforcement Model



# Chapter 3, Code of Ordinances

## Section 3-402

- Removes the requirement that any enforcement of the Code be done as a civil judgment
- Results in judgements being handled as Class C misdemeanors like the rest of the City (e.g Code Enforcement)

## Reason

- City of Denton Municipal Court is not structured for the Civil judgement process; violations would be filed in district court
- Enforcement of other areas of the Code of Ordinances has no requirement for a civil judgement process.
- As a result, enforcement would be longer, more costly, and less effective

# Chapter 3, Code of Ordinances

## Section 3-401

- Removed general language that permitted enforcement for a violation for rules/regulations beyond this chapter.
- Note: Additional violation language to be added in (see next slide)

## Reason

- Referencing violations of rules outside of the chapter is too broad for effective enforcement.
- Enforcement should and will be based on specific language in the chapter.

# Chapter 3, Code of Ordinances

## Section 3-408 to 3-428

- Adds specific language into code, violations of which can be enforced.

## Reason

- Enforcement should be tied to specific requirements spelled out in the Code of Ordinances (as opposed to referencing other rules and regulations).



# Current Enforcement Model



# Chapter 3, Code of Ordinances

Questions and Feedback

# Airport Rules and Regulations

## Significant Changes

- Updated hangar use regulations
- Clarifies mowing and solid waste responsibilities
- Requires fences and gates be maintained and kept secure when not in use
- Adds Special Events section

## Minor Changes

- Updated definitions
- Updates firearm rules to comply with state law
- Requires vehicles on the airport be operable and have current registration, as applicable
- Various clarifications for safety, operational efficiencies

# Airport Rules and Regulations

## Section 2-7

- Permits limited non-aeronautical storage in non-city-managed hangars
- Must conform to FAA use policy, fire code, and other select limitations (e.g. no campers/RVs)
- May not be used as a permanent or temporary residence (except as permitted by FAA).

## Reason

- The FAA hangar use policy has received clarifying updates.
- City no longer has an operational need for a blanket prohibition on non-aeronautical uses that fall within FAA allowances.

# Board Direction

## Question:

- Should DTO limit boats in hangars?
- Should DTO limit long-term vehicle storage in hangars?

## Status:

- Vehicle storage would provide more flexibility for tenants and possibly create more efficient use of currently unusable space.
- May result in more enforcement effort/actions.

# Airport Rules and Regulations

## Section 2-8

- Maintains prohibition on non-aeronautical items on city-owned aircraft hangars.
- Clarifies use restrictions and creates to Exhibit 1 to provide more detail on rules for city-owned hangars.

## Reason

- City maintains prohibition as a landlord decision
- Exhibit 1 is intended to create a method for establishing tenant rules for the City's hangars that are governed by monthly permit, not a lease.

# Board Direction

## Question:

- Should DTO limit non-aeronautical items from city-managed hangars?

## Status:

- Limiting non-aeronautical items provides greater enforcement clarity for landlord (City).
- Allowing non-aeronautical items might require greater, enforcement effort actions, but further justify market-based rates.

# Airport Rules and Regulations

## Section 2-17

- Clarifies mowing responsibilities extend from leasehold to public pavement, unless such area is being mowed by the Airport.
- Obligates Airport to publish a map of areas it mows and give a 90-day notice of any changes.

## Reason

- While mowing obligations are stated in individual leases and Ch. 17 of the City Code, this provision is intended to provide more transparency.
- The City's maintenance of a map of its and tenant's mowing areas is intended to reduce any confusion over mowing responsibility.



# Airport Rules and Regulations

## Section 2-19

- Clarifies that tenants are responsible for solid waste disposal.

## Reason

- While tenant solid waste obligations are stated in individual leases, this provision is intended to provide more transparency.
- NOTE: Airport maintains a site for shared dumpster service for any tenant who pays for service through the City of Denton.

# Airport Rules and Regulations

## NEW: Section 4-17

- Airport Security Fence and Gate Management.
- Tenants must maintain fencing and gates on their leasehold (unless otherwise maintained by Airport).
- Access gates shall be controlled
- No signs may be placed on the security fence except by lease agreement.
- Airport may secure gates/fence if tenant fails to do so.

## Reason

- Create clarity and transparency regarding fence/gate maintenance.
- Sets new requirement that gates, particularly pedestrian gates, shall be controlled at all times. There has been at least one authorized entry to the airfield due to an unlocked pedestrian gate.
- Limits the visual obstruction and distraction that results from signage placed directly on the fence. Puts all tenants on an even playing field.

# Airport Rules and Regulations

## NEW: Section 6-1

- Special Events is any event or activity that is outside normal operation for that activity.
- Tenants must obtain a permit (permission) from the airport prior to a special event.
- Sets specific requirements for a special event permit.
- Special event host must give proper notice to affected airport tenants.
- No shows, demonstrations, or exhibitions without written authorization.

## Reason

- Special Events can be disruptive to other airport tenants and/or create safety risks that must be abated or discussed with the airport.
- Airport staff need prior notice to:
  - Understand any risks
  - Confirm contact information
  - Route for possible submission of Citywide Special Event Permit

The background features a large, light grey triangle on the left side, pointing towards the top right. Several thin, diagonal lines in light blue and yellow are scattered across the white background, adding a modern, geometric feel.

# **Airport Rules and Regulations**

Questions and Feedback



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Denton Enterprise Airport

**ACM:** Frank Dixon

**DATE:** October 8, 2025

### **SUBJECT**

Receive a report, hold a discussion, and consider approval of updates to the Airport Rules and Regulations.

### **BACKGROUND**

The Denton Enterprise Airport operates under the guidance of the Federal Aviation Administration (FAA). The FAA has many policies that regulate the operation of an airport, including grant assurances, policies, orders, and advisory circulars. To assist in compliance with these various FAA documents, many airports establish their own regulations, including local ordinances, rules, regulations, and minimum operating standards.

The Denton Enterprise Airport has undertaken a comprehensive review of its regulatory framework, including the Airport Rules and Regulations. The Rules and Regulations serve as the foundation for the Airport's safe, efficient, and compliant use and associated user responsibilities. It was last revised in 2021 and is now being updated to reflect evolving legal standards, operational needs, and industry best practices.

The Airport Rules and Regulations, which apply to all users of the airport, including pilots, tenants, and visitors, govern day-to-day operations such as aircraft movement, vehicle access, fueling procedures, and safety protocols. The proposed changes are designed to improve operational clarity, reduce ambiguity, and ensure alignment with FAA grant assurances and state law. The updates include the:

- Introduction of a section regarding special event permits;
- Clarification of responsibilities related to mowing, solid waste disposal, and security gate management; and
- Relaxing of hangar use regulations to substantially align with FAA hangar use requirements.

This regulatory update is one of the Airport's FY 2025–2026 strategic initiatives. It is intended to enhance safety, improve operational efficiency, and ensure that the Airport remains competitive and compliant in a rapidly evolving aviation environment. The process includes third-party legal and operational reviews, as well as extensive stakeholder engagement to ensure the final documents reflect the needs and concerns of the Airport community.

The timeline for these updates began in August with the drafting of revised documents, internal reviews, and an introductory discussion with the Airport Advisory Board ("AAB"). In September, public input was sought through two informational town halls related to the proposed updates. Additionally, Airport staff met with or solicited feedback from the Airport's major tenants, lessees, and businesses regarding the proposed changes, and the revised documents will be updated accordingly.

Section 3-106 of the Code of Ordinances gives the AAB authority to approve updates to the Rules and Regulations without the need for City Council approval.

### **OPTIONS**

1. Consider approval of the updates to the Airport Rules and Regulations.
2. Request further evaluation by staff.
3. Take no action at this time.

### **STAFF RECOMMENDATION**

Approval of the proposed changes with Board direction on select items.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

- August 13, 2025 – Airport Advisory Board Work Session

### **ESTIMATED SCHEDULE OF PROJECT**

Upon adoption, the updated regulations would go into effect within fourteen (14) calendar days. Staff anticipates an implementation and educational process over the next several months.

### **FISCAL INFORMATION**

No direct financial impact.

### **EXHIBITS**

1. Agenda Information Sheet
2. Amended Airport Rules and Regulations (clean)
3. Amended Airport Rules and Regulations (redline)
4. Presentation

Respectfully submitted:  
Ryan Adams, C.M.  
Airport Director

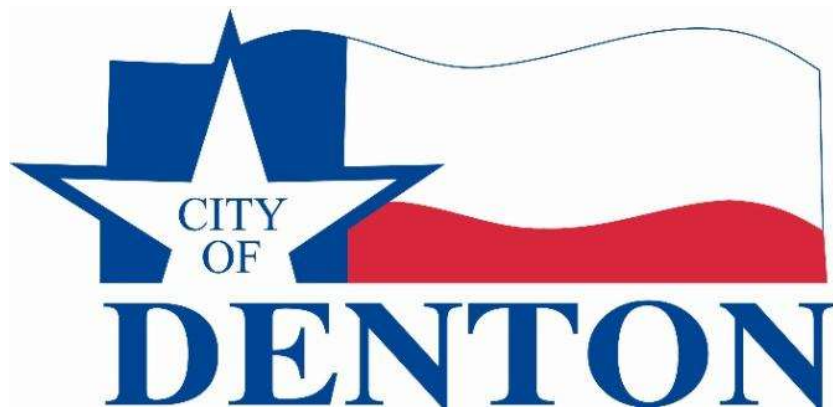
***Denton Enterprise Airport***

***DTO***

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AIRPORT ADMINISTRATION OFFICE  
5000 AIRPORT RD.  
DENTON, TEXAS 76210  
(940) 349-7736

***AIRPORT  
RULES AND REGULATIONS***



## REVISIONS

<b><u>REVISION NO.</u></b>	<b><u>DATE</u></b>	<b><u>SECTION</u></b>
Original	02/11/2020	
1	01/05/2021	5-11



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## ARTICLE 1 DEFINITIONS

The following words and phrases, whenever used in these rules and regulations, shall be construed as defined in this article unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. § 40101 *et seq.* (previously known as the Federal Aviation Act of 1958, hereinafter cited as “FAA Act”) and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases.

Abandon, as applied to property left at the airport, means that it has been left on city property or the property of another without consent of the city for forty-eight (48) hours without the owner moving or claiming it. Such property shall be impounded by the city police department.

Accident means a collision or other contact between any part of an aircraft or a vehicle, person, stationary object or other thing which results in property damage, personal injury, or death; or an entry into or emerging from a moving aircraft or vehicle by a person which results in personal injury or death to such person or some other person or which results in property damage.

Aeronautical activity means any activity or service which involves, makes possible, or is required for the operation of aircraft, or contributes to, or is required for, the safety of such operations. “Aeronautical activities” include, but are not limited to, charter operations (under either Federal Aviation Regulation (FAR) Part 121 or 135), charter brokerage, aircraft hangar leasing, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, fire suppression, aerial advertising and surveying, aircraft sales, leasing and servicing, aircraft management, and sale of aviation petroleum products, whether or not conducted in conjunction with other included activities which have a direct relationship to the operation of aircraft, repair and maintenance of aircraft, sale of general aviation aircraft parts, and any other activities which because of their relationship to the operation of aircraft can appropriately be regarded as an “aeronautical activity.”

Air traffic means aircraft in operation anywhere in the airspace and on that area of the airport normally used for the movement of aircraft.

Aircraft means any device intended to be used, or designed, to navigate, or fly in the air.

Aircraft fuel means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating: (a) an internal combustion engine; or (b) a jet or turbine engine.

Aircraft operation means an aircraft arrival at, or departure from, the airport.

Aircraft parking and storage areas means those hangar and apron locations of the airport designated by the Airport Manager for the parking and storage of aircraft, and such areas of the airport designated for aircraft maintenance, engine run-up, and self-fueling.

Airport means all of the city-owned or leased real or personal property comprising Denton Enterprise Airport as now exists or as may hereafter be expanded and developed. “Airport” includes all of its facilities as shown on the most current airport layout plan.

Airport Advisory Board means the duly appointed seven (7) member airport advisory board of the city.

Airport business permit means approval issued by the airport to a person to conduct commercial aeronautical activity and provide such services to based and transient aircraft on the airport only in facilities on the airport at which such services are authorized.

Airport Manager means the duly appointed manager or director of the airport or the manager’s designee.

Airport traffic control tower means the control tower located at the airport.

Airside means the area of the airport that is either contained within the airport perimeter fence, or which requires access through a controlled access point.

Amateur-built aircraft means aircraft built by individuals and licensed by the Federal Aviation Administration (FAA) as “Experimental.”

Based aircraft means an aircraft: (1) which the owner physically locates at the airport with no present intention of definite and early removal and with the purpose to remain for an undetermined period; (2) which, whenever absent from the airport, its owner intends to return to the airport for permanent storage or parking; and (3) whose presence on the airport is something other than merely transitory in nature.

Based location means the location on the airport, which is listed as an aircraft’s hangar or tie down location as registered with the Airport Manager.

Commercial activity means the conduct of any aspect of a business, concession or service in order to provide goods or services to any person for compensation. An activity is considered commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt.

Fuel handling means the transportation, delivery, fueling, and draining of fuel or fuel waste products, and the fueling of aircraft.

Fuel storage area means any portion of the airport designated temporarily or permanently by the city as an area in which gasoline or any other type of fuel may be stored or loaded

General aviation means all phases of aviation other than aircraft manufacturing, military aviation, and scheduled or non-scheduled commercial operations.

Hazardous material means any hazardous or toxic substance, waste or material:

- (a) the presence of which requires investigation, removal and/or remediation under any federal, state or local statute, regulation, ordinance, order, action, policy or common law;

- (b) which is or becomes subject to regulation under any federal, state or local statute, regulation, rule or ordinance or amendments thereto including, without limitation, the Texas Hazardous Waste Management Act, the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.*, the Toxic Substances Control Act, 15 U.S.C. § 2601, *et seq.*, and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 *et seq.*);
- (c) which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, teratogenic, or otherwise hazardous, and is or becomes regulated by any governmental authority, agency, department, commission, board, agency or instrumentality of the United States, the State of Texas or any political subdivision thereof; or
- (d) which, without limitation, contains trichloroethene (“TCE”), 1,1,1 - trichloroethane (“TCA”), 1,1 - dichloroethene (“DCE”), tetrachloroethene (“PCE”), 1,2-dichloroethene, chloroform, gasoline, diesel fuel, propane or other petroleum hydrocarbons, polychlorinated biphenyls (“PCBs”), asbestos, urea formaldehyde foam insulation or radon gas.

Landside means the general public common use areas of the airport such as public roadways, parking lots and buildings which are not contained in the airside area.

Local aircraft operations means aircraft operating in the local air traffic pattern or within sight of the air traffic control tower; aircraft that are known to be departing for, or arriving from flight in local practice areas located within a twenty-five (25) mile radius of the air traffic control tower; or aircraft making simulated instrument approaches or low passes at the airport.

Major aircraft alterations and repair means major alterations and/or repairs of the parts or of the types listed in FAR Part 43x.A.a and 43x.A.b.

Movement area means the runways, taxiways and other areas of the airport which require permission from air traffic control prior to entering. The designation of movement areas shall apply at all times including hours when the airport traffic control tower is closed.

Owner of an aircraft means a person who holds legal title to an aircraft, or any person having exclusive possession of an aircraft pursuant to a written lease.

Park or parking means the standing of an aircraft or vehicle, whether occupied or not.

Pedestrian means any person traveling on foot.

Permission or permit means permission granted by the city.

Person means the state, county, a political subdivision of the state, other governmental entity, a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual. Person includes a trustee, receiver, assignee or similar representative.

Preventive aircraft maintenance means maintenance that is not considered a major aircraft alteration or repair and does not involve complex assembly operations as listed in FAR Part 43x.A.c.

Public area means those areas normally used by the general public, including structures and devices such as roadways, sidewalks and terminal facilities that are maintained and kept at the airport for use by the general public.

Roadway means any street or road whether improved or unimproved, within the boundaries of the airport and set aside or designated for use by vehicles, whether dedicated or not.

Recreational Vehicle("RV") means any vehicle or trailer, both motorized or towable, equipped with living space and amenities designed for temporary accommodation, travel, and leisure. RVs include, but are not limited to, motorhomes, campervans, travel trailers, fifth-wheel trailers, pop-up campers, and truck campers.

Smoking means burning or carrying any lighted cigarette, tobacco or any other weed or plant, or placing any burning tobacco, weed or plant in an ashtray or other receptacle and allowing smoke to diffuse into the air.

Special Event means any event or activity at the airport or at a business or location at the airport that is outside the normal operation of that facility.

Taxilane means the portion of the airport apron area, or any other area, used for access between taxiways and aircraft parking and storage areas.

Taxiway means a defined path established for the taxiing of aircraft from one part of the airport to another.

Technical specialist means a technical representative of an aircraft manufacturer, aircraft engine manufacturer, aircraft appliance manufacturer, or a non-destructive inspection specialist.

Traffic pattern means the traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from the airport.

Vehicle means a device, except aircraft, in, upon, or by which any person or property is or may be propelled or moved, except a device moved by human power.

Vehicle parking area means any portion of the airport designated and made available temporarily or permanently for the parking of vehicles as designated by pavement markings or as approved by the Airport Manager.

## **ARTICLE 2 GENERAL USE OF AIRPORT**

### ***Section 2-1. Purpose of rules and regulations.***

Rules and regulations provided in this document and any amendments thereto (hereinafter referred to as “regulations”), adopted pursuant to Chapter 3 of the Code of Ordinances, are intended for the safe, orderly and efficient operation of the airport, and apply to all persons using the airport for any reason.

These regulations shall be subordinate to the Grant Assurances. In the event that these regulations, either on its own terms or by any other reason, conflicts with or violates any such Grant Assurances, Airport Manager has the right to amend, alter or otherwise modify the terms of these regulations in order to resolve such conflict or violation.

Any reference in these regulations to federal and state laws shall be deemed to include any amendments or successor laws. Airport Manager reserves the right to amend, alter, or otherwise modify the terms of these regulations to address any changes to such federal and state laws.

The Airport Manager may waive or modify any portion of these rules and regulations for the benefit of any governmental agency performing non-profit public services, fire protection or fire-fighting operations. The city manager or designee may waive or modify any portion of these rules and regulations for any person when it is determined that such waiver or modification is in the best interest of the city and will not result in unjust discrimination among airport users or a violation of the Grant Assurances.

### ***Section 2-2. Conflicting laws, ordinances, regulations and contracts.***

- (a) In any case where a provision of these regulations is found to be in conflict with any other provision of these regulations adopted hereunder or in conflict with a provision of any zoning, building, fire, environmental, safety, health or other ordinance, code, rule, or regulation of the city, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (b) In cases where two (2) or more provisions of these regulations are in conflict, the most stringent or restrictive shall prevail.
- (c) It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, codes, rules or regulations except those specifically repealed by these regulations, or to excuse any person from performing obligations to the city under any lease or other contract.
- (d) No existing or future city contract, lease agreement or other contractual arrangement, nor any payment or performance thereunder, shall excuse full and complete compliance with these regulations. Compliance with these regulations shall not excuse full and complete compliance with any obligations to the city under any existing or future city contract, lease, agreement or other contractual arrangement.

