

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Aviation

AGENDA DATE: December 10, 2019

CONTACT PERSON/PHONE: Monica Lombraña, A.A.E. – Director of Aviation

DISTRICT(S) AFFECTED: All

STRATEGIC GOALS: No. 1: Create an Environment Conducive to Strong, Sustainable Economic Development

SUBJECT:

An Ordinance amending Title 14 (Aircraft and Airports) of the El Paso City Code in its entirety to delete certain sections, delete weight limitations, make corrections to references to chapters, add procedures for issuance and denials of permits for the distribution of literature and solicitation of donations under section 14.16.110, add new provisions for third party service agencies, clarify procedures for the issuance and denials of off-airport rental car business permits under Chapter 14.16, clarify appeal procedures for the denial, suspension, or revocation of an off-airport rental car business permit under Chapter 14.16, provide for the charging of fees throughout Title 14, make modifications to the penalty section, and minor corrections and minor references throughout Title 14. The penalty is as provided in Sections 14.04.040, 14.08.120, 14.16.021, 14.16.110, 14.16.163, 14.16.314, and 14.16.405 of the El Paso City Code.

BACKGROUND / DISCUSSION:

The updates to this Title are to address operational practices not formally codified, update policies to reflect new technologies, reflect changes in state and federal law, and simplify fee and permitting practices.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____

FINANCE: (if required) _____

DEPARTMENT HEAD: _____



(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 14 (AIRCRAFT AND AIRPORTS) OF THE EL PASO CITY CODE IN ITS ENTIRETY TO DELETE CERTAIN SECTIONS, DELETE WEIGHT LIMITATIONS, MAKE CORRECTIONS TO REFERENCES TO CHAPTERS, ADD PROCEDURES FOR ISSUANCE AND DENIALS OF PERMITS FOR THE DISTRIBUTION OF LITERATURE AND SOLICITATION OF DONATIONS UNDER SECTION 14.16.110, ADD NEW PROVISIONS FOR THIRD PARTY SERVICE AGENCIES, CLARIFY PROCEDURES FOR THE ISSUANCE AND DENIALS OF OFF-AIRPORT RENTAL CAR BUSINESS PERMITS UNDER CHAPTER 14.16, CLARIFY APPEAL PROCEDURES FOR THE DENIAL, SUSPENSION, OR REVOCATION OF AN OFF-AIRPORT RENTAL CAR BUSINESS PERMIT UNDER CHAPTER 14.16, PROVIDE FOR THE CHARGING OF FEES THROUGHOUT TITLE 14, MAKE MODIFICATIONS OF THE PENALTY SECTION, AND MINOR CORRECTIONS AND MINOR REFERENCES THROUGHOUT TITLE 14. THE PENALTY IS AS PROVIDED IN SECTIONS 14.04.040, 14.08.120, 14.16.021, 14.16.110, 14.16.163, 14.16.314, AND 14.16.405 OF THE EL PASO CITY CODE.

WHEREAS, the amendment to Title 14 is to address operational practices not formally codified, update policies to reflect new technologies, update to reflect changes in federal and state law, simplify fee and permitting practices; and

WHEREAS, the City Council has deemed the proposed local amendments appropriate for the City of El Paso.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 14 (Aircraft and Airports) is amended in its entirety as follows:

Title 14 – Aircraft and Airports

Chapter 14.02 - PURPOSE

The following provisions will govern the conduct of all persons engaged in activities, aeronautical or other, at the El Paso International Airport, unless otherwise specifically provided for in Federal Aviation Regulations or by separate agreement with the City of El Paso. In those instances where there may be a conflict between these rules and the provisions, conditions and terms of such an agreement, the specific written agreement shall govern.

Chapter 14.04 – GENERAL PROVISIONS AND DEFINITIONS

14.04.010-Definitions.

- A. Words not specifically defined in this regulation which relate to aeronautical practices, and equipment, will be construed according to their general usage in the aviation industry.

B. Terms Defined.

“Aerobatic flying” means any intentional airplane maneuver or stunt not necessary to air navigation, or operation of aircraft in such manner as to endanger human life or safety by the performance of unusual or dangerous maneuvers.

“Aircraft” means by aeroplane, airplane, gas bag, flying machine, balloon, or any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance used primarily as safety equipment.

“Airport,” unless otherwise stated or required by the context, means the area shown on the El Paso International Airport, most recently approved Airport Layout Plan which is on file in the El Paso International Airport and which is made part of this title.

“Airworthy Aircraft” means an aircraft that is in a condition that is suitable for flight.

“City” shall mean the City of El Paso, Texas.

“Code” means the El Paso, Texas City Code and any amendments thereto.

“Director” means the Director of Aviation of the El Paso International Airport or his/her authorized designees.

“Person” means any individual, group of individuals, partnership, association or corporation, or other legal entity.

“TSA” means the Transportation Security Administration.

“Unmanned Aircraft” means an aircraft operated without the possibility of direct human intervention from within or on the aircraft, or as more currently defined by 14 CFR Part 107.

14.04.020 - Applicability of provisions.

The provisions of Sections 14.04.010, and 14.12.010 through 14.12.110 shall not apply to public aircraft of the federal government, or of a state or territory, or of a political subdivision of a state or territory, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering operation of such aircraft.

14.04.030 - Accidents—reporting required.

The operator of any ground vehicle or aircraft involved in an accident or incident on the Airport shall promptly report such accident or incident to the Director or authorized designee.

14.04.040 - Violation—Penalty.

- A. Any person violating any provision of Sections 14.12.100, 14.16.010 through 14.16.100, 14.16.120 through 14.16.150, 14.20.250 or 14.20.010 through 14.20.180 shall be deemed guilty of a misdemeanor and punished as provided in Sections 1.08.010, 1.08.020 and 1.08.030.
- B. The Director or authorized designee may request any person violating Sections 14.12.120 through 14.12.220, 14.16.010 through 14.16.100, 14.16.120 through 14.16.150, 14.20.010 through 14.20.180, or 14.16.406 to leave the Airport, and may eject any person who fails to comply with such request, or may direct any peace officer to eject such person.
- C. A violation of Section 14.20.240 of this Code is a civil offense. Such civil violations are subject to the administrative adjudication process as provided in Chapter 12.85 of this Code.