- (e) Compliance with these regulations does not excuse failure to comply with any other law.

### ***Section 2-3. Responsible party.***

Any person accessing the airport shall be responsible for their actions and all actions of any person to whom they provide access, whether directly or indirectly.

### ***Section 2-4. Minimum operating standards.***

Prior to commencing any aeronautical or commercial activities at the airport, all persons shall comply with all applicable requirements concerning such activities as are set forth in the Denton Enterprise Airport Minimum Operating Standards.

### ***Section 2-5. Closing of airport.***

In the event the Airport Manager believes the conditions of the airport are unsafe for landing or takeoffs, it shall be within the manager's authority to close the entire airport or any part thereof.

### ***Section 2-6. Aircraft parking.***

- (a) No person shall park, leave parked, or allow to remain stationary any aircraft at the airport except within an aircraft parking and storage area.
- (b) No person shall park an aircraft in a based aircraft parking and storage area without obtaining approval from the airport and/or its Lessee;
- (c) Any person who parks an aircraft in city-operated aircraft parking and storage areas shall remit to the city all applicable parking fees until such time as the person applies for and obtains an approved aircraft storage permit/agreement.
- (d) The prolonged storage of damaged/dismantled aircraft or aircraft that appear to be non-airworthy in aircraft tiedowns or other unscreened areas of the airport shall not exceed thirty (30) calendar days after written notification from the Airport Manager. The aircraft owner is required to diligently correct such condition as soon as possible to prevent an unsightly airport appearance.
- (e) If any aircraft is parked in violation of this section or, in the determination of the Airport Manager, presents an operational or safety concern in any area of the airport, the Airport Manager may cause the aircraft, at the owner's/operator's expense, to be moved by a representative of a fixed base operator or other 3<sup>rd</sup> party. The city shall not be liable for any damages which may result from the relocation of the aircraft.
- (f) The Airport Manager may immobilize an aircraft by installing on the aircraft a propeller lock or by such other suitable means under any of the following circumstances:
  - 1. Failure to apply for and obtain an approved aircraft storage permit/agreement, and until such time as the aircraft owner/operator applies for and obtains the approved permit/agreement and remits all fees and charges due the city in accordance with



Section 3-116 of the Code of Ordinances. Under these circumstances, the aircraft owner shall be provided a hearing conducted in accordance with the procedures set forth in Section 3-501 *et seq.* of the Code of Ordinances.

2. Upon revocation of an aircraft storage permit/agreement pursuant to Section 3-701 *et seq.* of the Code of Ordinances, and until such time as the aircraft owner/operator remits all fees and charges due the city in accordance with Section 3-116 of the Code of Ordinances.
3. If, in the determination of the Airport Manager, the aircraft presents an operational safety concern in any area of the airport, or otherwise constitutes a danger to the health, safety, or welfare of any individual or the public in general, and until such time as the aircraft no longer presents such health, safety or welfare concerns. Under these circumstances, the aircraft owner shall be provided a hearing as soon as reasonably practical, but in no event shall said hearing be delayed more than seventy-two (72) hours after the immobilization of the aircraft, except upon mutual agreement of the Airport Manager and the aircraft owner. The hearing and any subsequent appeal shall be conducted generally in accordance with the procedures set forth in Section 3-501 *et seq.* of the Code of Ordinances.

***Section 2-7. Aircraft hangars not managed by the City of Denton.***

(a) Aircraft storage hangars shall only be used for the following purposes:

1. Storage and parking of aircraft and associated aircraft equipment and supplies necessary to conduct aeronautical activities as approved by the city fire department and Airport Manager. Aircraft parked in hangars shall be parked in a manner so as to be completely contained in the aircraft parking space and not obstruct adjacent aircraft parking and storage areas or taxilanes, except for purposes of immediate and temporary staging and fueling of such aircraft.
2. Storage of non-aeronautical items ; provided that they do not conflict with applicable building codes, fire codes, or other applicable law, and further provided they do not interfere with the aeronautical use of the hangar or violate FAA Order 5190B, including, but not limited to, such as items that:
  - i. Impede the movement of the aircraft in and out of the hangar;
  - ii. Displace aeronautical contents of the hangar;
  - iii. Impede access to aircraft or other aeronautical contents of the hangar;
  - iv. Are used for the conduct of a non-aeronautical business;
  - v. Are stored in violation of Airport rules and regulations or lease provisions.
3. Storage of motorized vehicles, provided they comply with Section 4, and do not interfere with the aeronautical use of the hangar as described above.

4. Pilot or crew rest facilities, provided:
  - i. Such facilities are not used as a residence
  - ii. Such use is directly tied to an aeronautical activity at the airport
  - iii. such facilities are compliant with building code, fire code, and other applicable law; and
  - iv. Such facilities and their use comply with FAA order 5190B (as amended or replaced), paragraph 20.5.

(b) Use of aircraft hangars shall be subject to the following restrictions:

1. Any uses prohibited by federal law, state statute, and any other applicable law or regulations.
2. Major aircraft alterations and repairs may be performed in hangars as permitted by City lease agreement, permit, and/or certificate of occupancy.
3. Where no personnel exit is provided, the hangar doors shall remain open thirty-six (36) inches while the hangar is occupied by any person.
4. Oily rags, oil wastes, rags and other hazardous materials may only be stored in containers with secondary containment and self-closing, tight-fitting lids as approved by the Airport Manager or City fire department.

(c) Aircraft hangars shall be subject to annual and periodic inspections by the City to ensure compliance with all laws, ordinances and these regulations.

***Section 2-8. City-owned aircraft hangars and T-hangars.***

(a) Aircraft hangars shall only be used for the following purposes:

1. Storage and parking of aircraft and associated aircraft equipment and supplies necessary to conduct aeronautical activities as approved by the City fire department and Airport Manager. Aircraft parked in hangars shall be parked in a manner so as to be completely contained in the aircraft parking space and not obstruct adjacent aircraft parking and storage areas or taxilanes, except for purposes of immediate and temporary staging and fueling of such aircraft.

(b) The following restrictions apply to T-hangars:

1. Preventive aircraft maintenance may be conducted in hangars. No major aircraft alterations or repairs shall be permitted.
2. Oxygen or any combustible compressed gas in a cylinder or portable tank must be secured to a fixed location or secured to a portable cart designed for the cylinder(s) or tank(s). Compressed gas cylinders or tanks must have pressure relief devices

installed and maintained. Cylinders or tanks not in use shall have a transportation safety cap installed.

3. Batteries may be charged with a UL approved trickle charger or battery minder while the owner, operator or tenant is not in attendance.
- (c) Aircraft hangars shall be subject to annual and periodic inspections by the City to ensure compliance with all laws, ordinances, and these regulations.
- (d) Aircraft stored in a City-owned hangar must be airworthy. Proof of airworthiness must be provided on an annual basis or as requested by Airport staff.
- (e) No commercial activities may be conducted in City-owned hangars unless expressly allowed by lease agreement.
- (f) All other requirements as contained in Exhibit 1 – Additional Rules and Regulations for City Managed Hangars

#### ***Section 2-9. Aircraft tiedowns.***

Aircraft tiedowns shall only be used for storage and parking of aircraft in a manner so as to be completely contained within the aircraft parking space and not obstruct adjacent aircraft parking and storage areas or taxilanes, except for purposes of immediate and temporary staging and fueling of such aircraft.

#### ***Section 2-10. Aircraft washing.***

- (a) All aircraft washing shall be conducted in accordance with posted rules, with biodegradable soap, and without the use of solvents or degreasers, only:
  1. At approved wash areas, or
  2. By aircraft owners at the based location, or
  3. By permitted mobile aircraft washing services operators in accordance with their Approved Wash Plan (AWP).
- (b) City-owned wash areas shall only be used for the purposes of aircraft washing and polishing.
- (c) Runoff shall be collected and properly disposed of in a manner acceptable to the Airport Manager, in accordance with all federal, state, county and local law.
- (d) In no case shall aircraft washing be conducted within fifty (50) feet of storm water drainage or dirt/grass areas without containment (berm, tarp, etc.), nor shall wash/waste water be disposed of in storm water drainage or dirt/grass areas.

### ***Section 2-11. Airport perimeter road.***

The airport perimeter road shall only be used by authorized vehicles with appropriate signage as determined by the Airport Manager, which include all airport administration vehicles, governmental vehicles, and other vehicles with prior written approval from the Airport Manager.

### ***Section 2-12. Smoking areas.***

No smoking shall be permitted:

- (a) Airside
- (b) Within fifty (50) feet of an aircraft, fuel truck and/or fuel storage area;
- (c) Where specifically prohibited by the City.

### ***Section 2-13. Restricted areas.***

- (a) No person shall enter the airside area, except as necessary for the lawful use of an aircraft thereon, or to conduct a permitted business activity and with the consent of the Airport Manager.
- (b) No person shall enter any area posted as being closed to the public, except with the consent of the Airport Manager.
- (c) No person shall enter into, remain in or place in, or remove any object from, any hangar, or other building at the airport without prior written consent of the City or the person with the legal right of possession of such building.

### ***Section 2-14. Access codes/devices.***

Persons who have been provided either a code or device for the purpose of obtaining access to the airport shall follow all applicable policies, only use airport-issued codes/devices, and shall not divulge, duplicate, or otherwise distribute the same to any other person, unless otherwise approved in writing by the Airport Manager. Violation of the aforementioned regulation may result in penalties pursuant to Chapter 3 of the Code of Ordinances.

### ***Section 2-15. Self-services.***

- (a) Persons are permitted to fuel, wash, repair, or otherwise service their own based aircraft, provided there is no attempt to perform such services for others and further provided that such right is conditioned upon compliance with these regulations and all applicable laws.
- (b) An aircraft owner may hire an individual to provide, under the direction and supervision of the aircraft owner, services only on the owner's based aircraft. Such services may only be provided by a direct employee of the aircraft owner or a technical specialist.

### ***Section 2-16. Aircraft maintenance.***

Major aircraft alterations and repairs or activities associated with amateur-built aircraft are prohibited on the airport except in hangars, where it can be demonstrated that the area of aircraft maintenance is equipped with fire protection, oil/water interceptors into the sanitary sewer system, or other preventative measures are taken as approved by the Airport Manager and other City departments, as applicable, and are conducted by a person holding a valid airport business permit for such activity or the owner of the amateur-built aircraft.

### ***Section 2-17. Maintenance of premises.***

All persons using the airport shall maintain their premises in a condition of repair, cleanliness and general maintenance equal to that maintained by the City in comparable areas. All persons having possession, control or use of any portions of the airport shall at all times maintain such premises in clean, serviceable, safe and operable condition and repair.

All airport tenants are required to maintain the grass and vegetation on their leaseholds. This includes mowing the grass up to the edge of any adjacent streets or non-movement area taxilanes. Tenants must also ensure that any right-of-way or easement areas between their leasehold and the street are properly mowed and maintained, unless otherwise maintained by the City of Denton. The Airport Manager will promulgate a map of the airport indicating which areas will be maintained by the City, which is subject to change at any time. Airport tenants will be obligated to mow any right-of-way or easement areas between their leasehold and the street if such area is not included in the City mowing area. Airport tenants will have ninety (90) days' notice prior to any change in mowing obligations under this provision.

### ***Section 2-18. Floor and apron care.***

All tenants on the airport shall keep the floors of hangars and tiedowns leased by them, or used in their operations, clean and clear of fuel, oil, grease and other similar materials.

### ***Section 2-19. Waste containers and disposal.***

All airport tenants, users, or visitors shall be responsible for the disposal of all waste in the appropriate waste containers. Types of waste containers and the location of waste accumulation areas shall be designated by the Airport Manager and no other containers or areas shall be used. Containers for recyclable materials shall be used in strict accordance with the rules posted for such use. Wastewater shall not be disposed of in storm water drainage or dirt/grass areas under any circumstances. Wastewater may be disposed of in sanitary sewer or sink drains, provided such wastewater entering the City's Publicly Owned Treatment Works (POTW) must meet applicable local, state, and federal requirements. . No petroleum products, industrial waste matter, batteries, or other hazardous materials shall be dumped or otherwise disposed of except in accordance with local, county, state and federal law, including, but not limited to, the Texas Hazardous Waste Management Act, the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*, the Toxic Substances Control Act, 15 U.S.C. § 2601 *et seq.*, and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 *et seq.* Any hazardous waste shall be the responsibility of the originator under all applicable law.

### ***Section 2-20. Storage.***

No person shall store or stock materials, equipment, or disabled aircraft outside a hangar or building.

### ***Section 2-21. Storage, transfer and cleanup charges.***

Pursuant to Chapter 3 of the Code of Ordinances the City may remove and impose storage, removal, and transfer charges upon any property unlawfully located at the airport. The City may clean up any material unlawfully spilled, placed or otherwise deposited at the airport and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and any expenses incurred by, or fines or damages imposed on, the City as a result thereof.

### ***Section 2-22. Model aircraft, kites, fireworks, etc.***

No person shall fly or release a model aircraft, rocket, kite, fireworks, balloon, parachute, etc., within two (2) miles of the airport if such activity would create a hazard to aircraft operations, or as otherwise determined by the airport traffic control tower or the Airport Manager.

### ***Section 2-23. Commercial photography.***

No person shall take still, motion or sound pictures of, or at, the airport for commercial purposes without first receiving a duly-authorized film permit from the City, written approval from the Airport Manager, and paying the appropriate fee(s).

### ***Section 2-24. Advertisements.***

No person shall post, distribute or display signs, advertisements, circulars, printed or written matter at the airport without written permission from the Airport Manager.

### ***Section 2-25. Animals.***

No person shall enter the airport with a pet or other animal unless restrained by a leash or properly confined as determined by the Airport Manager. No person in charge of a pet or other animal shall permit the animal to wander unrestrained on any portion of the airport.

### ***Section 2-26. Firearms, explosives, etc.***

- (a) Unless prohibited by state or federal law from possessing a firearm, a person may possess a firearm and/or ammunition in an unsecured area of the airport. It is an exception if the firearm and/or ammunition is checked as baggage, consistent with both federal and state laws, before the firearm and/or ammunition enters the secured area.
- (b) Unless prohibited by state or federal law from possessing a firearm, a person may openly carry a handgun in an unsecured area of the airport provided the weapon is carried in a holster that is visible to the public and is not carried in a manner calculated to alarm. A manner calculated to alarm means a person:
  - i. intentionally or knowingly displayed a firearm; *and*

- (c) intended or knew it was in a manner objectively likely to frighten an ordinary, reasonable person.
- (d) Unless prohibited by state or federal law from possessing a firearm, a person may possess a long gun, such as a rifle or shotgun, in an unsecured area of the airport.
- (e) The lawful possession of a firearm pursuant to this Section in an unsecured area of the airport does not relieve a person from criminal liability if the weapon is used in a manner that violates state or federal penal statutes.

***Section 2-27. Disorderly conduct, intoxicating liquors, etc.***

(a) No person shall:

1. Commit any disorderly, obscene or unlawful act or commit any nuisance on the airport.
2. Drink any intoxicating liquor upon any portion of the airport open to the public, except in such restaurant facilities as may be lawfully established or other place as shall be properly designated and licensed for on-sale liquor dispensing or for the purpose of a special event that has received a special event permit where alcohol has been approved by the City.
3. Become intoxicated on any portion of the airport.

(b) No intoxicated person shall enter upon or loiter on or about the airport, any of its facilities, or any City-owned property.

***Section 2-28. Property damage, injurious or detrimental activities.***

No person shall destroy, deface, injure, or disturb in any way airport property or conduct at the airport activities that are injurious, detrimental or damaging to airport property or to activities and business of the airport. Any person causing, or liable for any damage shall be required to pay the City on demand the full cost of repairs. Any person failing to comply with this section shall be in violation of these regulations and may be refused the use of any airport facility until the City has been fully reimbursed for damage done.

***Section 2-29. Alteration of airport property.***

No person shall make any alterations to any signs, buildings, aircraft parking and storage areas, leased areas, or other airport property, nor erect any signs, buildings or other structures without prior written permission of the Airport Manager. Any construction on the airport must be approved in writing by the Airport Manager. Such persons shall comply with all building codes and permit procedures of the City and shall deliver to the Airport Manager as-built plans upon completion. No person shall cause to be installed a asbestos-containing building material within or on any city property.

***Section 2-30. Lost articles.***

Any person finding lost articles in public areas of the airport shall immediately deposit them at the office of the Airport Manager or, if after normal business hours, with an airport staff member

or security officer on duty at the airport. Articles unclaimed after thirty (30) calendar days may be turned over to the finder or otherwise disposed of in a legal manner.

***Section 2-31. Abandoned property.***

No person shall abandon any property on airport property or in any building on the airport.

***Section 2-32. Temporary permits.***

Notwithstanding any rules and regulations to the contrary, the Airport Manager shall have authority to issue temporary permits and to establish procedures related thereto. A temporary permit shall only be issued when in the best interests of the City and when issuance will not adversely affect the public health, safety and general welfare.

***Section 2-33. Aircraft accidents and other emergencies on the airport.***

Persons should remain clear and away from all airport emergencies unless authorized by law or otherwise requested or with the consent of the Airport Manager. Persons should stay outside of any area cordoned off by airport staff or emergency personnel until such area is cleared for use by the Airport Manager or other personnel as appropriate.



## **ARTICLE 3 AIRCRAFT RULES**

### ***Section 3-1. Landing and takeoff of aircraft.***

- (a) Except in an emergency, all fixed wing aircraft landings and takeoffs shall be made on the runway.
- (b) No aircraft shall make a one-hundred eighty (180) degree turn after landing on a runway unless instructed to do so by the airport traffic control tower.
- (c) Landing aircraft shall clear the runway as soon as practical, consistent with safety and instructions from the airport traffic control tower, taxiing ahead to the nearest turn-off.
- (d) Except in an emergency, no rotorcraft equipped with skid-type landing gear shall perform run-on landings or any other maneuver that would cause the skids to slide upon the runway surface.

### ***Section 3-2. Aircraft wingspan restrictions.***

Aircraft operators shall operate at their own risk in areas where the aircraft's wingspan exceeds the maximum approved wingspan designation for that area as specified by the Airport Manager or as published.

### ***Section 3-3. Traffic patterns and noise abatement procedures.***

- (a) Arrivals and departures to and from the airport shall avoid flight over populated, residential, or noise-sensitive areas whenever possible, consistent with safety.
- (b) Operators are requested to use NBAA standard noise abatement departure procedures.

### ***Section 3-4. Reserved***

### ***Section 3-5. Qualifications to operate aircraft.***

Operators of aircraft entering or leaving the traffic pattern of the airport or using the movement area for the purpose of landing, or taking off shall be holders of a valid, current pilot certificate with rating appropriate to the type of aircraft operated and conditions under which they are operating. Reciprocal certificates issued by foreign governments are acceptable if accepted by the Federal Aviation Administration.