14.04.060 – Fees.

- A. City Council may set fees referenced in this title by the following methods:
 - 1. Through the annual budget resolution;
 - 2. Through a contract validly executed under federal or state law; and/or
 - 3. Through a contract validly executed under a City ordinance.

Chapter 14.08 - Airport Zoning

14.08.010 – Definitions.

As used in this chapter, unless the context otherwise requires:

- A. “Airport Hazard” is any temporary or permanent structure, including all appurtenances, that pose a hazard as defined by FAA AC 70/7460-1L or successor regulations.
- B. “Movement Area” means the runways, taxiways, and other areas of an Airport that are used for taxiing, takeoff, and landing of aircraft, exclusive of loading ramps and parking areas.

14.08.020 - Airport Zone Map.

In order to carry out the purposes of this chapter, the area referenced herewith covers all the land within five miles of the landing area of the Airport and within the territory of the United States of America.

14.08.030 - Height limits.

Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained within the Airport zone map to a height in excess of the applicable elevations (elevation above mean sea level as established by the United States Coast and Geodetic Survey) shown on the Part 77 Surfaces map as approved by the FAA within the El Paso International Airport. Height and clearance shall be determined in accordance with FAA Part 77 rule adherence. Proposed construction of objects shall follow all required notification (Form 7460-1, or most current, submittal) and lighting in accordance with the FAA.

14.08.040 - Use restrictions.

Notwithstanding any other provisions of this chapter, no use may be made of land within the Airport zone map, in such a manner as to create electrical or other interference with radio or other (including cyber) communication between the Airport and aircraft, make it difficult for flyers to distinguish between Airport lights and others, result in glare in the eyes of flyers using the Airport, impair visibility in the vicinity of the Airport, or otherwise endanger the landing, taking-off or maneuvering of aircraft or other vehicles that utilize the Airport. Land use shall be restricted within the vicinity of the Airport in accordance with federal, state, and local rules and regulations to ensure compatible land use surrounding the Airport. The purpose of the use restrictions is to prevent interference with the state and efficient operations of the Airport to provide air service.

14.08.050 - Nonconforming uses and structures.

Nonconforming uses and structures shall not be permitted within the vicinity of the Airport unless prior approval is received in accordance with federal, state, and local rules and regulations. The regulations prescribed in Sections 14.08.030 and 14.08.040 shall not be construed to require the removal, lowering or other change or alteration of any structure, including all phases or elements of a multiphase structure, regardless of whether actual construction has commenced, or object of natural growth not conforming to the regulations on the date of the adoption of the regulations herein, or otherwise interfere with the continuance of any registered nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure the construction or alteration of which was begun prior to the effective date of the regulations herein, and is diligently prosecuted and completed within two years thereof and any exclusion authorized by the FAA or authorized designee. However, lighting may be required as deemed necessary by the FAA or the Airport pursuant to 14.08.070.

14.08.060 - Variances.

Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this chapter, may apply for a variance to the board of adjustment as provided in this chapter. Such variance shall be allowed where a literal application or enforcement

of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this chapter. Variances can be considered provided that deviations from this article do not impact air navigation. As part of the variance application process, the FAA airspace analysis must be completed.

14.08.070 - Hazard marking and lighting.

Any variance granted under Section 14.08.060 may, if such action is deemed advisable to effectuate the purposes of this chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question at his own expense, or permit the City at its own expense, to install, operate and maintain thereof such markers and lights as may be necessary to indicate to flyers the presence of an Airport hazard. Hazard marking and lighting shall be in accordance with Federal Aviation Administration Advisory Circular 70/7460-1L, or its successor, as determined by the Federal Aviation during the filing of the FAA Form 7460-1.

14.08.080 - Board of adjustment—Powers and duties.

- A. The board of adjustment shall have the powers as outlined in Article 2.16 in addition to:
1. To hear and decide appeals from any order, requirements, decision or determination made by the zoning administrator in the enforcement of this chapter;
 2. To hear and decide variances to the terms of this chapter.
- B. The board of adjustment for the City, created pursuant to Chapter 2.16 of this Code, shall act as the Airport board of adjustment and shall, when acting as the Airport board of adjustment, follow the same procedures and guidelines for the conduct of its meetings as when it functions as the board of adjustment for the City.

14.08.090 - Appeals to board of adjustment.

Appeals to this Title shall follow those more particularly described in Section 2.16.040, and shall be in accordance with the provisions of §241.036 of the Texas Local Government Code.

14.08.100 - Appeals to district court.

Any person aggrieved, or taxpayer affected, by any decision of the board of adjustment may appeal to the district court of the judicial district wherein the Airport is located, as provided by statute.

14.08.110 - Administrative officer designated.

The zoning administrator is designated the administrative officer charged with the duty of administering and enforcing the regulations herein prescribed. The duties of the zoning administrator shall include processing all applications for variances under Section 14.08.060, but the zoning administrator shall not have or exercise any of the powers or duties herein delegated to the board of adjustment.

14.08.120 - Enforcement and remedies.

The City, separately, or in conjunction with the county, may institute in the district court of the judicial district wherein the Airport is located, an action to prevent, restrain, correct or abate any violation of this chapter, or any regulations, orders, ordinances, resolutions or rulings promulgated or made pursuant to this chapter, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise as may be proper under all the facts and circumstances of the case, in order to effectuate the purposes of this chapter and of the regulations adopted and orders, resolutions and rulings made pursuant hereto.

14.08.130 - Conflicting regulations.

Where this chapter imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation under this El Paso City Code, the provisions of this chapter shall govern, pursuant to FAA regulations.

Chapter 14.12 - AIRCRAFT USE REGULATIONS

14.12.010 - Airspace defined.

The term "Airspace" as used in Sections 14.12.020 and 14.12.030 means the Class C Airspace which includes an area within a circle the radius of which is five nautical miles and the center of which is the Airport reference point, as established and marked on the ground by the United States Coast and Geodetic Survey, except such part of the area as lies within the Republic of Mexico. The circle extends from the surface to a height of 1,200 feet above ground level at which point the circle extends to a 10 nautical miles radius up to a height of 4,000 feet above ground level.

14.12.020 - Aircraft position lights—Use required when.

From thirty minutes before sunset to thirty minutes after sunrise, or at any other time when flight visibility is less than three miles, no person shall operate any aircraft within the Airspace of the El Paso International Airport without showing the standard position lights required by regulations of the Federal Aviation Administration.

14.12.030 - Radio receiver required—Operation of required when.

No person shall make a take-off within the Class C Airspace with any aircraft not equipped with a radio receiver and transponder with altitude encoding capability which enables the pilot to obtain instructions from the Air Traffic Control Tower of the El Paso International Airport; and the pilot or person in command of the aircraft shall maintain continuous communication with the appropriate radio frequency for such instructions while the aircraft is within the Airspace; provided, the Air Traffic Control Tower or designee may permit such take-off during daylight when in their opinion an emergency exists and such take-off can be made with reasonable safety.

14.12.040 - Minimum altitude.

- A. Except while taking off or landing at an established landing field or Airport, no person shall fly or permit any aircraft to be flown within the City limits except at a height sufficient to permit a reasonably safe emergency landing, which shall be at least one thousand feet when outside the landing pattern of the International Airport and five hundred feet when inside the landing pattern. The landing pattern is the area within a radius of one mile from the Airport reference point as defined in Section 14.12.010.
- B. The provisions of this section may be deviated from when necessary because of immediate danger, stress of weather conditions or other unavoidable cause.
- C. The provisions of this section may be waived by the City Council when it permits the landing of an aircraft within the City other than upon a regularly established Airport field or landing place pursuant to Section 14.12.080 of this chapter or the delivery and release of equipment, construction material or any other object or material from an aircraft pursuant to Section 14.12.105 of this chapter.

14.12.050 - Airman Certificate and aircraft certificate of airworthiness required.

No person shall operate any aircraft or Unmanned Aircraft within or over the corporate limits of the City unless such person has first been issued an airman certificate, if required, by the Federal Aviation Administration and unless such aircraft, if required, shall have first received a certificate of airworthiness from such agency.

14.12.060 - Compliance with federal rules required.

No person shall operate any aircraft or Unmanned Aerial Vehicle over or within the City in violation of any valid air traffic or other rule or regulation established by the Federal Aviation Administration.

14.12.070 – Aerobatic flying prohibited.

Aerobatic flying by any person flying over any portion of the City is prohibited, unless authorized by Air Traffic Control and the Director of Aviation or their designee.

14.12.080 - Landing to be only at established landing places

- A. Except in case of emergency, no person shall land any aircraft within the City except upon a regularly established Airport field, heliport, helipad, helistop, or landing place. This prohibition shall not be applicable to aircraft owned or operated by agencies of federal, state, or local governments.
- B. The provisions of this section may be waived on a case by case or regular basis by resolution of the City Council with respect to the landing or landings of an aircraft outside the airspace (as that term is defined in Section 14.12.010 of this chapter) of any Airport, field or landing place, upon the application of any person who presents evidence satisfactory to the City Council of the following:
1. That the proposed landing or landings are not in violation of any rule or regulation of the Federal Aviation Administration;
 2. The purpose of the landing or landings;
 3. The number and type of aircraft to be utilized in the proposed landing or landings;
 4. That the operator or operators of the aircraft to be utilized and the aircraft to be utilized are properly and currently certified by the Federal Aviation Administration, or by some other authorized agency;
 5. The time, place and date of the proposed landing or landings and the estimated time of departure;
 6. The reason why the proposed landing or landings should be permitted;
 7. An insurance policy shall be maintained by the operator of the aircraft to insure against third party liability as well as passenger bodily injury liability that meets the minimum amounts and requirements specified in a written agreement with City. This requirement shall not be applicable in the case of aircraft owned and operated by agencies of the federal government or the state.
 8. A statement signed by the applicant that the applicant will, in consideration of permission from the City Council to conduct the landing or landings requested, indemnify and hold the City harmless from any and all claims for death, personal injury, property damage or otherwise, arising out of or incidental to the landing, landings or takeoffs of aircraft for which waiver of this section is granted. This requirement shall not be applicable in the case of aircraft owned and operated by agencies of the federal government or the state.

14.12.090 - Parachute jumping prohibited.

No person shall make a parachute jump within the City limits except in case of actual emergency or approved in writing by the Director of Aviation or designee. This prohibition shall not be applicable to parachute jumps by agencies of federal, state, or local governments.

14.12.100 - Dropping objects from aircraft prohibited.

No person in any aircraft shall cause or permit to be thrown out, discharged or dropped within the City any object or thing, except loose water or loose sand ballast when absolutely essential to the safety of the occupants of the aircraft and except as provided in Section 14.12.105.

14.12.105 - Objects delivered or released from aircraft—Application required.