### ***Section 3-6. Disabled aircraft.***

Aircraft owners and pilots shall be responsible for the immediate removal of disabled aircraft and parts thereof, unless required or directed by the Airport Manager or the Federal Aviation Administration to delay such action pending an investigation of an accident. If in the determination of the Airport Manager, the disabled aircraft presents an operational or safety concern in any area of the airport, the Airport Manager may cause the aircraft, at the owner's/operator's expense, to

be moved by a representative of a fixed base operator or other 3<sup>rd</sup> party. The City shall not be liable for any damages which may result from the relocation of the aircraft.

***Section 3-7. Negligent operation of aircraft.***

No aircraft shall be operated within the City in a careless, negligent or reckless manner, or in disregard of the rights and safety of others, or in an unmaintained or otherwise hazardous condition, or without due caution and circumspection, or while any person controlling the aircraft would be prohibited by law from operating an automobile on the public streets with the City due to alcohol or drug influence or impairment, or at a speed or in a manner which endangers, or is likely to endanger, persons or property.

***Section 3-8. Required aircraft equipment.***

No aircraft shall land or take off at the airport unless it is equipped with brakes and a functioning radio capable of direct two-way communications with the air traffic control tower, except in the case of an emergency or with prior consent of air traffic control.

***Section 3-9. Motorless aircraft.***

No motorless aircraft may land or take off at the airport without prior written permission of the Airport Manager and having complied with all sections of FAR Part 103.

***Section 3-10. Running of aircraft engines.***

Aircraft engines shall only be run at idle except as may be necessary for safe taxiing operations, taking off, landing, preflight testing, and maintenance testing. All engine run-ups for maintenance testing purposes shall be performed in accordance with section 3-11 of these regulations. At no time shall an aircraft's engine(s) be operated while the aircraft is in a hangar.

***Section 3-11. Aircraft engine run-ups.***

All aircraft maintenance and preflight engine run-ups shall be conducted in run-up areas designated by Airport staff and/or Air Traffic Controllers.

***Section 3-12. Exhaust and propeller blast.***

No aircraft engine shall be started or aircraft taxied where the exhaust or propeller blast may cause injury to persons or do damage to property or spread debris on the airside area.

***Section 3-13. Taxiing of aircraft.***

No person shall taxi an aircraft without first taking all necessary precautions to prevent a collision with other aircraft, persons or objects. Aircraft shall not be taxied into or out of any hangar, or other covered area. No person shall taxi an aircraft except on areas designated for taxiing. If it is impossible to taxi aircraft in compliance with this section, then the engine must be shut off and the aircraft towed to the new location.

***Section 3-14. Common air traffic advisory frequency.***

During hours when the airport traffic control tower is not in operation, aircraft operators shall utilize the common air traffic advisory frequency, 119.95 MHz, to broadcast their intentions and operate the pilot-controlled lighting system as provided in the Aeronautical Information Manual (AIM) Official Guide to Basic Flight Information and ATC Procedures.

***Section 3-15. Aircraft accident reports.***

All airport property damage must be reported to Airport staff. Any persons involved in an aircraft accident occurring on the airport, within the City, or that involves aircraft which departed from or were enroute to the airport, shall make a full report thereof to the Airport Manager as soon after the accident as possible, but in no event later than the time required for reporting the accident to the FAA or to any other governmental agency, or within forty-eight (48) hours of the accident, whichever is sooner. The report shall include the names and addresses of the persons involved, and a description of the accident and its cause. When a written report of an accident is required by federal or state law, regulation, or agency, a copy of such report shall also be submitted to the Airport Manager.

***Section 3-16. Refusal of clearance or use.***

The Airport Manager may delay or restrict any flight or other operations at the airport and may request Air Traffic Controllers to refuse takeoff or landing clearance to any aircraft for any reason believed to be justifiable.

***Section 3-17. Interfering or tampering with aircraft.***

No person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools without permission of the owner, or under the specific direction of the Airport Manager in an emergency.

No person shall interfere with the operation of any aircraft, including, without limitation, obstructing an aircraft in movement or obstructing or distracting or interfering with the vision of the pilot or pilots of any aircraft by mechanical means, light, sound, or any other means.

***Section 3-18. Aerobatic flying.***

No person shall conduct aerobatic flying over any portion of the City, unless in conjunction with a City-approved airshow or event.

## **ARTICLE 4 VEHICLES, PEDESTRIANS, ETC.**

### ***Section 4-1. General requirements.***

No person shall operate a vehicle on the airport except in accordance with the rules prescribed by the Airport Manager and all federal, state, and local law.

- (a) Vehicles shall only be operated airside in a manner that complies with these regulations.
  - 1. No person shall operate airside without an approved permit for that vehicle operator or;
  - 2. A person without an approved permit shall be permitted to operate a vehicle airside while being monitored by a business or facility that has a vehicle control plan which has been approved by the Airport Manager. The vehicle control plan shall include, but is not limited to, procedures for physical presence, physical barriers, visual examination, and verbal or written instructions.
- (b) Vehicles shall access all airport facilities and businesses from the landside public parking areas for said facility or business.
- (c) Vehicles shall remain on paved surfaces unless otherwise permitted by the Airport.
- (c) Vehicles shall obtain access to, and depart from, aircraft parking and storage areas via the gate associated with the permit.
- (d) When a gate is out-of-service, vehicles shall access a secondary gate as specified by the out-of-service notification.
- (e) Vehicles shall yield right of way to aircraft in motion and emergency vehicles.
- (f) No vehicles shall operate in a careless, negligent or reckless manner nor pass closer than fifty (50) feet to the rear of taxiing aircraft.
- (g) No vehicles shall operate in a careless, negligent or reckless manner nor approach closer than fifty (50) feet to any aircraft whose engines are running, excluding ground service and emergency vehicles.
- (h) All vehicles, upon entering or exiting an airport access gate, shall wait for the gate to completely close behind them before proceeding to their destination so as to not allow the entry of an unauthorized vehicle.

### ***Section 4-2. Licensing, registration and insurance.***

- (a) No person shall operate a vehicle of any kind on the airport without a current motor vehicle operator's license.
- (b) All vehicles, whether operating on the airport or stored in a hangar, shall maintain a current state motor vehicle registration and be in an operable or drivable condition.

- (c) All vehicles shall maintain the appropriate type and amount of vehicle liability insurance required by state law.

#### ***Section 4-3. Control of vehicles.***

No person shall operate or park a vehicle at the airport in a manner prohibited by signs, pavement markings, or other signals posted by the City or by regulations under this article. The Airport Manager has plenary power to regulate or prohibit any class or type of vehicle or any other type or class of wheeled vehicle or other form of transport that operates in the airside area.

#### ***Section 4-4. Speed limits.***

All vehicles shall be operated in strict compliance with all posted speed limits at the airport. The maximum speed limit for all vehicles in the airside area, with the exception of authorized municipal vehicles in the performance their official duties, is fifteen (15) miles per hour or less if conditions warrant in order to ensure safe operation.

#### ***Section 4-5. Vehicles operating in the movement area.***

- (a) No vehicle shall be operated in the movement area unless so authorized in writing by the Airport Manager.
- (b) Any vehicle authorized to operate in the movement area shall display a rotating or steady beacon that complies with FAA Advisory Circular 150/5210-5, as amended, and is visible to the air traffic control tower personnel. Exceptions to this rule must be authorized in writing by the Airport Manager.
- (c) All vehicles that are authorized to operate in the movement area must be equipped with a two-way aviation radio, receive a clearance from, and remain in continuous communications with, the airport traffic control tower. The installation of a two-way radio does not permit the operation of vehicles in the movement area without prior written permission of the Airport Manager. If vehicles are not equipped with radios, prior arrangements must be made with the Airport Manager. Additionally, all vehicle operators shall be conversant with the standard airport light gun signals.

#### ***Section 4-6. Authority to remove property.***

The Airport Manager may cause to be removed from any area of the airport any property which is disabled, abandoned, or deposited in violation of these regulations, or which presents an operational problem to any area of the airport, at the operator's expense and without liability for damage which may result in the course of such movement. The City of Denton may clean up any material unlawfully spilled, placed, or otherwise deposited at the airport and may charge the responsible party for the cost of the cleanup, removal, and/or any required remediation, and any expenses incurred by, or fines or damages imposed on, the City of Denton or airport as a result of the cleanup.

#### ***Section 4-7. Bicycles, scooters and miscellaneous vehicles.***

No person shall use airside any bicycle, velocipede, go-cart, go-ped, skateboard, rollerblade, all-terrain vehicle or other vehicle not licensed or otherwise permitted by state law for operation on a public street or highway. This section does not pertain to City vehicles or vehicles used solely for tugging, marshaling, or refueling aircraft, or vehicles permitted under Texas Transportation Code Chapter 551, Subchapters D and F. On a case-by-case basis, and with the prior written approval of the Airport Manager, bicycles or other modes of transportation may be used on the airside of the airport.

#### ***Section 4-8. Boats, recreational vehicles, and portable buildings.***

Boats, recreational vehicles (RVs), and portable buildings shall not be placed anywhere on the airport unless in accordance with a City-approved lease or with the written consent of the Airport Manager.

#### ***Section 4-9. Vehicle accidents.***

The driver of any vehicle involved in an accident on the airport which results in injury or death to any person, or damage to any property, shall immediately stop such vehicle at the scene of the accident; render reasonable assistance to a person injured in the accident, including making arrangement for the caring of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the caring is requested by the injured person; and give his name, address and operator's license and registration number to the person injured, the Airport Manager and to any police officer or witnesses of the accident. The operator of such vehicle shall make a report of such accident in accordance with state law and provide a copy of same to the Airport Manager.

#### ***Section 4-10. Careless operation, driving while intoxicated, etc.***

No vehicle shall be operated at the airport or upon any area thereof:

- (a) In a careless, negligent or reckless manner;
- (b) In disregard of the rights and safety of others;
- (c) Without due caution or circumspection;
- (d) At a speed or in a manner which endangers or is likely to endanger persons or property;
- (e) While the driver would be prohibited by law from operating an automobile upon the public streets of the City due to drug or alcohol impairment or influence;
- (f) If the vehicle is so constructed, equipped or loaded as to endanger or be likely to endanger persons or property, or to result in the load or other materials becoming separated from the vehicle;

- (g) Without operating headlights, tail lights, turn signals, and brake lights during hours of darkness or during inclement weather; or
- (h) In a manner that does not allow the vehicle to be immediately driven or towed away from any nearby aircraft.

***Section 4-11. Parking restrictions.***

- (a) No person shall park or leave any vehicle standing, whether occupied or not, except within a designated parking area.
- (b) Vehicles parked in an aircraft storage area shall be parked in a manner so as to be completely contained in the aircraft storage space and not obstruct adjacent aircraft parking and storage areas, or taxilanes unless for the purposes of immediate and temporary loading, unloading, or staging of an aircraft.

***Section 4-12. Volunteer Assistance.***

No person shall enter the airside area of the airport for the purposes of attending, observing or assisting at the scene of an accident except persons authorized by law or otherwise requested or with consent of the Airport Manager.

***Section 4-13. Pedestrians in the airside area.***

No person shall walk, stand, or loiter in the airside area if such activity is determined to be an operational, security, or safety concern as determined by the Airport Manager. Pedestrians shall make all reasonable efforts to avoid crossing taxilanes and access hangars from the landside entrances.

***Section 4-14. Pedestrians soliciting rides.***

No person shall solicit aircraft rides from any area of the airport.

***Section 4-15. Vehicle repair.***

No person shall clean or make any repairs to vehicles anywhere on the airport, other than in designated shop areas, except those minor repairs necessary to remove such vehicles from the airport. This provision shall not apply to ground support equipment or vehicles used in the sole operation of a permitted airport business and are owned or leased by such business.

No person shall move, interfere or tamper with any vehicle, or put in motion the engine, or take, or use any vehicle part, instrument or tool thereof, without the written permission of the owner or satisfactory evidence of the right to do so duly presented to the Airport Manager.

***Section 4-16. Airport Security.***

- (a) The owner/operator or any facility located on the airport perimeter shall at all times maintain and comply with an airport facility security plan that has been approved by the

Airport Manager.

- (b) Access codes and devices, used for accessing any public entry point, shall only be utilized by persons authorized to access those entry points. Persons who have been provided either code or device for the purpose of obtaining access to the Airport through a public entry point shall not duplicate or otherwise distribute the same to any other person, unless otherwise approved in writing by the Airport Manager.

***Section 4-17. Airport Security Fence and Gate Management.***

At all times, it is the responsibility of any tenant, through-the-fence access permit holder, or permitted business to properly maintain and manage all fences and pedestrian/vehicular gates on their leasehold and restrict direct access to the airside area (unless the City of Denton or Airport Manager have otherwise accepted responsibility for maintaining and managing such fence or gate).

- (a) All pedestrian and vehicle access gates shall be controlled at all times using automated controlled access devices, gate operators, closers with automatic locks, keyed or combination locks, or other such reliable devices, or any other means of affirmative control acceptable to the Airport Manager, that serve to continually safeguard the airport from unauthorized access to the airside area.
- (b) At no time shall any tenant, through-the-fence access permit holder, or permitted business affix any sign, advertisement, or other appurtenance to the security fence, except as provided by lease agreement and/or the City of Denton sign code
- (c) The Airport Manager or any other authority responsible for the operation and safety of the airport is hereby authorized to take appropriate action to ensure the airport is safeguarded at all times, including the temporary override of gates, closures and locks of damaged or otherwise found inoperable gates and/or doors, or the placement of blockades or other types of barriers of fencing material as needed should the gate or fence be found unsecured or the Airport safety is at risk of being breach or, the privilege of access onto the airside area is, in the sole discretion of the Airport Manager, being abused. Such safeguards, when taken, shall be clearly posted and not removed by the tenant, off-airport property owner, business operator, or any other person until expressly authorized by the Airport Manager.



## **ARTICLE 5 FUELING, FLAMMABLE FLUIDS, AND SAFETY**

### ***Section 5-1. Fuel safety.***

All transportation, storage and other handling of aircraft and vehicle fuel shall comply with the Uniform Fire Code, as amended, the National Fire Protection Association's codes and standards, as amended, FAA Advisory Circular 150/5230-4, as amended, all requirements of these regulations, and all other applicable law.

### ***Section 5-2. Unauthorized fuel possession and storage.***

Except as expressly permitted by these regulations, no person shall possess fuel at the airport.

### ***Section 5-3. Storage of aircraft fuel trucks, trailers and other aircraft refueling devices.***

- (a) Aircraft refueling vehicles, other moveable aircraft fuel containers and refueling devices shall be stored outside and not less than fifty (50) feet from a building or storm drainage inlet or such other distance as shall be approved by Airport Manager and City fire department.
- (b) Aircraft refueling vehicles shall be parked in a manner that provides a minimum of ten (10) feet of separation between said vehicles and any other vehicle or aircraft refueling device.
- (c) No aircraft refueling vehicle, aircraft fuel container, or other aircraft refueling device, empty or otherwise, shall be brought into, kept or stored within any building at the airport unless the building is used exclusively for that purpose. This section does not apply to vehicle fuel cans with a capacity of not more than five (5) gallons, provided no more than one (1) such can may be located within a single vehicle, and not more than two (2) such cans in any hangar.

### ***Section 5-4. Aircraft fueling locations.***

All aircraft fueling/defueling shall be performed outdoors. Aircraft being fueled/defueled shall be positioned so that aircraft fuel system vents or fuel tank openings are not closer than twenty-five (25) feet from any building or storm drainage inlet unless otherwise approved by the Airport Manager and City fire department.

### ***Section 5-5. Maintenance of fuel servicing vehicles.***

Maintenance and servicing of aircraft fuel servicing vehicles shall be performed outdoors or in a building approved for that purpose by the fire department.

### ***Section 5-6. Open flame.***

There shall be no open flames in the airside area, within fifty (50) feet of any aircraft, fuel truck, and/or fuel storage area, or where specifically prohibited by the City unless otherwise approved by the Airport Manager and City fire department. The category of open flames and lighted open-flame devices shall include, but shall not be limited to, the following:

- (a) Exposed flame heaters, liquid, solid or gaseous devices, including portable and wheeled gasoline or kerosene heaters and gas or charcoal grills;
- (b) Heat-producing, welding, or cutting devices and blowtorches;
- (c) Flare pots or other open-flame lights.

***Section 5-7. Environmental spills and removal.***

Persons shall not fuel an aircraft in a manner that overfills the tank(s) or causes the tank(s) to leak fuel through its vent, and/or dumping fuel. In the event of spillage or dripping of gasoline, oil, grease or any material that may be unsightly or detrimental to the airport, the same shall be immediately removed and reported to the Airport Manager. The responsibility for the immediate removal of such gasoline, oil, grease or other material shall be assumed by the operator or owner of the equipment causing the same or by the tenant or concessionaire responsible for the deposit. In the event of such spillage, and the failure of the operator or owner to restore the area to its original safe and environmentally sound status, the City may clean up any material unlawfully spilled, placed or otherwise deposited at the airport and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and any expenses incurred by, or fines or damages imposed on, the City as a result thereof.

***Section 5-8. Lubricating oils.***

A total of sixty (60) gallons of lubricating oils which are necessary for aircraft maintenance and have a flash point at or above one-hundred (100) ° F, may be stored in hangars or other suitable storage devices as approved by the Airport Manager, provided they are stored in their original container, have original manufacturer's labeling, and comply with the City's Liquid Waste Ordinance.

***Section 5-9. Use of waste oil stations.***

Waste oil stations shall be used solely for the disposal of waste aircraft engine oil, and for the exclusive use of non-commercial general aviation tenants. No person shall place any vehicle engine oil, solvents, cleaners, antifreeze, or any other material or substance in the waste oil receptacle. Any person violating this section shall be responsible for all charges incurred during the proper disposal of such waste. Waste oil stations shall be used in accordance with the rules posted at the station.

***Section 5-10. Fire extinguishers.***

- (a) All tenants, lessees, licensees and permittees shall supply and maintain such adequate and readily accessible fire extinguishers as may be required by the City fire department. Each fire extinguisher shall carry a suitable tag showing the date of most recent inspection.
- (b) At least two (2) fire extinguishers, each having a rating of at least 20-BC, shall be available for use in connection with aircraft fuel handling operations.

### ***Section 5-11. Fuel storage tanks.***

Subject to the other requirements of these regulations, a person may possess fuel within a fuel storage tank constructed, operated and maintained in all respects as required by federal, state, county, and local law.