- A. No person shall deliver or release from any airborne aircraft any equipment, construction material or any other object, or any persons, within the City, except for activities which have been preempted by federal or state law, without first obtaining a permit from the City Council which may be granted on a case by case or regular basis upon submission of an application that provides at a minimum the following information:
1. The identity and credentials of the applicant;
 2. The time, location and duration of the operation;
 3. A description of equipment, construction material or other objects to be delivered or released from the aircraft, together with a description of the method to be used in the delivery or release and the flight approach path to the site involved;
 4. Evidence that the applicant has been certified by the Federal Aviation Administration pursuant to 14 Code of Federal Regulations Part 133 in the case of Rotocraft External Load Operation; that applicant's air delivery or air drop will be in compliance with any and all applicable regulations of the Federal Aviation Administration and any other applicable federal or state laws or regulations. The requirement set forth in this section for compliance with 14 CFR Part 133 apply only to rotary wing aircraft; all other requirements of this section apply only to both rotary and fixed wing aircraft;
 5. Evidence that the operator or operators of the aircraft to be utilized and the aircraft are properly and currently certified by the Federal Aviation Administration, or by some other authorized federal agency;

6. Whether the proposed location of the air drop or air delivery and the approach to such location or locations are within a noise sensitive zone as defined in Section 9.40.070 of this Code;
7. Evidence that the applicant has made satisfactory arrangements with law enforcement agencies to exclude, where necessary, unauthorized persons from the area of the proposed operation;
8. The reason that the project is in the best interests of the City;
9. Evidence of general liability combined insurance coverage issued by an insurance company authorized to do business within the state, applicable to the proposed operation, in a minimum amount of five hundred thousand dollars. This requirement shall not be applicable in the case of the aircraft owned and operated by agencies of the federal government or the state; and
10. A statement signed by the applicant that the applicant will, in consideration of permission from the City Council to conduct the air delivery or release requested, indemnify and hold the City harmless from any and all claims for death, personal injury, property damage or otherwise, arising out of or incidental to the landing, landings or takeoffs of aircraft for which waiver of this section is granted. This requirement shall not be applicable in the case of aircraft owned and operated by agencies of the federal government or the state.

14.12.110 - Advertising from aircraft.

No person shall make an exhibition flight by carrying banners on, distributing circulars or advertising matter from, or operating loud speaking device from any aircraft flying within the City limits, without first obtaining a permit from the City Council. Such permit will not be granted if in the opinion of the City Council the proposed operation will endanger persons or property or cause discomfort or annoyance to the public; nor in any case unless the aircraft and the person operating it are properly licensed by the Federal Aviation Administration.

14.12.120 - Suspension or restriction of aircraft operations—Authority of Director or designee.

The Director or designee may suspend or restrict any or all aircraft operations on, from, or to, the Airport whenever such action, in their discretion, is deemed necessary in the interest of safety.

14.12.130 - Disabled aircraft.

Aircraft owners and their pilots and agents shall be responsible for the prompt disposal of disabled aircraft and parts thereof unless otherwise directed by proper federal authorities, after proper inspections and clearances have been obtained from proper federal authorities.

All disabled aircraft shall be placed in a hangar or covered, such that the aircraft is out of the public view. If such screening is not possible, the aircraft's responsible party shall coordinate with the Airport. Should the owners, their pilots or agents, fail to comply, the Director or designee is authorized, in order to restore flight services, to remove damaged aircraft, parts or FOD from the landing area, ramp and apron areas, or the Airport, at the expense of the aircraft owners, their pilots or agents, without liability for damage which may result in the course of such removal.

14.12.140 - Damage to Airport property—Reporting required.

Any person observing damage, injury or destruction of Airport property shall so report to the Director or designee or the control tower operator immediately.

14.12.150 - Starting and/or running of aircraft engines.

- A. Aircraft engines shall be started and run-up only in places designated by signs or as specifically authorized by the Director or designee or control tower as published in the current Chart Supplement.
- B. No aircraft engine shall be started or operated in any manner unless a licensed pilot or mechanic is at the controls.
- C. Any aircraft not equipped with locking brakes shall have the wheels adequately chocked before starting any engine.
- D. No aircraft engine shall be powered in any hangar.
- E. Engines are to be no higher than idle at the terminal gates.

14.12.160 14.12.160 – Taxiing.

- A. No aircraft shall be taxied in the movement area without prior clearance from the Air Traffic Control Tower, and then only at speeds that shall assure complete control at all times.
- B. While awaiting take-off clearance, aircraft shall not be taxied past the “mandatory hold” lines painted on the taxiways.
- C. Aircraft shall not be taxied into or out of any hangar.

14.12.170 - Take-offs and landings.

- A. All take-offs and landings shall be made on the paved runways except in emergencies, unless otherwise directed by the Air Traffic Control Tower.
- B. Aircraft, after landing, shall turn off the runway at the first practicable taxiway or runway intersection or as specifically instructed by the Air Traffic Control Tower.

- C. All aircraft shall be operated on the Airport by a pilot, or other persons aboard controlling any part of the operation thereof, in a physical and mental condition compliant with federal regulations for the operation of aircraft.

14.12.180 - Motorless aircraft.

No motorless aircraft may land or take off from the Airport without prior permission of the Director.

14.12.190 - Parking of aircraft.

- A. Aircraft shall not be parked in any area other than those so designated by the Director.
- B. Aircraft shall not be parked at the passenger terminal building except for the purpose of loading or unloading passengers, mail, air express or air freight and the aircraft is designated as a commercial passenger aircraft. Air Freight aircraft shall park in designated cargo parking areas only.
- C. Upon direction of the Director, the operator of any aircraft parked or stored on the Airport in such a way as to impair airport safety and serviceability, shall move such aircraft from the place where it is parked or stored to any other designated place or off the Airport property. Should the operator refuse or fail to comply with such direction, the Director may have the aircraft moved to such designated place or off the Airport property at the operator's expense, and without liability for damage which may result in the course of such moving.
- D. Airworthy aircraft that is not parked overnight in its Preferentially Assigned Gate (as defined the in Signatory Agreement between the airline and the City) will be assessed an overnight parking fee as set forth in Schedule C of the Annual Budget Resolution.
- E. Unairworthy aircraft, wrecks, "junkers," or parts thereof, shall not be stored on the public areas of the Airport used for parking aircraft unless awaiting scheduled repairs by fixed base operators or maintenance facilities. Any non-flyable aircraft or aircraft parts which remain on public Airport parking facilities for an excess of ninety calendar days shall be classified as "dead storage" and the applicable fee for such storage shall apply. Any aircraft stored in excess of six months shall be removed from the airport or may be removed by the Director or designee at their discretion. All applicable costs for removal shall be recoverable by the Airport.