- (a) Fuel so stored may be dispensed into any aircraft if operated and maintained by a fixed base operator in accordance with the Airport Minimum Operating Standards.
- (b) Fuel so stored in any other fuel storage tank for the purposes of self-fueling must meet the following:
  - a. Be issued and maintain a valid Self-Fueling Permit issued by the Airport Manager.
  - b. Be an above-ground skid or permanently installed tank on the leasehold premises. Operator must meet all applicable federal, state, and local fire, environmental, and building codes.
  - c. Fueling reports shall be provided monthly by the 15<sup>th</sup> calendar day of the subsequent month and shall include:
    - i. A summary report to the Airport identifying the number of gallons of aviation fuel delivered to the operator; and
    - ii. Bill of ladings, as received from the fuel supplier for fuel delivered, in support of the summary report; and
    - iii. Pay the appropriate fee due to the Airport as stipulated in the Airport Rates and Fees Schedule.
      - 1. If fuel is delivered by a Fixed Base Operator, operator must submit the difference between the Fixed Base Operator and Private Aviation Fuel Delivery Fee.
      - 2. If fuel is delivered from other than the Fixed Base Operator, operator must submit the Private Aviation Fuel Delivery Fee.
  - d. Meet the fueling safety, training, and insurance requirements for commercial operators indicated in the Airport Minimum Operating Standards.
  - e. Operator must provide a Storm Water Pollution Prevention Plan (SWPPP) and Spill Prevention Containment Control (SPCC) program at the operator's sole cost. Said plan and program must be reviewed and approved by the City prior to fueling activities.

### ***Section 5-12. Moveable fuel storage tanks.***

Unless otherwise approved by the Airport Manager moveable fuel storage tanks are prohibited at the airport except for:

- (a) Fuel trucks constructed, operated and maintained in all respects as required by law.
- (b) Permanent fuel tanks in an operable aircraft.
- (c) Tanks not exceeding one (1) gallon capacity used solely for sampling and testing fuel, engines and fuel handling apparatus.
- (d) No more than one (1) tank with a capacity of not more than fifty-five (55) gallons used by a person to fuel his own aircraft pursuant to a self-fueling permit.
- (e) Tanks lawfully transporting fuel for immediate dispensing into a fuel storage tank permitted by the City. Such vehicles shall access the airport at a point approved by the Airport Manager and remain under escort by a representative of the company receiving the fuel.

### ***Section 5-13. Self-fueling.***

Except as may be prohibited by other provisions of these regulations and any other applicable law, owners of a based aircraft that desires to self-fuel their aircraft, shall apply for and receive a self-fueling permit from the Airport Manager. The preceding sentence does not apply to the use of a self-service fuel facility provided by a fixed base operator.

### ***Section 5-14. Vehicle fuel.***

No person shall possess vehicle fuel on the airport except:

- (a) Within the permanently installed fuel tank of a vehicle for use only by that vehicle;
- (b) Within a moveable container designed for storage of vehicle fuel and having a capacity of not more than five (5) gallons. No more than one (1) moveable container containing vehicle fuel shall be located in a single vehicle. No more than two (2) such containers shall be located in any hangar. No such containers shall be located in a City-owned rental hangar.
- (c) Within above ground storage tanks with a capacity of not more than two-thousand (2,000) gallons, lawfully installed and maintained in accordance with section 5-1.

### ***Section 5-15. Fueling of non-aviation vehicles.***

With the exception of vehicles necessary for airport maintenance, support, or aeronautical activity, the fueling of non-aviation vehicles is prohibited in the airside area.

## **ARTICLE VI: SPECIAL EVENTS**

### ***Section 6-1. Applicability of this Section.***

This Section applies to any person who has a ground lease, through-the-fence permit, or rental agreement with the Airport that wishes to conduct an activity that is outside the normal daily operations or the permitted use of that facility (a “Special Event”). Any other person who wishes to host a special event at the airport will need to work separately with the Airport Manager to assess the feasibility of any such request.

### ***Section 6-2. Special Events Permit.***

All Special Events at the Airport shall be required to apply for and obtain a permit from the Airport Manager or, if required, a Special Events Permit issued by the City of Denton. All parts of the Rules and Regulations apply to Special Events unless prior written permission from the Airport Manager is granted.

### ***Section 6-3. Requirements for a Airport Special Events Permit***

An Airport Special Events Permit is required if:

- (a) The general public would be invited and/or have access to the airside.
- (b) Alcohol is served or consumed on any public portion of the airport
- (c) Parking is predicted to exceed the current parking allotted for the facility and other arrangements must be made (i.e. borrowing parking capacity)
- (d) There is a use of inflatable or air-supported structures, temporary amusement rides, or games involving projectiles or elevated components.
- (e) An admission, fee, payment, or donation is requested from attendees; or
- (f) Any time there is a charge for food, drinks, services, or attendance.

### ***Section 6-4. Notice of Airport Special Events to Affected Parties***

The Airport will give proper notice of any airport or City of Denton-sponsored Special Events that might impact the operation of air traffic or the operations of any part of the airport. If the Special Event is not sponsored by the City of Denton or airport, the Special Event permit holder will be required to provide proper notice to each airport tenant.

### ***Section 6-5. Responsibility at Special Events.***

The actions and consequences of all guests invited by the leaseholder, tenant, or other authorized party at a Special Event is the responsibility of the leaseholder, tenant, or other authorized party as is stated in Section 2-3.

***Section 6-6. Demonstrations, shows and exhibitions.***

No person will engage in any show, demonstration, or exhibition without prior written permission from the Airport Manager regardless of whether such event is a Special Event as defined above.

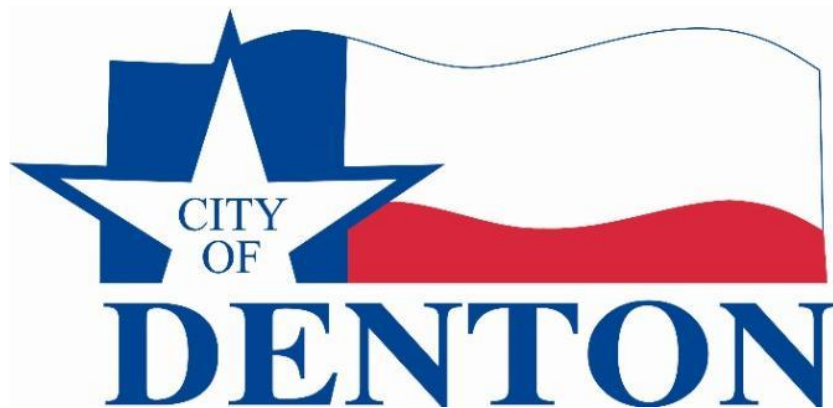
# ***Denton Enterprise Airport***

# ***DTO***

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AIRPORT ADMINISTRATION OFFICE  
5000 AIRPORT RD.  
DENTON, TEXAS 76210  
(940) 349-7736

## ***AIRPORT RULES AND REGULATIONS***



## REVISIONS

<b><u>REVISION NO.</u></b>	<b><u>DATE</u></b>	<b><u>SECTION</u></b>
Original	02/11/2020	
1	01/05/2021	5-11



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## ARTICLE 1 DEFINITIONS

The following words and phrases, whenever used in these rules and regulations, shall be construed as defined in this article unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. § 40101 *et seq.* (previously known as the Federal Aviation Act of 1958, hereinafter cited as “FAA Act”) and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases.

Abandon, as applied to property left at the airport, means that it has been left on city property or the property of another without consent of the city for forty-eight (48) hours without the owner moving or claiming it. Such property shall be impounded by the city police department.

Accident means a collision or other contact between any part of an aircraft or a vehicle, person, stationary object or other thing which results in property damage, personal injury, or death; or an entry into or emerging from a moving aircraft or vehicle by a person which results in personal injury or death to such person or some other person or which results in property damage.

Aeronautical activity means any activity or service which involves, makes possible, or is required for the operation of aircraft, or contributes to, or is required for, the safety of such operations. “Aeronautical activities” include, but are not limited to, charter operations (under either Federal Aviation Regulation (FAR) Part 121 or 135), charter brokerage, aircraft hangar leasing, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, fire suppression, aerial advertising and surveying, aircraft sales, leasing and servicing, aircraft management, and sale of aviation petroleum products, whether or not conducted in conjunction with other included activities which have a direct relationship to the operation of aircraft, repair and maintenance of aircraft, sale of general aviation aircraft parts, and any other activities which because of their relationship to the operation of aircraft can appropriately be regarded as an “aeronautical activity.”

Air traffic means aircraft in operation anywhere in the airspace and on that area of the airport normally used for the movement of aircraft.

Aircraft means any device intended to be used, or designed, to navigate, or fly in the air.

Aircraft fuel means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating: (a) an internal combustion engine; or (b) a jet or turbine engine.

Aircraft operation means an aircraft arrival at, or departure from, the airport.

Aircraft parking and storage areas means those hangar and apron locations of the airport designated by the ~~airport manager~~ Airport Manager for the parking and storage of aircraft, and such areas of the airport designated for aircraft maintenance, engine run-up, and self-fueling.

*Airport* means all of the city-owned or leased real or personal property comprising Denton Enterprise Airport as now exists or as may hereafter be expanded and developed. “Airport” includes all of its facilities as shown on the most current airport layout plan.

*Airport Advisory Board* means the duly appointed seven (7) member airport advisory board of the city.

*Airport business permit* means ~~administrative~~ approval issued by the airport ~~manager~~ to a person to conduct commercial aeronautical activity and provide such services to based and transient aircraft on the airport only in facilities on the airport at which such services are authorized.

*Airport Manager* means the duly appointed manager ~~or director~~ of the airport or the manager’s designee.

*Airport traffic control tower* means the control tower located at the airport.

*Airside* means the area of the airport that is either contained within the airport perimeter fence, or which requires access through a controlled access point.

*Amateur-built aircraft* means aircraft built by individuals and licensed by the Federal Aviation Administration (FAA) as “Experimental.”

*Based aircraft* means an aircraft: (1) which the owner physically locates at the airport with no present intention of definite and early removal and with the purpose to remain for an undetermined period; (2) which, whenever absent from the airport, its owner intends to return to the airport for permanent storage or parking; and (3) whose presence on the airport is something other than merely transitory in nature.

*Based location* means the location on the airport, which is listed as an aircraft’s hangar or tie down location as registered with the ~~airport manager~~ Airport Manager.

*Commercial* activity means the conduct of any aspect of a business, concession or service in order to provide goods or services to any person for compensation. An activity is considered commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt.

*Fuel handling* means the transportation, delivery, fueling, and draining of fuel or fuel waste products, and the fueling of aircraft.

*Fuel storage area* means any portion of the airport designated temporarily or permanently by the city as an area in which gasoline or any other type of fuel may be stored or loaded

*General aviation* means all phases of aviation other than aircraft manufacturing, military aviation, and scheduled or non-scheduled commercial operations.

*Hazardous material* means any hazardous or toxic substance, waste or material:

- (a) the presence of which requires investigation, removal and/or remediation under any federal, state or local statute, regulation, ordinance, order, action, policy or common law;
- (b) which is or becomes subject to regulation under any federal, state or local statute, regulation, rule or ordinance or amendments thereto including, without limitation, the Texas Hazardous Waste Management Act, the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.*, the Toxic Substances Control Act, 15 U.S.C. § 2601, *et seq.*, and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 *et seq.*);
- (c) which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, teratogenic, or otherwise hazardous, and is or becomes regulated by any governmental authority, agency, department, commission, board, agency or instrumentality of the United States, the State of Texas or any political subdivision thereof; or
- (d) which, without limitation, contains trichloroethene ("TCE"), 1,1,1 - trichloroethane ("TCA"), 1,1 - dichloroethene ("DCE"), tetrachloroethene ("PCE"), 1,2-dichloroethene, chloroform, gasoline, diesel fuel, propane or other petroleum hydrocarbons, polychlorinated biphenyls ("PCBs"), asbestos, urea formaldehyde foam insulation or radon gas.

Landside means the general public common use areas of the airport such as public roadways, parking lots and buildings which are not contained in the airside area.

Local aircraft operations means aircraft operating in the local air traffic pattern or within sight of the air traffic control tower; aircraft that are known to be departing for, or arriving from flight in local practice areas located within a twenty-five (25) mile radius of the air traffic control tower; or aircraft making simulated instrument approaches or low passes at the airport.

Major aircraft alterations and repair means major alterations and/or repairs of the parts or of the types listed in FAR Part 43x.A.a and 43x.A.b.

Movement area means the runways, taxiways and other areas of the airport which require permission from air traffic control prior to entering. The designation of movement areas shall apply at all times including hours when the airport traffic control tower is closed.

Owner of an aircraft means a person who holds legal title to an aircraft, or any person having exclusive possession of an aircraft pursuant to a written lease.

Park or parking means the standing of an aircraft or vehicle, whether occupied or not.

Pedestrian means any person traveling on foot.

Permission or permit means permission granted by the city.

Person means the state, county, a political subdivision of the state, other governmental entity, a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual. Person includes a trustee, receiver, assignee or similar representative.

Preventive aircraft maintenance means maintenance that is not considered a major aircraft alteration or repair and does not involve complex assembly operations as listed in FAR Part 43x.A.c.

Public area means those areas normally used by the general public, including structures and devices such as roadways, sidewalks and terminal facilities that are maintained and kept at the airport for use by the general public.

Roadway means any street or road whether improved or unimproved, within the boundaries of the airport and set aside or designated for use by vehicles, whether dedicated or not.

Recreational Vehicle("RV") means any vehicle or trailer, both motorized or towable, equipped with living space and amenities designed for temporary accommodation, travel, and leisure. RVs include, but are not limited to, motorhomes, campervans, travel trailers, fifth-wheel trailers, pop-up campers, and truck campers.

Smoking means burning or carrying any lighted cigarette, tobacco or any other weed or plant, or placing any burning tobacco, weed or plant in an ashtray or other receptacle and allowing smoke to diffuse into the air.

Special Event means any event or activity at the airport or at a business or location at the airport that is outside the normal operation of that facility.

Taxilane means the portion of the airport apron area, or any other area, used for access between taxiways and aircraft parking and storage areas.

Taxiway means a defined path established for the taxiing of aircraft from one part of the airport to another.

Technical specialist means a technical representative of an aircraft manufacturer, aircraft engine manufacturer, aircraft appliance manufacturer, or a non-destructive inspection specialist.

Traffic pattern means the traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from the airport.

Vehicle means a device, except aircraft, in, upon, or by which any person or property is or may be propelled or moved, except a device moved by human power.

Vehicle parking area means any portion of the airport designated and made available temporarily or permanently for the parking of vehicles as designated by pavement markings or as approved by the Airport Manager.

## ARTICLE 2 GENERAL USE OF AIRPORT

### *Section 2-1. Purpose of rules and regulations.*

Rules and regulations provided in this document and any amendments thereto (hereinafter referred to as “regulations”), adopted pursuant to Chapter 3 of the Code of Ordinances, are intended for the safe, orderly and efficient operation of the airport, and apply to all persons using the airport for any reason.

These regulations shall be subordinate to the Grant Assurances. In the event that these regulations, either on its own terms or by any other reason, conflicts with or violates any such Grant Assurances, Airport Manager has the right to amend, alter or otherwise modify the terms of these regulations in order to resolve such conflict or violation.

Any reference in these regulations to federal and state laws shall be deemed to include any amendments or successor laws. Airport Manager reserves the right to amend, alter, or otherwise modify the terms of these regulations to address any changes to such federal and state laws.

The Airport Manager may waive or modify any portion of these rules and regulations for the benefit of any governmental agency performing non-profit public services, fire protection or fire-fighting operations. The city manager or designee may waive or modify any portion of these rules and regulations for any person when it is determined that such waiver or modification is in the best interest of the city and will not result in unjust discrimination among airport users or a violation of the Grant Assurances.

### *Section 2-2. Conflicting laws, ordinances, regulations and contracts.*

- (a) In any case where a provision of these regulations is found to be in conflict with any other provision of these regulations adopted hereunder or in conflict with a provision of any zoning, building, fire, environmental, safety, health or other ordinance, code, rule, or regulation of the city, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (b) In cases where two (2) or more provisions of these regulations are in conflict, the most stringent or restrictive shall prevail.
- (c) It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, codes, rules or regulations except those specifically repealed by these regulations, or to excuse any person from performing obligations to the city under any lease or other contract.
- (d) No existing or future city contract, lease agreement or other contractual arrangement, nor any payment or performance thereunder, shall excuse full and complete compliance with these regulations. Compliance with these regulations shall not excuse full and complete compliance with any obligations to the city under any existing or future city contract, lease, agreement or other contractual arrangement.



- (e) Compliance with these regulations does not excuse failure to comply with any other law.

***Section 2-3. Responsible party.***

Any person accessing the airport shall be responsible for their actions and all actions of any person to whom they provide access, whether directly or indirectly.

***Section 2-4. Minimum operating standards.***

Prior to commencing any aeronautical or commercial activities at the airport, all persons shall comply with all applicable requirements concerning such activities as are set forth in the Denton Enterprise Airport Minimum Operating Standards.

***Section 2-5. Closing of airport.***

In the event the ~~airport manager~~Airport Manager believes the conditions of the airport are unsafe for landing or takeoffs, it shall be within the manager's authority to close the entire airport or any part thereof.

***Section 2-6. Aircraft parking.***

- (a) No person shall park, leave parked, or allow to remain stationary any aircraft at the airport except within an aircraft parking and storage area.
- (b) No person shall park an aircraft in a based aircraft parking and storage area without ~~applying for and obtaining approval an approved aircraft storage permit/agreement from the airport and/or its Lessee; and~~
- (c) Any person who parks an aircraft in city-operated aircraft parking and storage areas shall remit to the city all applicable parking fees until such time as the person applies for and obtains an approved aircraft storage permit/agreement.
- (d) The prolonged storage of damaged/dismantled aircraft or aircraft that appear to be ~~non~~un-airworthy in aircraft tiedowns or other unscreened areas of the airport shall not exceed thirty (30) calendar days after written notification from the ~~airport manager~~Airport Manager. The aircraft owner is required to diligently correct such condition as soon as possible to prevent an unsightly airport appearance.
- (e) If any aircraft is parked in violation of this section or, in the determination of the ~~airport manager~~Airport Manager, presents an operational or safety concern in any area of the airport, the ~~airport manager~~Airport Manager may cause the aircraft, at the owner's/operator's expense, to be moved by a representative of a fixed base operator or other 3<sup>rd</sup> party. The city shall not be liable for any damages which may result from the relocation of the aircraft.
- (f) The ~~airport manager~~Airport Manager may immobilize an aircraft by installing on the aircraft a propeller lock or by such other suitable means under any of the following circumstances:



1. Failure to apply for and obtain an approved aircraft storage permit/agreement, and until such time as the aircraft owner/operator applies for and obtains the approved permit/agreement and remits all fees and charges due the city in accordance with Section 3-116 of the Code of Ordinances. Under these circumstances, the aircraft owner shall be provided a hearing ~~as soon as reasonably practical, but in no event shall said hearing be delayed more than seventy-two (72) hours after the immobilization of the aircraft, except upon mutual agreement of the airport manager and the aircraft owner. The hearing and any subsequent appeal shall be~~ conducted generally in accordance with the procedures set forth in Section 3-501 *et seq.* of the Code of Ordinances.
2. Upon revocation of an aircraft storage permit/agreement pursuant to Section 3-701 *et seq.* of the Code of Ordinances, and until such time as the aircraft owner/operator remits all fees and charges due the city in accordance with Section 3-116 of the Code of Ordinances.
3. If, in the determination of the ~~airport manager~~Airport Manager, the aircraft presents an operational safety concern in any area of the airport, or otherwise constitutes a danger to the health, safety, or welfare of any individual or the public in general, and until such time as the aircraft no longer presents such health, safety or welfare concerns. Under these circumstances, the aircraft owner shall be provided a hearing as soon as reasonably practical, but in no event shall said hearing be delayed more than seventy-two (72) hours after the immobilization of the aircraft, except upon mutual agreement of the ~~airport manager~~Airport Manager and the aircraft owner. The hearing and any subsequent appeal shall be conducted generally in accordance with the procedures set forth in Section 3-501 *et seq.* of the Code of Ordinances.