14.12.200 - Unattended Aircraft.

No aircraft shall be left unattended on the Airport unless it is adequately secured and chocked or is parked within a hangar.

14.12.210 - Use of T-hangars.

- A. No person shall utilize these hangars for any commercial use not specifically authorized in a lease agreement by the Director.
- B. Short-term vehicle parking is allowed with T-hangars while the aircraft is out. Vehicles may be parked on the pavement adjacent to the T-hangars only when the tenant is present, provided that the taxiway is not blocked. Vehicles may not be left unattended outside the T-hangars at any time.
- C. The electrical system of each T-Hangar is for light service only. All such devices should be properly grounded. No electrical motor or appliance is to be located within 18 inches of the hangar floor.
- D. Aircraft are not to be fueled in a T-Hangar.
- E. Aircraft batteries are not to be changed while any portion of the aircraft is in the T-Hangar.
- F. Area heaters, regardless of type, are not permitted in the T-Hangars. Open flame operations of any kind are strictly prohibited. No smoking or use of electronic cigarettes are permitted in the T-Hangars.
- G. Lessees of T-Hangar facilities shall comply with all applicable federal, state, local and Airport rules, regulations, statutes and ordinances.
- H. Modification of any T-Hangar is prohibited unless the written approval of the Director is granted.
- I. Locks for T-Hangars shall be provided by the governance of the El Paso International Airport.
- J. Waste oil or fuel is not to be disposed of in a drain or on the ground. It must be disposed of in a container approved by the governance of the El Paso International Airport.
- K. After first attending an Airport sponsored driving class and obtaining the requisite ramp pass, T-Hangar tenants are permitted to use the T-Hangar taxilane for ground vehicular access to their hangar, subject to the exercise of due caution and the philosophy that aircraft have the right-of-way at all times. Vehicles utilized for driving to and from the Airport may be parked inside the T-Hangar leased to the tenant provided tenant has driving privileges.
- L. All hangars and T-Hangars can be inspected by the governance of the El Paso International Airport assigned management team in order to ensure that prohibited items are not present or to determine if there are other safety, security or health violations.

14.12.220 – Unmanned Aircraft Systems (UAS).

Unmanned Aircraft Systems (“UAS”), or “drones”, shall be regulated according to the purposes for which the UAS is operated according to applicable federal and state regulations.

Chapter 14.16 - AIRPORT USE REGULATIONS

14.16.005 - Definitions.

Definitions. Notwithstanding anything to the contrary set forth elsewhere in this title, the following definitions shall apply for the purposes of this chapter:

"Public areas" means those portions of the terminal building which permit generally unrestricted and unscreened access.

"Regulated activities" means those activities within the Airport by persons or organizations desiring to exercise constitutionally protected rights of free speech and expression and freedom of religion, for which a permit is required under this chapter, namely:

- a) Religious or other proselytism;
- b) Solicitation and acceptance of donations;
- c) Distribution of handbills, tracts and other literature.

"Permittee" means a person or organization conducting regulated activities pursuant to a permit duly issued under this chapter.

14.16.010 - Application of provisions.

The rules and regulations in Sections 14.16.010 through 14.16.100, 14.16.120 through 14.16.150 and 14.20.250 apply to all persons on the Airport, except premises which are outside the airline terminal building and are leased to and in the exclusive possession of others. Entry of any person into the Airport shall be conditioned upon compliance with Sections 14.16.010 through 14.16.100, 14.16.120 through 14.16.150 and 14.20.250, and the entry shall be deemed an agreement by the person entering to comply therewith.

14.16.020 - Restricted areas—Persons allowed to enter.

All areas of the Airport except those areas open to the public are restricted except to those persons who are authorized to be therein and who display the proper EPIA-issued badge for the appropriate area(s), or are properly escorted and no person shall enter upon the Movement and Non-Movement Areas of the Airport including the Security Identification Display Area and the sterile areas except:

- A. Persons assigned to duty therein having appropriate EPIA issued badge media and access privileges;

- B. Authorized representatives of the Federal Aviation Administration or the Transportation Security Administration displaying agency identification in line with official duties;
- C. Passengers escorted by authorized personnel entering the sterile area or ramp areas for the purpose of enplaning and deplaning;
- D. Persons engaged, or about to be engaged, or having been engaged, in the operation of any aircraft;
- E. Persons authorized under contractual agreements with the City; and
- F. Persons with official Airport issued identification as required by CFR 1542.

14.16.021- Air operations area—Responsibilities.

- A. All persons, including, but not limited to, certificated airline carriers, air cargo operators, fixed base operators, and others engaging in activities at the El Paso International Airport, having control by lease or otherwise, over areas within the air operations area or over areas which permit access to the air operations area, shall be responsible for the following:
 - 1. Controlling access to the air operations area, including methods for preventing the entry of unauthorized persons and ground vehicles, through any area over which such person has control, except as provided in subsection B 1 of this section; and
 - 2. Promptly detecting the intrusion or attempted intrusion of unauthorized persons and ground vehicles through controlled areas into the air operations area and promptly notifying Airport Operations of such intrusion or attempted intrusion.
- B. Authorized Persons—Responsibilities.
 - 1. Any person who has authority to enter the air operations area and who permits an unauthorized person to accompany him or her shall be responsible for ensuring that such unauthorized person remains under escort by an authorized person at all times while in the air operations area.
 - 2. Any person entering the air operations area shall ensure that any gate through which entry is gained is properly closed and secure after the entry and to notify Airport security promptly if such gate does not close properly.
- C. Penalty. Any person who willfully, recklessly or negligently fails to discharge the responsibilities set forth in subsection A or B of this section shall be guilty of a misdemeanor and shall be liable to a fine not to exceed one thousand dollars and

each day such violation shall be permitted to exist shall constitute a separate offense and may lose access privileges temporarily or permanently.

- D. **TSA Violation—Responsibility.** In any case in which the Transportation Security Administration assesses a civil penalty against the El Paso International Airport for a violation of Transportation Security Administration regulation Part 1540, Section 105, occurring on or through any area under the control of a person at the El Paso International Airport or as a result of a violation of subsection B1 and B2 of this section, the El Paso International Airport shall be reimbursed by the person whose act or failure to act caused the violation resulting in the civil penalty or by the person, as defined in Section 1.04.030 F of this Code, whose employee, agent, servant or independent contractor caused the violation resulting in the civil penalty.
- E. For the purpose of this section, the air operations area is defined as that part of the El Paso International Airport which is designed and used for landing, taking off or surface maneuvering of airplanes, including taxiways, runways, aprons and adjacent field areas.

14.16.022 – Badging

The Airport shall issue badges to those persons authorized to access restricted areas as required by TSA and may charge fees necessary to recover costs to include but not limited to criminal history background checks, fingerprinting, and materials at the time of issuance and renewal and for lost badges and badges not returned. Fees will be set forth in the budget resolution approved by City Council for each fiscal year.

14.16.030 - Traffic areas—Use.

No person shall travel on the Airport other than on the roads, walks or places provided for the use of traffic. No person shall use the roads or walks in such manner as to hinder or obstruct their proper use by others. All persons shall adhere to posted traffic control signs and marking unless the individual is responding to an emergency on the Airport.

14.16.040 - Animals prohibited in terminal building and landing areas—Exception.

No person shall enter the terminal building or landing area of the Airport with an animal, except that service animals, as defined in the Americans with Disabilities Act (1990) or Air Carrier Access Act (1986), may be permitted in the terminal building. This does not apply where animals are being shipped on air carriers and are restrained by leash or properly contained. This section shall not apply to animals controlled or approved by a government agency.

14.16.050 - Abandoned or lost property.

- A. All property, other than freight or baggage delivered to the Airport by a common carrier, which is lost or abandoned by its owner on the Airport shall be reported to or deposited with the members of the El Paso Police Department (“EPPD”)

assigned to the El Paso International Airport to be placed in the custody of the EPPD with a police report regarding the circumstances under which the property was found.

- B. The EPPD shall surrender the property to a claimant who presents satisfactory evidence of ownership, or right to possession. Under circumstances which could result in conflicting claims, the EPPD may require the claimant to give reasonable security for the return of the property or request the City's legal department to file an interpleader suit.
- C. All property, other than freight or baggage delivered to the Airport by a common carrier, which is lost or abandoned by its owner at the TSA security checkpoint, shall remain in the custody of the Transportation Security Administration and not be turned over to the custody of the El Paso International Airport.
- D. All weapons, lost and confiscated, shall promptly be turned into the EPPD property office to be stored and disposed of pursuant to Section 3.32.040 of this Code.
- E. All other lost, mislaid or abandoned property found on the Airport which is not disposed of pursuant to subsection B or C of this section and which remains in the custody of the EPPD for thirty days shall be delivered to the property office to be stored and disposed of pursuant to Section 3.32.040 of this Code.

14.16.060 - Smoking prohibited.

Smoking or the use of electronic cigarettes shall be prohibited in the terminal and terminal ramp ConRAC facilities, public and commercial parking lots, Security identification Display Areas (SIDA), and where fuel is dispensed in accordance with National Fire Protection Association (NFPA) 407. Exceptions to this shall only be permitted as indicated by signage, and as more particularly described in Chapter 9.50 of the El Paso Municipal Code.

14.16.070 - Sanitary regulations.

No person shall place, dispose or deposit in any manner trash, garbage or refuse in or upon the Airport property except at such places and under such conditions as the Director may from time to time prescribe. No person shall use a toilet other than in a clean and sanitary manner, nor expectorate on the floors, walls or any surfaces of any Airport building.

14.16.080 - Firearms prohibited—Exception.

The open or concealed carry of a handgun shall only be permitted by the holder of a valid Texas License to Carry a Handgun, or equivalent out-of-state license for which the State of Texas recognizes or has a reciprocal agreement. The open or concealed carry of a handgun shall be limited only to those public, non-secured areas of the Airport. The open carry of a long arm shall be permitted by any person legally permitted to own a long arm,

except that this shall be limited only to those public, non-secured areas of the Airport. Only duly authorized persons, police officers, federal employees authorized to carry firearms in the performance of their duties, Law Enforcement Officers on duty or members of the Armed Forces of the United States on official duty shall carry any firearms on the Airport except as otherwise permitted. Unloaded, cased firearms may be carried as checked baggage. All firearms intended to be carried as baggage are required to be declared at the appropriate ticket counter.

14.16.090 - Alcoholic beverages—Consumption restricted to designated areas.

No person shall drink any alcoholic beverage upon any portion of the Airport open to the public, except in such restaurant or other place as shall be properly designated and licensed for dispensing alcoholic beverages, except as otherwise permitted in Concourse A or B.

14.16.100 - Commercial picture taking.

No person, except duly accredited representatives of the news media, shall take still, motion or sound pictures for commercial purposes on the Airport without permission of the Director.

14.16.110 - Distribution of literature and solicitation of donations.

A. Purpose. It shall be the purpose of this section:

1. To assure the fair use of the public area at the Airport by persons seeking to exercise constitutional freedom of expression and for religious organizations to proselytize;
2. To permit equitable access among persons and groups desiring to exercise such constitutional freedoms;
3. To restrict such activities to public areas of Airport buildings and premises, excluding concourse areas beyond screening checkpoints;
4. To prevent interference with passengers and other users of the Airport; to allow free access to Airport travel facilities and free passage among those facilities and to ensure the free and orderly flow of pedestrian traffic through the Airport premises;
5. To discourage interference with persons who are required to wait in lines; and
6. To prevent interference with anti-hijack and other security measures.