**Section 2-7. Aircraft hangars ~~not directly owned~~managed by the City of Denton.**

(a) Aircraft storage hangars shall only be used for the following purposes:

1. ~~Storage and parking of aircraft and associated aircraft equipment and supplies as described in the Denton Enterprise Airport General Aviation Hangar Handbook necessary to conduct aeronautical activities and~~ as approved by the city fire department ~~department~~ and ~~airport manager~~Airport Manager. Aircraft parked in hangars shall be parked in a manner so as to be completely contained in the aircraft parking space and not obstruct adjacent aircraft parking and storage areas or taxilanes, except for purposes of immediate and temporary staging and fueling of such aircraft.
2. ~~Storage of non-aeronautical items CAM; and provided that they do not conflict with applicable building codes, fire codes, or other applicable law, and further provided they do not interfere with the aeronautical use of the hangar or violate FAA Order 5190B, including, but not limited to, such as items that:~~
  - i. ~~Impede the movement of the aircraft in and out of the hangar;~~

- ii. Displace aeronautical contents of the hangar;
  - iii. Impede access to aircraft or other aeronautical contents of the hangar;
  - iv. Are used for the conduct of a non-aeronautical business;
  - v. Are stored in violation of Airport rules and regulations or lease provisions.
- 3. ~~Parking of vehicles in accordance with section 4~~ Storage of motorized vehicles, provided they comply with Section 4, and do not interfere with the aeronautical use of the hangar as described above~~2~~.
- 4. Pilot or crew rest facilities, provided:
  - i. Such facilities are not used as a residence
  - ii. Such use is directly tied to an aeronautical activity at the airport
  - iii. such facilities are compliant with building code, fire code, and other applicable law; and
  - iv. Such facilities and their use comply with FAA order 5190B (as amended or replaced), paragraph 20.5.

(b) Use of aircraft ~~storage~~ hangars shall be subject to the following restrictions:

- 1. Any uses prohibited by federal law, state statute, and any other applicable law or regulations.
- ~~2. except for~~ Major aircraft alterations and repairs may be performed in hangars as permitted by ~~city~~City lease agreement, permit, ~~city fire code~~, and/or certificate of occupancy.
- ~~2.3~~ Where no personnel exit is provided, the hangar doors shall remain open thirty-six (36) inches while the hangar is occupied by any person.
- ~~3.4~~ Oily rags, oil wastes, rags and other hazardous materials may only be stored in containers with secondary containment and self-closing, tight-fitting lids as approved by the ~~airport manager~~Airport Manager or ~~city~~City fire department.

(c) Aircraft hangars shall be subject to annual and periodic inspections by the ~~airport manager~~City and ~~city fire department~~ to ensure compliance with all laws, ordinances and these regulations.

**Section 2-8. City-owned Aircraft hangars and ~~ircraft~~T-hangars.**

(a) Aircraft hangars shall only be used for the following purposes:

1. Storage and parking of aircraft and associated aircraft equipment and supplies necessary to conduct aeronautical activities as approved by the City fire department and a Airport Manager. Aircraft parked in hangars shall be parked in a manner so as to be completely contained in the aircraft parking space and not obstruct adjacent aircraft parking and storage areas or taxilanes, except for purposes of immediate and temporary staging and fueling of such aircraft.

~~(a)(b)~~ ~~In addition to the provisions contained in section 2-7, t~~The following restrictions apply to T-hangars:

1. Preventive aircraft maintenance may be conducted in T-hangars. No major aircraft alterations or repairs shall be permitted.
2. Oxygen or any combustible compressed gas in a cylinder or portable tank must be secured to a fixed location or secured to a portable cart designed for the cylinder(s) or tank(s). Compressed gas cylinders or tanks must have pressure relief devices installed and maintained. Cylinders or tanks not in use shall have a transportation safety cap installed.
3. Batteries may be charged with a UL approved trickle charger or battery minder while the owner, operator or tenant is not in attendance.

(c) Aircraft hangars shall be subject to annual and periodic inspections by the City to ensure compliance with all laws, ordinances, and these regulations.

(d) Aircraft stored in a City-owned hangar must be airworthy. Proof of airworthiness must be provided on an annual basis or as requested by Airport staff.

(e) No commercial activities may be conducted in City-owned hangars unless expressly allowed by lease agreement.

(f) All other requirements as contained in Exhibit 1 – Additional Rules and Regulations for City Managed Hangars

~~(b)~~

### ***Section 2-9. Aircraft tiedowns.***

Aircraft tiedowns shall only be used for storage and parking of aircraft in a manner so as to be completely contained within the aircraft parking space and not obstruct adjacent aircraft parking and storage areas or taxilanes, except for purposes of immediate and temporary staging and fueling of such aircraft.

### ***Section 2-10. Aircraft washing.***

- (a) All aircraft washing shall be conducted in accordance with posted rules, with biodegradable soap, and without the use of solvents or degreasers, only:

1. At approved wash areas, or
  2. By aircraft owners at the based location, or
  3. By permitted mobile aircraft washing services operators in accordance with their Approved Wash Plan (AWP).
- (b) City-owned wash areas shall only be used for the purposes of aircraft washing and polishing.
- (c) Runoff shall be collected and properly disposed of in a manner acceptable to the ~~airport manager~~Airport Manager, in accordance with all federal, state, county and local law.
- (d) In no case shall aircraft washing be conducted within fifty (50) feet of storm water drainage or dirt/grass areas without containment (berm, tarp, etc.), nor shall wash/waste water be disposed of in storm water drainage or dirt/grass areas.

#### ***Section 2-11. Airport perimeter road.***

The airport perimeter road shall only be used by authorized vehicles with appropriate signage as determined by the ~~airport manager~~Airport Manager, which include all airport administration vehicles, governmental vehicles, and other vehicles with prior written approval from the ~~airport manager~~Airport Manager.

#### ***Section 2-12. Smoking areas.***

No smoking shall be permitted:

- (a) Airside
- (b) Within fifty (50) feet of an aircraft, fuel truck and/or fuel storage area;
- (c) Where specifically prohibited by the ~~city~~City.

#### ***Section 2-13. Restricted areas.***

- (a) No person shall enter the airside area, except as necessary for the lawful use of an aircraft thereon, or to conduct a permitted business activity and with the consent of the ~~airport manager~~Airport Manager.
- (b) No person shall enter any area posted as being closed to the public, except with the consent of the ~~airport manager~~Airport Manager.
- (c) No person shall enter into, remain in or place in, or remove any object from, any hangar, or other building at the airport without prior written consent of the ~~city~~City or the person with the legal right of possession of such building.

#### ***Section 2-14. Access codes/devices.***

Persons who have been provided either a code or device for the purpose of obtaining access to the airport shall follow all applicable policies, only use airport-issued codes/devices, and shall not divulge, duplicate, or otherwise distribute the same to any other person, unless otherwise approved in writing by the ~~airport manager~~Airport Manager. Violation of the aforementioned regulation may result in ~~the loss of access privileges~~penalties pursuant to Chapter 3 of the Code of Ordinances.

#### ***Section 2-15. Self-services.***

- (a) Persons are permitted to fuel, wash, repair, or otherwise service their own based aircraft, provided there is no attempt to perform such services for others and further provided that such right is conditioned upon compliance with these regulations and all applicable laws.
- (b) An aircraft owner may hire an individual to provide, under the direction and supervision of the aircraft owner, services only on the owner's based aircraft. Such services may only be provided by a direct employee of the aircraft owner or a technical specialist.

#### ***Section 2-16. Aircraft maintenance.***

Major aircraft alterations and repairs or activities associated with amateur-built aircraft are prohibited on the airport except in hangars, where it can be demonstrated that the area of aircraft maintenance is equipped with fire protection, oil/water interceptors into the sanitary sewer system, or other preventative measures are taken as approved by the ~~airport manager~~Airport Manager and ~~fire other City~~departments, as applicable, and are conducted by a person holding a valid airport business permit for such activity or the owner of the amateur-built aircraft.

#### ***Section 2-17. Maintenance of premises.***

All persons using the airport shall maintain their premises in a condition of repair, cleanliness and general maintenance equal to that maintained by the ~~city~~City in comparable areas. All persons having possession, control or use of any portions of the airport shall at all times maintain such premises in clean, serviceable, safe and operable condition and repair.

All airport tenants are required to maintain the grass and vegetation on their leaseholds. This includes mowing the grass up to the edge of any adjacent streets or non-movement area taxilanes. Tenants must also ensure that any right-of-way or easement areas between their leasehold and the street are properly mowed and maintained, unless otherwise maintained by the City of Denton. The Airport Manager will promulgate a map of the airport indicating which areas will be maintained by the City, which is subject to change at any time. Airport tenants will be obligated to mow any right-of-way or easement areas between their leasehold and the street if such area is not included in the City mowing area. Airport tenants will have ninety (90) days' notice prior to any change in mowing obligations under this provision.

### ***Section 2-18. Floor and apron care.***

All tenants on the airport shall keep the floors of hangars and tiedowns leased by them, or used in their operations, clean and clear of fuel, oil, grease and other similar materials.

### ***Section 2-19. Waste containers and disposal.***

All airport tenants, users, or visitors shall be responsible for the disposal of all waste in the appropriate waste containers. Types of waste containers and the location of waste accumulation areas shall be designated by the Aairport Mmanager and no other containers or areas shall be used. Containers for recyclable materials shall be used in strict accordance with the rules posted for such use. Waste-water shall not be disposed of in storm water drainage or dirt/grass areas under any circumstances. Waste-water may be disposed of in sanitary sewer or sink drains, provided such wastewater entering the City's Publicly Owned Treatment Works (POTW) must meet applicable local, state, and federal requirements. ~~unless the waste water contains petroleum or hazardous materials or hazardous waste.~~ No petroleum products, industrial waste matter, batteries, or other hazardous materials shall be dumped or otherwise disposed of except in accordance with local, county, state and federal law, including, but not limited to, the Texas Hazardous Waste Management Act, the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*, the Toxic Substances Control Act, 15 U.S.C. § 2601 *et seq.*, and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 *et seq.* Any hazardous waste shall be the responsibility of the originator under all applicable law.

### ***Section 2-20. Storage.***

No person shall store or stock materials, equipment, or disabled aircraft outside a hangar or building.

### ***Section 2-21. Storage, transfer and cleanup charges.***

Pursuant to ~~chapter~~Chapter 3 of the Code of Ordinances the ~~city~~City may remove and impose storage, removal, and transfer charges upon any property unlawfully located at the airport. The ~~city~~City may clean up any material unlawfully spilled, placed or otherwise deposited at the airport and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and any expenses incurred by, or fines or damages imposed on, the ~~city~~City as a result thereof.

### ***Section 2-22. Model aircraft, kites, fireworks, etc.***

No person shall fly or release a model aircraft, rocket, kite, fireworks, balloon, parachute, etc., within two (2) miles of the airport if such activity would create a hazard to aircraft operations, or as otherwise determined by the airport traffic control tower or the ~~airport manager~~Airport Manager.

### ***Section 2-23. Commercial photography.***

No person shall take still, motion or sound pictures of, or at, the airport for commercial purposes without first receiving a duly-authorized film permit from the ~~city~~City, written approval from the ~~airport manager~~Airport Manager, and paying the appropriate fee(s).

### ***Section 2-24. Advertisements.***

No person shall post, distribute or display signs, advertisements, circulars, printed or written matter at the airport without written permission from the ~~airport manager~~Airport Manager.

### ***Section 2-25. Animals.***

No person shall enter the airport with a ~~dog-pet~~ or other animal unless restrained by a leash or properly confined as determined by the ~~airport manager~~Airport Manager. No person in charge of a ~~dog-pet~~ or other animal shall permit the animal to wander unrestrained on any portion of the airport.

### ***Section 2-26. Firearms, explosives, etc.***

- (a) Unless prohibited by state or federal law from possessing a firearm, a person may possess a firearm and/or ammunition in an unsecured area of the airport. It is an exception if the firearm and/or ammunition is checked as baggage, consistent with both federal and state laws, before the firearm and/or ammunition enters the secured area.
- ~~(a) No person, except a sworn law enforcement officer, member of the Armed Forces of the United States on official duty, or persons holding a valid concealed carry weapons permit pursuant to Texas Administrative Rules R13-9-101 through R13-9-113., shall possess any firearms on the airside, except firearms that do not contain live ammunition, are in an enclosed case, and are intended for immediate transport off the airport.~~
- (b) Unless prohibited by state or federal law from possessing a firearm, a person may openly carry a handgun in an unsecured area of the airport provided the weapon is carried in a holster that is visible to the public and is not carried in a manner calculated to alarm. A manner calculated to alarm means a person:
  - i. intentionally or knowingly displayed a firearm; and
- ~~(b)(c) intended or knew it was in a manner objectively likely to frighten an ordinary, reasonable person. No person, except a sworn law enforcement officer or member of the Armed Forces of the United States on official duty shall possess any firearms in the terminal building pursuant to Texas Administrative Rules R13-9-101 through R13-9-113., except firearms that do not contain live ammunition, are in an enclosed case, and are intended for immediate transport off the airport.~~
- (d) Unless prohibited by state or federal law from possessing a firearm, a person may possess a long gun, such as a rifle or shotgun, in an unsecured area of the airport.
- ~~(e) No person, except a sworn law enforcement officer or member of the Armed Forces of the United States on official duty, shall possess any explosives on the airport.~~



(e) The lawful possession of a firearm pursuant to this Section in an unsecured area of the airport does not relieve a person from criminal liability if the weapon is used in a manner that violates state or federal penal statutes.

~~(d) No person, other than those in the above excepted classes, shall store, keep, handle, use, dispense or transport at, in, or upon the airport any class A or class B explosives, any radioactive substance or material (except for minimum amounts of radioactive substances, such as radioactive paint illuminating instrument dials), without prior written authorization from the airport manager.~~

### ***Section 2-27. Disorderly conduct, intoxicating liquors, etc.***

(a) No person shall:

1. Commit any disorderly, obscene or unlawful act or commit any nuisance on the airport.
2. Drink any intoxicating liquor upon any portion of the airport open to the public, except in such restaurant facilities as may be lawfully established or other place as shall be properly designated and licensed for on-sale liquor dispensing ~~by the county~~ or for the purpose of a special event that has received a special event permit where alcohol has been approved by the ~~city~~City.
3. Become intoxicated on any portion of the airport.

(b) No intoxicated person shall enter upon or loiter on or about the airport, any of its facilities, or any ~~city~~City-owned property.

### ***Section 2-28. Property damage, injurious or detrimental activities.***

No person shall destroy, deface, injure, or disturb in any way airport property or conduct at the airport activities that are injurious, detrimental or damaging to airport property or to activities and business of the airport. Any person causing, or liable for any damage shall be required to pay the ~~city~~City on demand the full cost of repairs. Any person failing to comply with this section shall be in violation of these regulations and may be refused the use of any airport facility until the ~~city~~City has been fully reimbursed for damage done.

### ***Section 2-29. Alteration of airport property.***

No person shall make any alterations to any signs, buildings, aircraft parking and storage areas, leased areas, or other airport property, nor erect any signs, buildings or other structures without prior written permission of the ~~airport manager~~Airport Manager. Any construction on the airport must be approved in writing by the ~~airport manager~~Airport Manager. Such persons shall comply with all building codes and permit procedures of the ~~city~~City and shall deliver to the ~~airport manager~~Airport Manager as-built plans upon completion. No person shall cause to be installed a asbestos-containing building material within or on any city property.



***Section 2-30. Lost articles.***

Any person finding lost articles in public areas of the airport shall immediately deposit them at the office of the ~~airport manager~~Airport Manager or, if after normal business hours, with an airport staff member or security officer on duty at the airport. Articles unclaimed after thirty (30) calendar days may be turned over to the finder or otherwise disposed of in a legal manner.

***Section 2-31. Abandoned property.***

No person shall abandon any property on airport property or in any building on the airport.

***Section 2-32. Temporary permits.***

Notwithstanding any rules and regulations to the contrary, the ~~airport manager~~Airport Manager shall have authority to issue temporary permits and to establish procedures related thereto. A temporary permit shall only be issued when in the best interests of the ~~City~~City and when issuance will not adversely affect the public health, safety and general welfare.

***Section 2-33. Aircraft accidents and other emergencies on the airport.***

Persons should remain clear and away from all airport emergencies unless authorized by law or otherwise requested or with the consent of the Airport Manager. Persons should stay outside of any area cordoned off by airport staff or emergency personnel until such area is cleared for use by the Airport Manager or other personnel as appropriate.

## ARTICLE 3 AIRCRAFT RULES

### ***Section 3-1. Landing and takeoff of aircraft.***

- (a) Except in an emergency, all fixed wing aircraft landings and takeoffs shall be made on the runway.
- (b) No aircraft shall make a one-hundred eighty (180) degree turn after landing on a runway unless instructed to do so by the airport traffic control tower.
- (c) Landing aircraft shall clear the runway as soon as practical, consistent with safety and instructions from the airport traffic control tower, taxiing ahead to the nearest turn-off.
- (d) Except in an emergency, no rotorcraft equipped with skid-type landing gear shall perform run-on landings or any other maneuver that would cause the skids to slide upon the runway surface.

### ***Section 3-2. Aircraft wingspan restrictions.***

Aircraft operators shall operate at their own risk in areas where the aircraft's wingspan exceeds the maximum approved wingspan designation for that area as specified by the ~~airport manager~~Airport Manager or as published.

### ***Section 3-3. Traffic patterns and noise abatement procedures.***

- (a) Arrivals and departures to and from the airport shall avoid flight over populated, residential, or noise--sensitive areas whenever possible, consistent with safety.
- (b) Operators are requested to use NBAA standard noise abatement departure procedures.

### ***Section 3-4. ~~Traffic pattern altitudes.~~Reserved***

~~Traffic pattern altitude above ground level (AGL) for all aircraft operations at the airport is eight hundred (800) feet (AGL).~~

### ***Section 3-5. Qualifications to operate aircraft.***

Operators of aircraft entering or leaving the traffic pattern of the airport or using the movement area for the purpose of landing, or taking off shall be holders of a valid, current pilot certificate with rating appropriate to the type of aircraft operated and conditions under which they are operating. Reciprocal certificates issued by foreign governments are acceptable if accepted by the Federal Aviation Administration.