B. Conduct of Regulated Activities. The conduct of regulated activities pursuant to this section will be permitted in the following manner in the public areas of the Airport, such areas as more particularly depicted in a diagram which is available

from the Airport. The Director shall have the authority from time to time to temporarily relocate permittees for reasons relating to security, safety or construction.

1. No individual shall be approached by more than one distributor or solicitor at a time;
2. No distributor or solicitor shall make noise or create any disturbance which will interfere with the ability of the public to hear public address announcements nor shall any distributor or solicitor shout at any person. The use of sound or voice amplification apparatus is prohibited;
3. To ensure the efficient and orderly use of the Airport for its primary purpose and to assure equal opportunity for freedom of expression the following restrictions shall apply:
 - a. Not more than a total of four persons shall be permitted to engage in regulated activities in the terminal building at the same time, and regulated activities permitted inside the terminal building shall not include solicitation and acceptance of donations;
 - b. Not more than a total of four persons shall be permitted to engage in regulated activities in areas designated by the Director on the sidewalk area outside the terminal building at the same time, and such activities shall not include the solicitation and acceptance of donations.
4. No regulated activity shall interfere with the free passage of the public within the terminal building;
5. No signs, placards or other materials shall be affixed to the terminal building;
6. No leaflets or other written materials shall be distributed by leaving them unattended in the terminal building;
7. No person shall engage in regulated activities under this section except in one of the designated areas indicated on the aforementioned diagram and no more than two persons shall be in a designated area at any given time;
8. No person engaging in regulated activities under this section shall, by word or gesture or otherwise, harass or threaten any other persons or in any way obstruct, delay or interfere with the free movement of any other person or seek to coerce or physically disturb or touch any other person without that person's permission; or hamper or impede or interfere with the conduct of any authorized business at the Airport; and

9. Engaging in regulated activities under this section in any location other than one assigned in a permit issued by the Director in accordance with Section 14.16.110(E) is prohibited.
- C. **Permit Requirement.** It shall be unlawful for any person or organization to engage in any regulated activities under this section without first obtaining a written permit from the Director. For the purposes of obtaining such a permit a written application on a form prescribed by and provided by the City must be filed with the Director. The filing of such application is required in order that adequate precautions may be taken by the Director of Aviation to protect the public health, safety and order and to ensure the efficient and orderly use of Airport property for its primary purpose and to ensure equal opportunity for freedom of expression.
- D. **Issuance of Permits.**
1. A maximum of four permits will be issued for a total of four persons, inclusive of all permits. Where more than one applicant requests a permit, permits will be granted to ensure that each applicant is authorized to have at least one person authorized to engage in regulated activities for the applicant, subject to the overall maximum of eight persons during any permit period.
 2. The number of persons authorized to engage in regulated activities under a permit will be allocated as follows:
 - a. Inside the terminal building at the designated spaces.
 - i. One applicant, any number up to a maximum of four;
 - ii. Two applicants, a maximum of two per permit;
 - iii. Three applicants, one per permit. An additional person will be authorized, if requested; provided, however, that if more than one applicant requests an additional person, those applicants who make such a request will draw lots to determine which applicant is authorized an additional person;
 - iv. Four applicants, one for each permit;
 - v. More than four applicants, all applicants present at the time and place assigned for issuance of permits will draw lots in a manner to be determined by the Director or authorized designee. A permit will be issued to each of the four successful applicants authorizing one person per permit.
 - b. Outside on sidewalk area.
 - i. One applicant, any number up to a maximum of four;
 - ii. Two applicants, a maximum of two permits;
 - iii. Three applicants, one per permit. An additional person will be authorized, if requested; provided, however, that if more than one applicant requests an additional person, those applicants who make such a request will draw lots to determine which applicant is authorized an additional person;

- iv. Four applicants, one for each permit;
 - v. More than four applicants, all applicants present at the time and place assigned for issuance of permits will draw lots in a manner to be determined by the Director or designee. A permit will be issued to each of the four successful applicants authorizing one person per permit.
3. All persons engaging in regulated activities under this section must be authorized representatives of a permittee and such persons must register in advance with the Director or authorized designee and must wear Airport provided identification badges, readily visible at all times.

E. Denial of Permit.

1. A permit applicant denied a permit by the Director or designee shall be furnished a written statement at the time of denial, indicating the reason or reasons the permit was denied. The Director may deny an application under this Chapter if the Director finds:
 - a. That the applicant has supplied false or incorrect information on any application for a permit;
 - b. That the applicant has failed to supply all information required on the application form; or
 - c. That the applicant has failed to pay the application fee.
2. In the event that applicant's current or prior permit is under suspension, no new permit shall be issued until the term of such suspension has expired.
3. In the event that an applicant's current or prior permit is revoked, no new permit shall be issued until the term of such revocation has expired.
4. The Director shall issue written notice of denial to the applicant which shall contain, at a minimum, the following:
 - a. The name of the applicant;
 - b. A statement that the permit is denied; and
 - c. Reason(s) for the denial.
5. The applicant has five business days after receipt of the notice of denial to file with the City Manager a written protest to the denial. A copy of the written protest shall also be sent to the Director.