### ***Section 3-6. Disabled aircraft.***

Aircraft owners and pilots shall be responsible for the immediate removal of disabled aircraft and parts thereof, unless required or directed by the ~~airport manager~~Airport Manager or the Federal Aviation Administration to delay such action pending an investigation of an accident. If in the determination of the ~~airport manager~~Airport Manager, the disabled aircraft presents an operational

or safety concern in any area of the airport, the ~~airport manager~~Airport Manager may cause the aircraft, at the owner's/operator's expense, to be moved by a representative of a fixed base operator or other 3<sup>rd</sup> party. The ~~city~~City shall not be liable for any damages which may result from the relocation of the aircraft.

### ***Section 3-7. Negligent operation of aircraft.***

No aircraft shall be operated within the ~~city~~City in a careless, negligent or reckless manner, or in disregard of the rights and safety of others, or in an unmaintained or otherwise hazardous condition, or without due caution and circumspection, or while any person controlling the aircraft would be prohibited by law from operating an automobile on the public streets with the ~~city~~City due to alcohol or drug influence or impairment, or at a speed or in a manner which endangers, or is likely to endanger, persons or property.

### ***Section 3-8. Required aircraft equipment.***

No aircraft shall land or take off at the airport unless it is equipped with brakes and a functioning radio capable of direct two-way communications with the air traffic control tower, except in the case of an emergency or with prior consent of air traffic control.

### ***Section 3-9. Motorless aircraft.***

No motorless aircraft may land or take off at the airport without prior written permission of the ~~airport manager~~Airport Manager and having complied with all sections of FAR Part 103.

### ***Section 3-10. Running of aircraft engines.***

Aircraft engines shall only be run at idle except as may be necessary for safe taxiing operations, taking off, landing, preflight testing, and maintenance testing. All engine run-ups for maintenance testing purposes shall be performed in accordance with section 3-11 of these regulations. At no time shall an aircraft's engine(s) be operated while the aircraft is in a hangar.

### ***Section 3-11. Aircraft engine run-ups.***

All aircraft maintenance and preflight engine run-ups shall be conducted in ~~the appropriate~~ run-up areas designated by Airport staff and/or Air Traffic Controllers.

### ***Section 3-12. Exhaust and propeller blast.***

No aircraft engine shall be started or aircraft taxied where the exhaust or propeller blast may cause injury to persons or do damage to property or spread debris on the airside area.

### ***Section 3-13. Taxiing of aircraft.***

No person shall taxi an aircraft without first taking all necessary precautions to prevent a collision with other aircraft, persons or objects. Aircraft shall not be taxied into or out of any hangar, or other covered area. No person shall taxi an aircraft except on areas designated for

taxiing. If it is impossible to taxi aircraft in compliance with this section, then the engine must be shut off and the aircraft towed to the new location.

### ***Section 3-14. Common air traffic advisory frequency.***

During hours when the airport traffic control tower is not in operation, aircraft operators shall utilize the common air traffic advisory frequency, 119.95 MHz, to broadcast their intentions and operate the pilot--controlled lighting system as provided in the Aeronautical Information Manual (AIM) Official Guide to Basic Flight Information and ATC Procedures.

### ***Section 3-15. Aircraft accident reports.***

All airport property damage must be reported to Airport staff. Any persons involved in an aircraft accident occurring on the airport, within the ~~city~~City, or that involves aircraft which departed from or were enroute to the airport, shall make a full report thereof to the ~~airport manager~~Airport Manager as soon after the accident as possible, but in no event later than the time required for reporting the accident to the FAA or to any other governmental agency, or within forty-eight (48) hours of the accident, whichever is sooner. The report shall include the names and addresses of the persons involved, and a description of the accident and its cause. When a written report of an accident is required by federal or state law, regulation, or agency, a copy of such report shall also be submitted to the ~~airport manager~~Airport Manager.

### ***Section 3-16. Refusal of clearance or use.***

The ~~airport manager~~Airport Manager may delay or restrict any flight or other operations at the airport and may request Air Traffic Controllers to refuse takeoff or landing clearance to any aircraft for any reason believed to be justifiable.

### ***Section 3-17. Interfering or tampering with aircraft.***

No person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools without permission of the owner, or under the specific direction of the ~~airport manager~~Airport Manager in an emergency.

No person shall interfere with the operation of any aircraft, including, without limitation, obstructing an aircraft in movement or obstructing or distracting or interfering with the vision of the pilot or pilots of any aircraft by mechanical means, light, sound, or any other means.

### ***Section 3-18. Aerobatic flying.***

No person shall conduct aerobatic flying over any portion of the ~~city~~City, unless in conjunction with a ~~city~~City--approved airshow or event.

## ARTICLE 4 VEHICLES, PEDESTRIANS, ETC.

### *Section 4-1. General requirements.*

No person shall operate a vehicle on the airport except in accordance with the rules prescribed by the ~~airport manager~~Airport Manager and all federal, state, and local law.

- (a) Vehicles shall only be operated airside in a manner that complies with these regulations.
  - 1. No person shall operate airside without an approved ~~driver~~ permit for that vehicle operator or;
  - 2. A person without an approved ~~driver~~ permit shall be permitted to operate a vehicle airside while being monitored by a business or facility that has a vehicle control plan which has been approved by the ~~airport manager~~Airport Manager. The vehicle control plan shall include, but is not limited to, procedures for physical presence, physical barriers, visual examination, and verbal or written instructions.
- ~~(b) (b)~~ Vehicles shall access all airport facilities and businesses from the landside public parking areas for said facility or business.
- (c) Vehicles shall remain on paved surfaces unless otherwise permitted by the Airport.
- (c) Vehicles shall obtain access to, and depart from, aircraft parking and storage areas via the gate ~~specified associated within~~ the ~~driver~~ permit.
- (d) When a gate is out-of-service, vehicles shall access a secondary gate as specified by the out-of-service notification.
- (e) Vehicles shall yield right of way to aircraft in motion and emergency vehicles.
- (f) No vehicles shall operate in a careless, negligent or reckless manner nor pass closer than fifty (50) feet to the rear of taxiing aircraft.
- (g) No vehicles shall operate in a careless, negligent or reckless manner nor approach closer than fifty (50) feet to any aircraft whose engines are running, excluding ground service and emergency vehicles.
- (h) All vehicles, upon entering or exiting an airport access gate, shall wait for the gate to completely close behind them before proceeding to their destination so as to not allow the entry of an unauthorized vehicle.

### *Section 4-2. Licensing, registration and insurance.*

- (a) No person shall operate a vehicle of any kind on the airport without a current motor vehicle operator's license.
- (b) All vehicles, whether operating on the airport or stored in a hangar, shall maintain a current state motor vehicle registration and be in an operable or drivable condition.

~~(a)(c)~~ All vehicles shall maintain the appropriate type and amount of vehicle liability insurance required by state law.

~~(b) All vehicles shall maintain the appropriate type and amount of vehicle liability insurance required by state law.~~

#### ***Section 4-3. Control of vehicles.***

No person shall operate or park a vehicle at the airport in a manner prohibited by signs, pavement markings, or other signals posted by the ~~city~~City or by regulations under this article. The ~~airport manager~~Airport Manager has plenary power to regulate or prohibit any class or type of vehicle or any other type or class of wheeled vehicle or other form of transport that operates in the airside area.

#### ***Section 4-4. Speed limits.***

All vehicles shall be operated in strict compliance with all posted speed limits at the airport. The maximum speed limit for all vehicles in the airside area, with the exception of authorized municipal vehicles in the performance their official duties, is fifteen (15) miles per hour or less if conditions warrant in order to ensure safe operation.

#### ***Section 4-5. Vehicles operating in the movement area.***

(a) No vehicle shall be operated in the movement area unless so authorized in writing by the ~~airport manager~~Airport Manager.

(b) Any vehicle authorized to operate in the movement area shall display a rotating or steady beacon that complies with FAA Advisory Circular 150/5210-5, as amended, and is visible to the air traffic control tower personnel. Exceptions to this rule must be authorized in writing by the ~~airport manager~~Airport Manager.

(c) All vehicles that are authorized to operate in the movement area must be equipped with a two-way aviation radio, receive a clearance from, and remain in continuous communications with, the airport traffic control tower. The installation of a two-way radio does not permit the operation of vehicles in the movement area without prior written permission of the ~~airport manager~~Airport Manager. If vehicles are not equipped with radios, prior arrangements must be made with the ~~airport manager~~Airport Manager. Additionally, all vehicle operators shall be conversant with the standard airport light gun signals.

#### ***Section 4-6. Authority to remove ~~vehicles~~property.***

The ~~a~~Airport ~~M~~anager may cause to be removed from any area of the airport any ~~vehicle property~~ which is disabled, abandoned, or parked-deposited :

~~-~~in violation of these regulations, or which presents an operational problem to any area of the airport, at the operator's expense and without liability for damage which may result in the course of such movement. The City of Denton may clean up any material unlawfully spilled, placed, or

otherwise deposited at the airport and may charge the responsible party for the cost of the cleanup, removal, and/or any required remediation, and any expenses incurred by, or fines or damages imposed on, the City of Denton or airport as a result of the cleanup.

#### ***Section 4-7. Bicycles, scooters and miscellaneous vehicles.***

No person shall use airside any bicycle, velocipede, go-cart, go-ped, skateboard, rollerblade, all-terrain vehicle or other vehicle not licensed or otherwise permitted by state law for operation on a public street or highway. This section does not pertain to ~~city~~City vehicles or vehicles used solely for tugging, marshaling, or refueling aircraft, or vehicles permitted under Texas Transportation Code Chapter 551, Subchapters D and F. On a case-by-case basis, and with the prior written approval of the ~~airport manager~~Airport Manager, bicycles or other modes of transportation may be used on the airside of the airport.

#### ***Section 4-8. ~~Motor homes, b~~Boats, recreational vehicles, and ~~trailers~~portable buildings.***

~~Motor homes, B~~boats, recreational vehicles (RVs), ~~and and trailers~~ portable buildings shall not be ~~stored-placed~~ anywhere on the airport unless in accordance with a ~~city~~City-approved lease or with the written consent of the ~~airport manager~~Airport Manager.

#### ***Section 4-9. Vehicle accidents.***

The driver of any vehicle involved in an accident on the airport which results in injury or death to any person, or damage to any property, shall immediately stop such vehicle at the scene of the accident; render reasonable assistance to a person injured in the accident, including making arrangement for the caring of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the caring is requested by the injured person; and give his name, address and operator's license and registration number to the person injured, the ~~airport manager~~Airport Manager and to any police officer or witnesses of the accident. The operator of such vehicle shall make a report of such accident in accordance with state law and provide a copy of same to the ~~airport manager~~Airport Manager.

#### ***Section 4-10. Careless operation, driving while intoxicated, etc.***

No vehicle shall be operated at the airport or upon any area thereof:

- (a) In a careless, negligent or reckless manner;
- (b) In disregard of the rights and safety of others;
- (c) Without due caution or circumspection;
- (d) At a speed or in a manner which endangers or is likely to endanger persons or property;
- (e) While the driver would be prohibited by law from operating an automobile upon the public streets of the ~~city~~City due to drug or alcohol impairment or influence;

- (f) If the vehicle is so constructed, equipped or loaded as to endanger or be likely to endanger persons or property, or to result in the load or other materials becoming separated from the vehicle;
- (g) Without operating headlights, tail lights, turn signals, and brake lights during hours of darkness or during inclement weather; or
- (h) In a manner that does not allow the vehicle to be immediately driven or towed away from any nearby aircraft.

#### ***Section 4-11. Parking restrictions.***

- (a) No person shall park or leave any vehicle standing, whether occupied or not, except within a designated parking area.
- ~~(b) Aircraft owners, operators, and guests shall only park their vehicle in the aircraft storage area when the aircraft is not present.~~
- ~~(c)~~**(b)** Vehicles parked in an aircraft storage area shall be parked in a manner so as to be completely contained in the aircraft storage space and not obstruct adjacent aircraft parking and storage areas, or taxilanes unless for the purposes of immediate and temporary loading, unloading, or staging of an aircraft.

#### ***Section 4-12. Volunteer Assistance.***

No person shall enter the airside area of the airport for the purposes of attending, observing or assisting at the scene of an accident except persons authorized by law or otherwise requested or with consent of the ~~airport manager~~Airport Manager.

#### ***Section 4-13. Pedestrians in the airside area.***

No person shall walk, stand, or loiter in the airside area if such activity is determined to be an operational, security, or safety concern as determined by the ~~airport manager~~Airport Manager. Pedestrians shall make all reasonable efforts to avoid crossing taxilanes and access hangars from the landside entrances.

#### ***Section 4-14. Pedestrians soliciting rides.***

No person shall solicit aircraft rides from any area of the airport.

#### ***Section 4-15. Vehicle repair.***

No person shall clean or make any repairs to vehicles anywhere on the airport, other than in designated shop areas, except those minor repairs necessary to remove such vehicles from the airport. This provision shall not apply to ground support equipment or vehicles used in the sole operation of a permitted airport business and are owned or leased by such business.



No person shall move, interfere or tamper with any vehicle, or put in motion the engine, or take, or use any vehicle part, instrument or tool thereof, without the written permission of the owner or satisfactory evidence of the right to do so duly presented to the ~~airport manager~~Airport Manager.

#### ***Section 4-16. Airport Security.***

- (a) The owner/operator or any facility located on the airport perimeter shall at all times maintain and comply with an airport facility security plan that has been approved by the ~~airport manager~~Airport Manager.
- (b) Access codes and devices, used for accessing any public entry point, shall only be utilized by persons authorized to access those entry points. Persons who have been provided either code or device for the purpose of obtaining access to the Airport through a public entry point shall not duplicate or otherwise distribute the same to any other person, unless otherwise approved in writing by the Airport Manager.

#### ***Section 4-17. Airport Security Fence and Gate Management.***

At all times, it is the responsibility of any tenant, through-the-fence access permit holder, or permitted business to properly maintain and manage all fences and pedestrian/vehicular gates on their leasehold and restrict direct access to the airside area (unless the City of Denton or Airport Manager have otherwise accepted responsibility for maintaining and managing such fence or gate).

- (a) All pedestrian and vehicle access gates shall be controlled at all times using automated controlled access devices, gate operators, closers with automatic locks, keyed or combination locks, or other such reliable devices, or any other means of affirmative control acceptable to the Airport Manager, that serve to continually safeguard the airport from unauthorized access to the airside area.
- (b) At no time shall any tenant, through-the-fence access permit holder, or permitted business affix any sign, advertisement, or other appurtenance to the security fence, except as provided by lease agreement and/or the City of Denton sign code
- (c) The Airport Manager or any other authority responsible for the operation and safety of the airport is hereby authorized to take appropriate action to ensure the airport is safeguarded at all times, including the temporary override of gates, closures and locks of damaged or otherwise found inoperable gates and/or doors, or the placement of blockades or other types of barriers of fencing material as needed should the gate or fence be found unsecured or the Airport safety is at risk of being breach or, the privilege of access onto the airside area is, in the sole discretion of the Airport Manager, being abused. Such safeguards, when taken, shall be clearly posted and not removed by the tenant, off-airport property owner, business operator, or any other person until expressly authorized by the Airport Manager.

## ARTICLE 5 FUELING, FLAMMABLE FLUIDS, AND SAFETY

### *Section 5-1. Fuel safety.*

All transportation, storage and other handling of aircraft and vehicle fuel shall comply with the Uniform Fire Code, as amended, the National Fire Protection Association's codes and standards, as amended, FAA Advisory Circular 150/5230-4, as amended, all requirements of these regulations, and all other applicable law.

### *Section 5-2. Unauthorized fuel possession and storage.*

Except as expressly permitted by these regulations, no person shall possess fuel at the airport.

### *Section 5-3. Storage of aircraft fuel trucks, trailers and other aircraft refueling devices.*

- (a) Aircraft refueling vehicles, other moveable aircraft fuel containers and refueling devices shall be stored outside and not less than fifty (50) feet from a building or storm drainage inlet or such other distance as shall be approved by ~~airport manager~~Airport Manager and ~~city~~City fire department.
- (b) Aircraft refueling vehicles shall be parked in a manner that provides a minimum of ten (10) feet of separation between said vehicles and any other vehicle or aircraft refueling device.
- (c) No aircraft refueling vehicle, aircraft fuel container, or other aircraft refueling device, empty or otherwise, shall be brought into, kept or stored within any building at the airport unless the building is used exclusively for that purpose. This section does not apply to vehicle fuel cans with a capacity of not more than five (5) gallons, provided no more than one (1) such can may be located within a single vehicle, and not more than two (2) such cans in any hangar.

### *Section 5-4. Aircraft fueling locations.*

All aircraft fueling/defueling shall be performed outdoors. Aircraft being fueled/defueled shall be positioned so that aircraft fuel system vents or fuel tank openings are not closer than twenty-five (25) feet from any building or ~~hangar~~storm drainage inlet unless otherwise approved by the ~~airport manager~~Airport Manager and ~~city~~City fire department.

### *Section 5-5. Maintenance of fuel servicing vehicles.*

Maintenance and servicing of aircraft fuel servicing vehicles shall be performed outdoors or in a building approved for that purpose by the fire department.

### *Section 5-6. Open flame.*

There shall be no open flames in the airside area, within fifty (50) feet of any aircraft, fuel truck, and/or fuel storage area, or where specifically prohibited by the ~~city~~City unless otherwise approved by the ~~airport manager~~Airport Manager and ~~city~~City fire department. The category of open flames and lighted open-flame devices shall include, but shall not be limited to, the following:

- (a) Exposed flame heaters, liquid, solid or gaseous devices, including portable and wheeled gasoline or kerosene heaters and gas or charcoal grills;
- (b) Heat-producing, welding, or cutting devices and blowtorches;
- (c) Flare pots or other open-flame lights.

#### ***Section 5-7. Environmental spills and removal.***

Persons shall not fuel an aircraft in a manner that overfills the tank(s) or causes the tank(s) to leak fuel through its vent, and/or dumping fuel. In the event of spillage or dripping of gasoline, oil, grease or any material that may be unsightly or detrimental to the airport, the same shall be immediately removed ~~immediately and the incident and~~ reported to the ~~airport manager~~Airport Manager~~within two (2) hours~~. The responsibility for the immediate removal of such gasoline, oil, grease or other material shall be assumed by the operator or owner of the equipment causing the same or by the tenant or concessionaire responsible for the deposit. In the event of such spillage, and the failure of the operator or owner to restore the area to its original safe and environmentally sound status, the ~~city~~City may clean up any material unlawfully spilled, placed or otherwise deposited at the airport and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and any expenses incurred by, or fines or damages imposed on, the ~~city~~City as a result thereof.

#### ***Section 5-8. Lubricating oils.***

A total of sixty (60) gallons of lubricating oils which are necessary for aircraft maintenance and have a flash point at or above one-hundred (100)° F, may be stored in hangars or other suitable storage devices as approved by the ~~airport manager~~Airport Manager, provided they are stored in their original container, ~~and have original manufacturer's labeling, and comply with the City's~~ Liquid Waste Ordinance.

#### ***Section 5-9. Use of waste oil stations.***

Waste oil stations shall be used solely for the disposal of waste aircraft engine oil, and for the exclusive use of non-commercial general aviation tenants. No person shall place any vehicle engine oil, solvents, cleaners, antifreeze, or any other material or substance in the waste oil receptacle. Any person violating this section shall be responsible for all charges incurred during the proper disposal of such waste. Waste oil stations shall be used in accordance with the rules posted at the station.

#### ***Section 5-10. Fire extinguishers.***

- (a) All tenants, lessees, licensees and permittees shall supply and maintain such adequate and readily accessible fire extinguishers as may be required by the ~~city~~City fire department. Each fire extinguisher shall carry a suitable tag showing the date of most recent inspection.
- (b) At least two (2) fire extinguishers, each having a rating of at least 20-BC, shall be available for use in connection with aircraft fuel handling operations.

### ***Section 5-11. Fuel storage tanks.***

Subject to the other requirements of these regulations, a person may possess fuel within a fuel storage tank constructed, operated and maintained in all respects as required by federal, state, county, and local law.

- (a) Fuel so stored may be dispensed into any aircraft if operated and maintained by a fixed base operator in accordance with the Airport Minimum Operating Standards.
- (b) Fuel so stored in any other fuel storage tank for the purposes of self-fueling must meet the following:
  - a. Be issued and maintain a valid Self-Fueling Permit issued by the ~~Airport Manager~~Airport Manager.
  - b. Be an above-ground skid or permanently installed tank on the leasehold premises. Operator must meet all applicable federal, state, and local fire, environmental, and building codes.
  - c. Fueling reports shall be provided monthly by the 15<sup>th</sup> calendar day of the subsequent month and shall include:
    - i. A summary report to the Airport identifying the number of gallons of aviation fuel delivered to the operator; and
    - ii. Bill of ladings, as received from the fuel supplier for fuel delivered, in support of the summary report; and
    - iii. Pay the appropriate fee due to the Airport as stipulated in the Airport Rates and Fees Schedule.
      - 1. If fuel is delivered by a Fixed Base Operator, operator must submit the difference between the Fixed Base Operator and Private Aviation Fuel Delivery Fee.
      - 2. If fuel is delivered from other than the Fixed Base Operator, operator must submit the Private Aviation Fuel Delivery Fee.
  - d. Meet the fueling safety, training, and insurance requirements for commercial operators indicated in the Airport Minimum Operating Standards.
  - e. Operator must provide a Storm Water Pollution Prevention Plan (SWPPP) and Spill Prevention Containment Control (SPCC) program at the operator's sole cost. Said plan and program must be reviewed and approved by the ~~City~~City prior to fueling activities.

### ***Section 5-12. Moveable fuel storage tanks.***

Unless otherwise approved by the ~~airport manager~~Airport Manager moveable fuel storage tanks are prohibited at the airport except for:

- (a) Fuel trucks constructed, operated and maintained in all respects as required by law.
- (b) Permanent fuel tanks in an operable aircraft.
- (c) Tanks not exceeding one (1) gallon capacity used solely for sampling and testing fuel, engines and fuel handling apparatus.
- (d) No more than one (1) tank with a capacity of not more than fifty-five (55) gallons used by a person to fuel his own aircraft pursuant to a self-fueling permit.
- (e) Tanks lawfully transporting fuel for immediate dispensing into a fuel storage tank permitted by the ~~city~~City. Such vehicles shall access the airport at a point approved by the ~~airport manager~~Airport Manager and remain under escort by a representative of the company receiving the fuel.

### ***Section 5-13. Self-fueling.***

Except as may be prohibited by other provisions of these regulations and any other applicable law, owners of a based aircraft that desires to self-fuel their aircraft, shall apply for and receive a self-fueling permit from the ~~airport manager~~Airport Manager. The preceding sentence does not apply to the use of a self-service fuel facility provided by a fixed base operator.

### ***Section 5-14. Vehicle fuel.***

No person shall possess vehicle fuel on the airport except:

- (a) Within the permanently installed fuel tank of a vehicle for use only by that vehicle;
- (b) Within a moveable container designed for storage of vehicle fuel and having a capacity of not more than five (5) gallons. No more than one (1) moveable container containing vehicle fuel shall be located in a single vehicle. No more than two (2) such containers shall be located in any hangar. No such containers shall be located in a ~~city~~City-owned rental hangar.
- (c) Within above ground storage tanks with a capacity of not more than two-thousand (2,000) gallons, lawfully installed and maintained in accordance with section 5-1.

### ***Section 5-15. Fueling of non-aviation vehicles.***

With the exception of vehicles necessary for airport maintenance, support, or aeronautical activity, the F~~fueling of boats, motor homes, ATVs or other recreational vehicles~~non-aviation vehicles is prohibited in the airside area.

## **ARTICLE VI: SPECIAL EVENTS**

### **Section 6-1. Applicability of this Section.**

This Section applies to any person who has a ground lease, through-the-fence permit, or rental agreement with the Airport that wishes to conduct an activity that is outside the normal daily operations or the permitted use of that facility (a “Special Event”). Any other person who wishes to host a special event at the airport will need to work separately with the Airport Manager to assess the feasibility of any such request.

### **Section 6-2. Special Events Permit.**

All Special Events at the Airport shall be required to apply for and obtain a permit from the Airport Manager or, if required, a Special Events Permit issued by the City of Denton. All parts of the Rules and Regulations apply to Special Events unless prior written permission from the Airport Manager is granted.

### **Section 6-3. Requirements for a Airport Special Events Permit**

An Airport Special Events Permit is required if:

- (a) The general public would be invited and/or have access to the airside.;
- (b) Alcohol is served or consumed on any public portion of the airport;
- (c) Parking is predicted to exceed the current parking allotted for the facility and other arrangements must be made (i.e. borrowing parking capacity);
- (d) There is a use of inflatable or air-supported structures, temporary amusement rides, or games involving projectiles or elevated components.
- (e) An admission, fee, payment, or donation is requested from attendees; or;
- (f) Any time there is a charge for food, drinks, services, or attendance.

### **Section 6-4. Notice of Airport Special Events to Affected Parties**

The Airport will give proper notice of any airport or City of Denton-sponsored Special Events that might impact the operation of air traffic or the operations of any part of the airport. If the Special Event is not sponsored by the City of Denton or airport, the Special Event permit holder will be required to provide proper notice to each airport tenant.

### **Section 6-5. Responsibility at Special Events.**

The actions and consequences of all guests invited by the leaseholder, tenant, or other authorized party at a Special Event is the responsibility of the leaseholder, tenant, or other authorized party as is stated in Section 2-3.

*Section 6-6. Demonstrations, shows and exhibitions.*

No person will engage in any show, demonstration, or exhibition without prior written permission from the Airport Manager regardless of whether such event is a Special Event as defined above.

## EXHIBIT 1

### ADDITIONAL RULES AND REGULATIONS FOR CITY-MANAGED HANGARS

The following rules and regulations shall apply to the duly approved occupants ("Tenants") of all City-managed hangars ("Premises") under a monthly aircraft storage permit.

- 1) Monthly aircraft storage permits shall not be assigned, transferred, nor may the Premises be sublet to another party. The parking of aircraft not owned or leased by the Tenant shall be deemed a prohibited assignment or sublease.
- 2) The Premises shall be used for the storage of airworthy aircraft and other aviation-related items, owned or leased by the Tenant. The Tenant's aircraft must be based at Denton Enterprise Airport.
  - a) An airworthy aircraft is defined as one that has successfully completed an annual inspection by a properly certified aircraft inspector within the preceding 12-month period.
- 3) Tenant shall not use the Premises for any commercial activity. Under no circumstances will the sale of goods or services be permitted out of the Premises.
- 4) Upon a sale or casualty to a Tenant's aircraft, Tenant shall replace the aircraft within 180 days. If Tenant is unable to do so based upon extenuating circumstances beyond the Tenant's control, Tenant may request City to extend this time period, which extension may be granted by the City in its sole discretion.
- 5) Unless the Tenant is on the Premises, vehicles belonging to the Tenant or their guests shall be parked in the public parking area.
- 6) The City shall maintain the hangar lock with a master key maintained by Airport staff. The master key will only be used in case of an emergency or for inspections. Under no circumstances will the Tenant replace the lock provided by the City.
- 7) The City reserves the right at all times to enter the Premises for security, emergency, and other lawful purposes, including inspections to ensure compliance with all applicable laws, rules, and regulations.
  - a) All routine inspections shall be done during normal business hours and in conformance with the Airport policies and procedures.
  - b) The City shall give notice in advance of the inspection and make every reasonable effort to perform the inspection at a time when the Tenant may be in attendance. If the Tenant is not present during the inspection, the City shall leave notice on the premises following an inspection indicating the time and date of the inspection, the purpose of the inspection, and the staff conducting the inspection.



- c) No notice shall be required if the inspection is for a law enforcement purpose.
- 8) The Tenant shall maintain the interior of the Premises in a neat and orderly condition, and shall keep the hangar floor clean and clear of excess oil, grease, or other chemicals.
  - 9) The Tenant shall make no structural, electrical, or any other modifications or alterations to the Premises, or remove any structures, wiring, plumbing or other facilities, with our first submitting to City the plans and specifications for the proposed modifications and obtaining a written approval from the City (which approval may be subject to reasonable conditions imposed by the City) and without first obtaining all applicable construction-related permits and permissions.
    - a) All fixtures, alterations, changes, and improvements, built, constructed, or placed on the Premises by The Tenant shall, at the city's option, become the property of the City and remain on the premises at the expiration or termination of the Tenant's hangar permit. Alternatively, the City may require the Tenant to restore the Premises, in whole or in part, to its condition prior to such fixtures, alterations, changes, or improvements.
  - 10) The Tenant shall be responsible for all damages to the premises caused by Tenant, its licensees, invitees, or guests, or otherwise arising for Tenant's use of the premises, except those arising from normal wear and tear.
    - a) If tenant does not promptly repair any damages for which it is responsible hereunder after notification by City, City may, but shall not be obligated to, make repairs at the Tenant's expense which shall become due and payable as part of Tenant's rent on the next monthly billing cycle.

# **Regulatory Updates**

Chapter 3, Code of Ordinances

Airport Rules and Regulations

# Overview

- Background
- Benefits
- Areas to Review
  - Chapter 3
  - Airport Rules and Regulations
- Timeline
- Public Engagement
- Questions/Feedback

# Background

## Chapter 3, Code of Ordinances

- The governing code that defines the legal and operational framework of the Airport
- Provides basis for:
  - operational and rulemaking authority,
  - business permitting, and
  - enforcement
- Last revised in 2021

## Airport Rules and Regulations

- A set of rules and procedures for the use of airport facilities, applicable to pilots, tenants, and visitors
- Governs:
  - general use,
  - aircraft rules,
  - vehicles and pedestrians, and
  - fueling and hazardous materials
- Last revised in 2021

# Benefits of a Review

## Safety and Compliance

- Keep aligned with best practices, new laws, and regulations

## Resolve Issues

- Remove vague/confusing language; address new concerns and challenges

## Improve Operations

- Reduce inefficiency, increase competitiveness

# Public Feedback

## Town Halls (2)

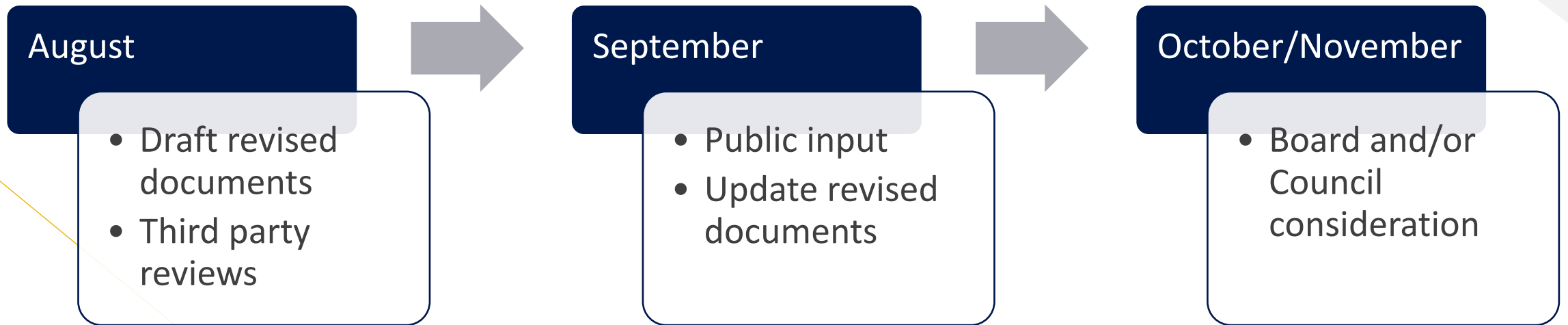
- 5 attendees

## Large Tenant/Fleet

- Sheltair, US Aviation, Med-Trans, High Flying Hangars, U.S. Trinity, etc.

## Emails

# Timeline



# Chapter 3, Code of Ordinances

## Significant Changes

- Remove Board bylaws requirement
- Lease-related approvals may be performed administratively
- Removes requirement for civil enforcement
- Removes blanket provision allowing enforcement for ANY rule/standard violation
- Adds 22 sections of SPECIFIC violations that may be enforced.

## Minor Changes

- Clarifications in the definitions section
- City may take appropriate action resulting from material misstatements
- Codifies insurance requirements for businesses
- Clarifies vague language related to enforcement procedures.



# Chapter 3, Code of Ordinances

## Section 3-109(c)

- Removes requirement that the Airport Advisory Board maintain bylaws covering board officers, officer powers, and notice of meetings.

## Reason

- Section 2-29 of the Code of Ordinances and the Board and Commission handbook cover these issues
- Approved and regularly reviewed by the City Council
- Maintain consistency with Council direction and other City boards

# Chapter 3, Code of Ordinances

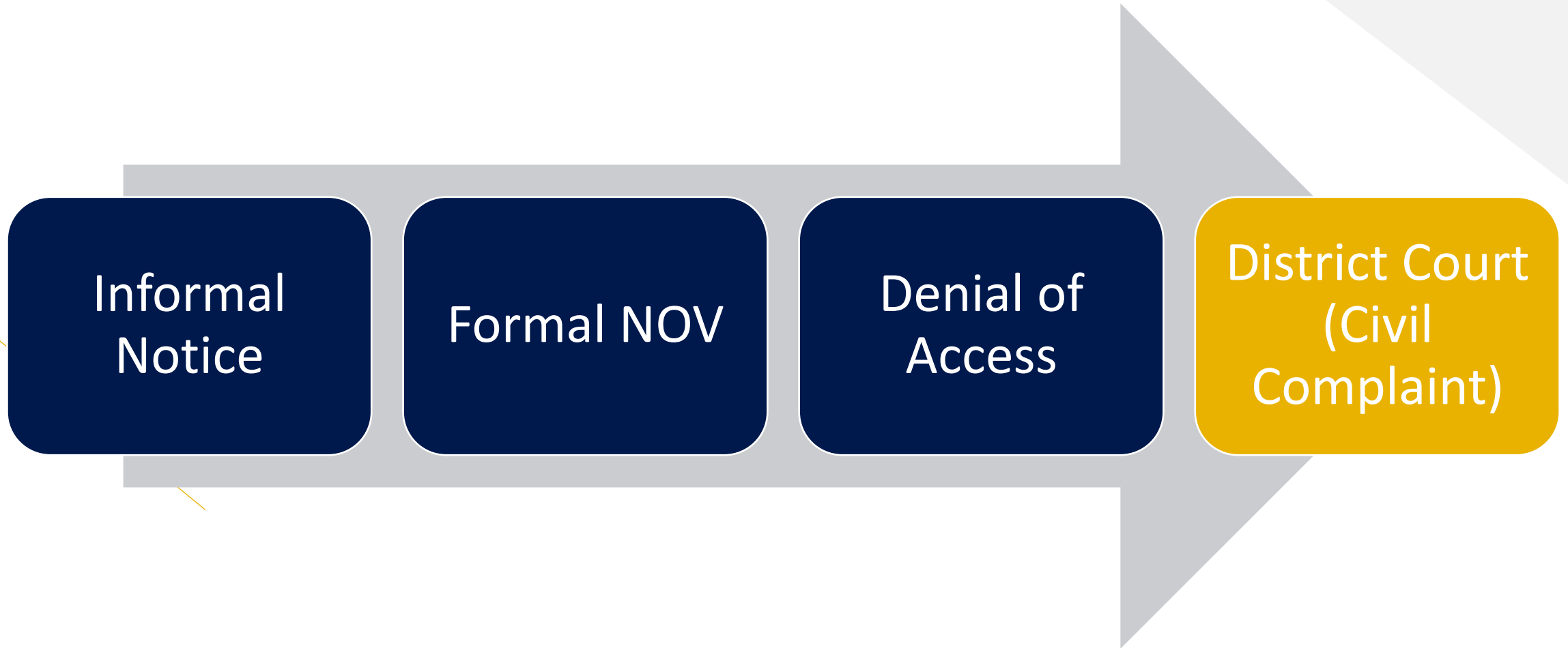
## Section 3-121(2)

- Adds a provision permitting approvals subsequent to a lease to be performed administratively.
- Examples include:
  - Consent to assignment
  - Consent to sublease
  - Consent to mortgage

## Reason

- City Council approval is largely ministerial or automatic.
- Board and Council process adds 30 days or more to the approval process.
- Any changes to lease language (i.e., an amendment) would still require Board and Council approval.

# Current Enforcement Model



# Chapter 3, Code of Ordinances

## Section 3-402

- Removes the requirement that any enforcement of the Code be done as a civil judgment
- Results in judgements being handled as Class C misdemeanors like the rest of the City (e.g Code Enforcement)

## Reason

- City of Denton Municipal Court is not structured for the Civil judgement process; violations would be filed in district court
- Enforcement of other areas of the Code of Ordinances has no requirement for a civil judgement process.
- As a result, enforcement would be longer, more costly, and less effective

# Chapter 3, Code of Ordinances

## Section 3-401

- Removed general language that permitted enforcement for a violation for rules/regulations beyond this chapter.
- Note: Additional violation language to be added in (see next slide)

## Reason

- Referencing violations of rules outside of the chapter is too broad for effective enforcement.
- Enforcement should and will be based on specific language in the chapter.

# Chapter 3, Code of Ordinances

## Section 3-408 to 3-428

- Adds specific language into code, violations of which can be enforced.

## Reason

- Enforcement should be tied to specific requirements spelled out in the Code of Ordinances (as opposed to referencing other rules and regulations).

# Current Enforcement Model



# Chapter 3, Code of Ordinances

Questions and Feedback



# Chapter 3, Code of Ordinances

## Significant Changes

- Updated hangar use regulations
- Clarifies mowing and solid waste responsibilities
- Requires fences and gates be maintained and kept secure when not in use
- Adds Special Events section

## Minor Changes

- Updated definitions
- Updates firearm rules to comply with state law
- Requires vehicles on the airport be operable and have current registration, as applicable
- Various clarifications for safety, operational efficiencies

# Airport Rules and Regulations

## Section 2-7

- Permits limited non-aeronautical storage in non-city-managed hangars
- Must conform to FAA use policy, fire code, and other select limitations (e.g. no campers/RVs)
- May not be used as a permanent or temporary residence (except as permitted by FAA).

## Reason

- The FAA hangar use policy has received clarifying updates.
- City no longer has an operational need for a blanket prohibition on non-aeronautical uses that fall within FAA allowances.

# Board Direction

## Question:

- Should DTO limit boats in hangars?
- Should DTO limit long-term vehicle storage in hangars?

## Status:

- Vehicle storage would provide more flexibility for tenants and possibly create more efficient use of currently unusable space.
- May result in more enforcement effort/actions.

# Airport Rules and Regulations

## Section 2-8

- Maintains prohibition on non-aeronautical items on city-owned aircraft hangars.
- Clarifies use restrictions and creates to Exhibit 1 to provide more detail on rules for city-owned hangars.

## Reason

- City maintains prohibition as a landlord decision
- Exhibit 1 is intended to create a method for establishing tenant rules for the City's hangars that are governed by monthly permit, not a lease.

# Board Direction

## Question:

- Should DTO limit non-aeronautical items from city-managed hangars?

## Status:

- Limiting non-aeronautical items provides greater enforcement clarity for landlord (City).
- Allowing non-aeronautical items might require greater, enforcement effort actions, but further justify market-based rates.

# Airport Rules and Regulations

## Section 2-17

- Clarifies mowing responsibilities extend from leasehold to public pavement, unless such area is being mowed by the Airport.
- Obligates Airport to publish a map of areas it mows and give a 90-day notice of any changes.

## Reason

- While mowing obligations are stated in individual leases and Ch. 17 of the City Code, this provision is intended to provide more transparency.
- The City's maintenance of a map of its and tenant's mowing areas is intended to reduce any confusion over mowing responsibility.

# Airport Rules and Regulations

## Section 2-19

- Clarifies that tenants are responsible for solid waste disposal.

## Reason

- While tenant solid waste obligations are stated in individual leases, this provision is intended to provide more transparency.
- NOTE: Airport maintains a site for shared dumpster service for any tenant who pays for service through the City of Denton.

# Airport Rules and Regulations

## NEW: Section 4-17

- Airport Security Fence and Gate Management.
- Tenants must maintain fencing and gates on their leasehold (unless otherwise maintained by Airport).
- Access gates shall be controlled
- No signs may be placed on the security fence except by lease agreement.
- Airport may secure gates/fence if tenant fails to do so.

## Reason

- Create clarity and transparency regarding fence/gate maintenance.
- Sets new requirement that gates, particularly pedestrian gates, shall be controlled at all times. There has been at least one authorized entry to the airfield due to an unlocked pedestrian gate.
- Limits the visual obstruction and distraction that results from signage placed directly on the fence. Puts all tenants on an even playing field.



# Airport Rules and Regulations

## NEW: Section 6-1

- Special Events is any event or activity that is outside normal operation for that activity.
- Tenants must obtain a permit (permission) from the airport prior to a special event.
- Sets specific requirements for a special event permit.
- Special event host must give proper notice to affected airport tenants.
- No shows, demonstrations, or exhibitions without written authorization.

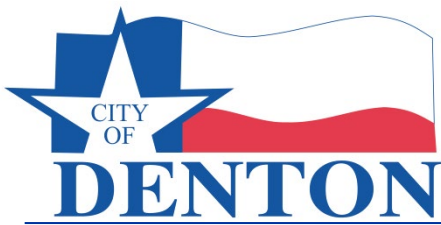
## Reason

- Special Events can be disruptive to other airport tenants and/or create safety risks that must be abated or discussed with the airport.
- Airport staff need prior notice to:
  - Understand any risks
  - Confirm contact information
  - Route for possible submission of Citywide Special Event Permit

The background features a large, light grey triangle on the left side, pointing towards the top right. Several thin, diagonal lines in grey and yellow are scattered across the white background, creating a modern, geometric aesthetic.

# **Airport Rules and Regulations**

Questions and Feedback



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## MONTHLY OPERATIONS REPORT October 2025

The following tables provide details on operations, fueling, based aircraft, alerts, and incidents. Historical Airport Operations, **Exhibit 1**, provides airport historical operations data from 2015-2025.

OPERATIONS (Calendar Year)						
Operation Type	Aug-24	Aug-25	% Change	2024 YTD	2025 YTD	% Change
IFR Itinerant	824	907	10.1%	7,888	7,935	0.6%
VFR Itinerant	9,778	8,598	-12.1%	68,074	68,188	0.2%
Local	4,253	5,450	28.1%	68,492	47,489	-30.7%
<b>Total</b>	<b>14,855</b>	<b>14,955</b>	<b>0.7%</b>	<b>144,454</b>	<b>123,612</b>	<b>-14.4%</b>

FUELING (Fiscal Year)						
Type	Aug-24	Aug-25	% Change	2024 YTD	2025 YTD	% Change
AvGas	70,890	73,703	4.0%	550,941	606,096	10.0%
Jet A	57,352	62,410	8.8%	1,003,738	828,686	-17.4%
<b>Total</b>	<b>128,242</b>	<b>136,113</b>	<b>6.1%</b>	<b>1,554,679</b>	<b>1,434,782</b>	<b>-7.7%</b>

BASED AIRCRAFT					
Description	Single Engine	Multi-Engine	Jet	Helicopter	Total
Dec 2024	352	71	35	18	476
Dec 2023	309	62	34	15	420
Dec 2022	321	79	38	14	452

*NOTE: Due to agenda-related deadlines, figures for the prior month will be available at the next Airport Advisory Board meeting.*

<b>ALERTS</b>		
<b>Date</b>	<b>Type</b>	<b>Description</b>
8/4/2025	Alert I	The pilot of s Cessna reported engine trouble 12 miles from the airport. The aircraft was able to land without incident and taxied to park under its own power.
8/5/2025	Alert III	The pilot of a Citabria reported he was attempting a stop and go and applied too much brake causing the aircraft to tip forward onto its nose. No injuries were reported, and after receiving the go ahead from FSDO, the aircraft was tipped back on its tail wheel and pushed to the A2 run-up area.
8/9/2025	Alert I	The pilot of a Cessna 172 reported possible brake failure after they veered off of Rwy. 18L near A3. No injuries were reported and the aircraft was towed back to parking.

<b>INCIDENTS</b>	
<b>Date</b>	<b>Description</b>
8/6/2025	The Tower called to report a white truck with a trailer that had pulled out onto Taxiway Bravo from Lima and exited at Kilo. The driver had not communicated any intentions with the tower before doing so. Airport Ops quickly located the vehicle and spoke with the driver regarding the violation.

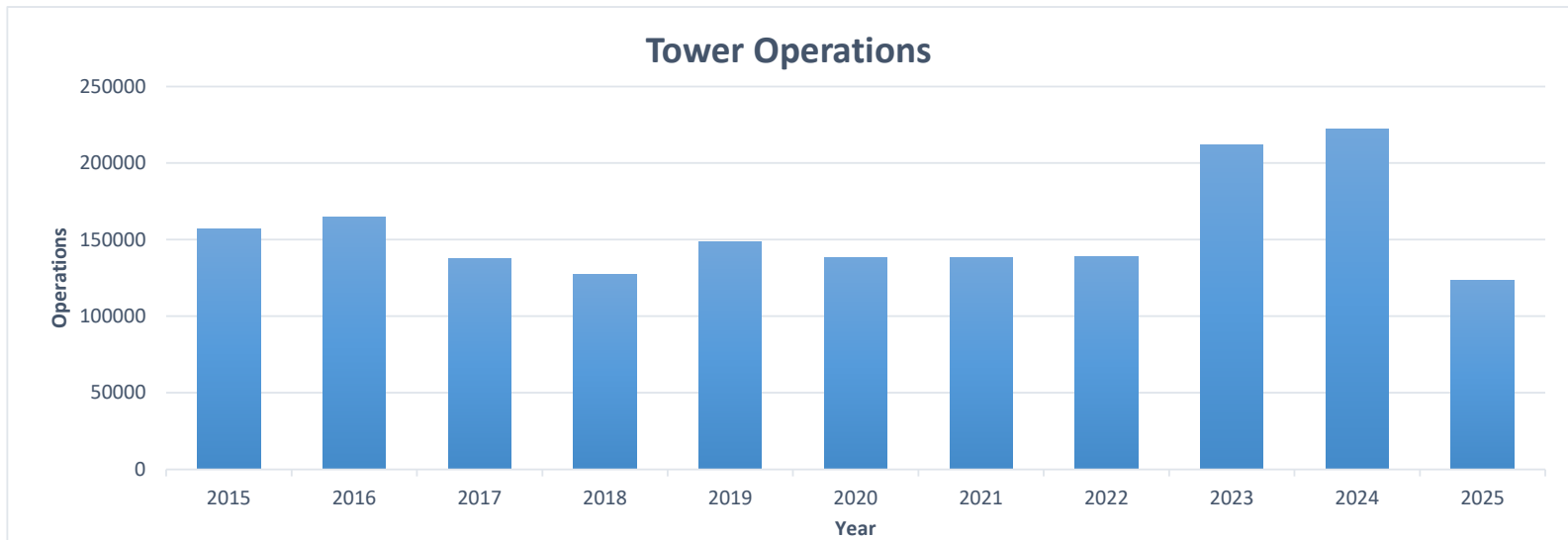
<b>August WEATHER DATA</b>	
<b>Days with Measurable Precipitation</b>	<b>Days with an Avg. Wind over 10mph</b>
5	7

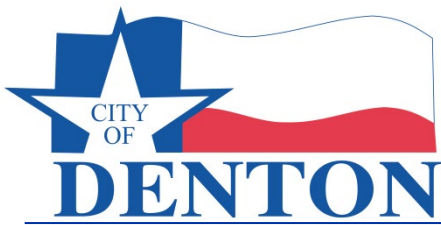
## **EXHIBITS**

1. Historical Airport Operations 2015-2025 (Attached)

## DENTON ENTERPRISE AIRPORT HISTORICAL OPERATIONS

Month:	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
JAN	14419	12074	11070	13036	12323	9830	9138	14030	13814	14618	16068
FEB	10891	12530	9300	7899	9307	11704	6697	10469	13218	20919	13379
MARCH	12886	9240	10846	10659	13074	10055	12423	12719	15134	21655	15180
APRIL	12816	10226	9390	11314	11709	12090	10631	13601	14993	16992	13284
MAY	12431	11958	11914	14854	11172	12690	10704	9902	19470	19503	15839
JUNE	15308	11962	10342	12521	12468	11282	11519	15321	18549	22043	16270
JULY	17359	13190	11162	13553	11718	14274	14124	15936	19931	13869	18637
AUG	18143	11461	10514	14888	10392	13076	12868	17597	21408	14855	14955
SEP	14665	13523	11010	11477	12176	10911	13672	20217	20484	20090	
OCT	13208	13021	10870	13682	11444	11445	12837	17794	18362	23875	
NOV	10906	9195	10249	13276	11367	10508	12482	14415	18860	18914	
DEC	12020	9166	10899	11539	11379	10296	12051	14217	17977	14613	
<b>Total:</b>	<b>157339</b>	<b>165052</b>	<b>137546</b>	<b>127566</b>	<b>148698</b>	<b>138529</b>	<b>138161</b>	<b>139146</b>	<b>212200</b>	<b>221946</b>	<b>123612</b>





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## ADMINISTRATIVE UPDATE October 2025

### **Airport Fee Implementation Update**

On April 1, 2025, the Airport began collecting newly approved fees following City Council's adoption of a new fee schedule on February 18, 2025. The collection of updated fuel flowage fees, hangar rental fees, and Airport Business Permit fees has been successfully implemented.

However, the rollout of the Hangar Waitlist Fee encountered delays due to the volume of applicants (over 100 individuals), the need to provide an in-person payment option outside of the downtown customer service center, and concurrent challenges related to City processes, contract requirements, and the implementation of a new lease management system.

Through collaboration with multiple City departments, a temporary solution has been developed, enabling the collection of Hangar Waitlist Fees beginning in October 2025. A Standard Operating Procedure (SOP) is currently being developed for Airport staff, and a communication will be sent to all current waitlist applicants with detailed payment instructions, including an alternative for those unable to pay in person.

### **Airport Access Policy**

On Sept. 18, 2025, the Airport implemented an Airfield Access Policy to provide more transparency in how the airport administers access to the Air Operations Area ("Airside").

Before this policy, there was little public documentation regarding how the airport manages access, and this policy largely memorializes existing practices, while adding several new elements.

What has not changed:

- If you access the airfield through your leasehold, you do not need an Access Card
- Tenants, sublessees, hangar renters, employees of airport businesses, and nonprofit members are all eligible for Access Cards
- Proof of eligibility is required when applying for an Access Card
- Businesses and nonprofits must notify the airport when an employee or member separates from the organization so access for that person may be terminated.
- Hangar rental providers must notify the airport when a tenant ceases occupancy so access for that person may be terminated.

What is new:

- Tenants, sublessees, and hangar renters may be authorized a secondary access card for:
  - an immediate family member
  - a co-owner of the primary card holder's aircraft
  - a person listed on the insurance of the primary card holder's aircraft
- Conditions that may result in termination of access to the airfield are listed in the policy.

This policy is available on the airport website at [www.dentonairport.com/airfieldaccess](http://www.dentonairport.com/airfieldaccess).

<b>Airport Advisory Board/City Council Airport Related Items</b> <b>**Council Airport Committee – Dissolved 09/28/2021</b> <b>***Legal Review</b>				
	<b>Airport Advisory Board</b>		<b>City Council</b>	
<b>Description</b>	<b>Date</b>	<b>Action</b>	<b>Date</b>	<b>Action</b>
<b>Pending Items</b>				
Chapter 3 Amendment	10/8/2025	Action	Pending	Pending
Airport Rules and Regulations Amendment	10/8/2025	Action	n/a	n/a
Airport Land Lease – Leasing Policy Updates	Pending	Pending	Pending	Pending
Land Lease Agreement – U.S. Aviation Academy, LLC – Site 5	Pending	Pending	Pending	Pending
Consent to Collateral Assignment – U.S. Aviation Academy, LLC	10/08/2025	Pending	10/21/2025	Pending
Garver – Third Amendment – Pavement Design	Pending	Pending	Pending	Pending
Airport Master Plan	11/12/2025	Action	12/2/2025	WS
<b>Completed Items with Airport Advisory Board and City Council</b>				
Consent to Lease Assignment – Ezell Aviation, Inc to Marklyn Jet Parts, LLC	06/11/2025	Approved 7-0	06/17/2025	Approved 7-0
Consent to Collateral Assignment – HC Aviation Property Holdings, Inc	06/11/2025	Approved 7-0	06/17/2025	Approved 7-0
Land Lease Agreement – Hangar Club, LLC – Site 3 & 4	06/11/2025	Approved 7-0	06/17/2025	Approved 7-0
918 Aeronca Lane – Airport Hangar Lease Agreement	04/09/2025	Approved 6-0	04/15/2025	Approved 7-0
922 Aeronca Lane – Airport Hangar Lease Agreement	04/09/2025	Approved 6-0	04/15/2025	Approved 7-0
926 Aeronca Lane – Airport Hangar Lease Agreement	04/09/2025	Approved 6-0	04/15/2025	Approved 7-0
5088 Sabre Drive – Airport Hangar Lease Agreement	04/09/2025	Approved 5-1	04/15/2025	Approved 7-0
Garver – Second Amendment – Pavement Analysis	04/09/2025	Approved 6-0	05/06/2025	Approved 7-0
Airport Rates and Fees	12/11/2024	Approved 6-0	02/18/2025	Approved 7-0
Drainage Study – Garver Proposal – Task Amendment 1	02/12/2025	Approved 4-0	02/18/2025	Approved 7-0
Feasibility Study – UAS/Drone	02/12/2025	Approved 4-0	02/18/2025	Approved 7-0
Wayne and Maribeth Yarbrough – Lease Assignment	01/08/2025	Approved 5-0	01/14/2025	Approved 7-0
HC Commercial – Lease Agreement – Site 10	11/13/2024	Approved 5-0	11/19/2024	Approved 7-0
First Financial Resources – Lease Assignment	11/13/2024	Approved 5-0	11/19/2024	Approved 7-0



<b>Airport Advisory Board/City Council Airport Related Items</b> <b>**Council Airport Committee – Dissolved 09/28/2021</b> <b>***Legal Review</b>				
	<b>Airport Advisory Board</b>		<b>City Council</b>	
<b>Description</b>	<b>Date</b>	<b>Action</b>	<b>Date</b>	<b>Action</b>
Airport Leasing and Development Policy	09/11/2024	Approved 6-0	10/15/2024	Approved 7-0
US Trinity Aviation, LLC – Lease Agreement – Site 9	10/09/2024	Approved 7-0	10/15/2024	Approved 7-0
GKY Holdings 1, LLC – Lease Amendment	08/14/2024	Approved 5-0	09/17/2024	Approved 7-0
Airport Master Plan	03/20/2024	Approved 5-0	04/02/2024	Approved 7-0
Airport Financial Update	03/20/2024	Work Session	N/A	N/A
Roanoke Air and Auto, Inc – Lease Agreement	03/20/2024	Approved 5-0	04/02/2024	Approved 7-0
Hangar 10 Flying Museum – Lease Assignment	02/14/2024	Approved 6-0	02/20/2024	Approved 7-0
GKY Holdings 1, LLC – Lease Amendment	12/06/2023	Approved 4-0	12/12/2023	Approved 6-0
Financial Analysis	12/06/2023	Approved 4-0	12/12/2023	Approved 6-0
Nebrig Properties, LP – Lease Assignment	12/06/2023	Approved 4-0	12/12/2023	Approved 6-0
TxDOT – Primary Runway Reconstruction Project	10/11/2023	Approved 4-0	10/24/2023	Approved 6-0
Victory Aviation Supplies, LLC – Consent to Subsublease	09/13/2023	Approved 4-0	09/26/2023	Approved 7-0
Ronald J. Gowan – Lease Assignment	09/13/2023	Approved 4-0	09/26/2023	Approved 7-0
Petersen Hangars, LLC – Lease Assignment	09/13/2023	Approved 4-0	09/26/2023	Approved 7-0
Dave Austin – Lease Assignment	08/09/2023	Approved 5-0	08/15/2023	Approved 7-0
DTO 4858, LLC – Lease Assignment	08/09/2023	Approved 5-0	08/15/2023	Approved 7-0
US Trinity – Lease Assignment	02/23/2023	Approved 4-0	03/07/2023	Approved 6-0