F. Suspension or Revocation.

1. The Director may issue a written notice of intent to suspend for not more than 60 days or a written notice of intent to revoke a permit subject to this Chapter if the Director determines that any of the following is true:
 - a. The permit holder supplied false or misleading information on any application for a permit;

- b. The permit holder is found, after notice and opportunity for hearing, to be in violation of a provision of this Chapter;
 - c. The permit holder is indebted to the City for fees or payment of penalties imposed by this Chapter or by rule adopted under this Chapter; or
 - d. The Director may issue written notice of intent to revoke a permit if the holder violates this chapter on two or more occasions within a twelve-month period.
2. A permit holder that has had their permit suspended or revoked shall be required to surrender the permit to the Director within seven calendar days of receiving notice from the Director or designee of suspension or revocation, regardless of whether the permit holder requests an appeal in accordance with this Chapter. In the case of suspension, failure to surrender the permit within seven days of notice shall cause the Director to revoke the permit. In the case of revocation, the period of revocation shall be eighteen months before the permit holder can apply for a new permit.
 3. A permit holder shall not commence activities addressed under the permit after the term of suspension has ended without first retrieving their permit from the Director or designee.
 4. It shall be a violation of this Chapter for a permit holder to continue the activities addressed under the permit during the period of suspension or revocation of the permit.
 5. Notice. The Director or designee shall issue a written notice of suspension or revocation of a permit to the permit holder, with the following information:
 - a. Name and address of the permit holder;
 - b. Statement of whether the permit is suspended or revoked;
 - c. Reason(s) for the suspension or revocation;
 - d. Recommendation of corrective measures to bring the permit holder into compliance with the requirements of this Chapter;
 - e. Statement that the permit be surrendered to the Director or designee within seven days of receipt of notice;
 - f. Statement that the permit, if suspended, is subject to revocation for failure to surrender the permit within the allotted time; and
 - g. Statement that the suspension or revocation may be appealed under the provisions set forth in this Chapter.
 6. A permit holder may not apply for a new permit for a period of twelve months after said permit has been revoked.

G. Permit – Appeal of denial, suspension or revocation.

1. Any applicant or permit holder may appeal the denial, suspension or revocation of a license or permit required by this Chapter of the City Code to the City Manager as provided in this Section.
2. Within ten business days of denial, suspension or revocation, the Director or designee shall prepare a report indicating the reasons for the denial, suspension or revocation and shall provide a copy to the applicant or permit holder. The Director or designee's decision is final unless within ten business days from the date of receiving such report, the applicant or permit holder files with the City Clerks a written appeal to the City Manager specifying the reasons for the appeal. Said appeal shall also include a written rebuttal to the report.
3. The City Manager or designee shall review the report and the appellant's rebuttal. The City Manager or designee may allow the appellant to make an oral presentation or submit additional rebuttal. The City Manager or designee shall make a ruling on the appeal within a reasonable period of time after the appeal has been filed.
4. The City Manager or designee shall sustain, reverse or modify the action of the Director or designee and shall notify the appellant of the decision in writing. The decision of the City Manager or designee is final.

H. Not Applicable.

This section shall not apply to business or commercial activities at the Airport which shall be governed by the provisions of Article II of this chapter.

I. Penalty.

Any person who violates any provision of this section or who intentionally violates the terms of a permit issued to engage in regulated activities at the Airport shall be guilty of a misdemeanor and is punishable as provided in Section 1.08.010 of this Code.

14.16.120 - Construction, alteration work, electrical wiring.

No person shall do any construction, alteration work or electrical wiring in or about any existing hangar or building at the Airport without first securing written permission from the Director.

14.16.130 - Fuel flowage fees.

A fuel flowage fee per gallon per the currently adopted Schedule C of the City's Annual Budget Resolution shall be payable to the City for all aircraft fuel sold or delivered into an aircraft at the Airport, except: (1) where a different fee is established by any lease or airline operating agreement with the City in force and effect at the time this section is approved

by the City Council and provided that the exception for fees established by existing lease or airline operating agreements shall not apply after the expiration, termination or cancellation of any such lease or airline operating agreement; or (2) if the aircraft fueled is being used in connection with operations of a tenant leasing space in cargo buildings owned by the City.

14.16.135 – Fueling of Aircraft.

No aircraft shall be fueled except at the site of a fixed base operator, a tenant-provided fueling facility, at a self-fueling station, or designated ramp areas. Fueling at general aviation T-hangars is prohibited.

14.16.140 - Gasoline and damaging liquid spills on pavement—Responsibility for removal.

Spillage or dripping of gasoline, oil, jet fuel, kerosene, grease or any other material which may be unsightly or detrimental to the pavement in any area at the Airport, shall be removed immediately in accordance with the applicable Stormwater Pollution Prevention Plan (SWPPP) procedures. The responsibility for removal shall be assumed by the operator of the equipment causing the spillage or by the tenant or concessionaire responsible for the deposit thereof on the pavement. Airport Operations should be notified immediately upon spillage or dripping to evaluate the situation and determine if an Aircraft Rescue and Firefighting (ARFF) response is required. The Airport shall be authorized to collect compensation for the cost of damage and clean-up to its property from the operator, tenant, and or concessionaire responsible for the deposit on the pavement.

14.16.150 - Removal of disabled, abandoned, illegally parked vehicles and aircraft.

- A. The Director or designee may remove, or cause to be removed, from any area of the Airport any vehicle, aircraft or property which is disabled, abandoned, parked in violation of these rules and regulations, or which presents an operational problem, or interferes with the safe and efficient operation of the Airport, at the operator's or owner's expense and without liability for damage which may result in the course of such movement. The Director or designee may remove, or cause to be removed, any vehicle which is parked more than sixty consecutive days in any parking lot, regardless of the location parked, operated by the Airport, unless written permission to do so has been obtained from the Director or designee.
- B. No person shall, unless authorized by the Director or designee, park a vehicle in any area of the Airport which has been designated by signs or other means as reserved for certain persons or vehicles or restricted for certain purposes.

14.16.155- Computer Non-Corruption and Information Technology

- A. No person shall have any access to the computer and other information technology of the Airport (collectively the "Systems") unless authorized in writing by the Director or designee and the person executes a written agreement to indemnify and

hold harmless the City and Airport from any and all claims whatsoever arising out of any Breach (as defined below) and to follow any protocols required under any federal, state or local rules or regulations, all at its sole cost and expense in connection with the Systems and/or a Breach.

- B. No person with access shall permit a third party to obtain access to the Systems without the Director or designee's prior written permission.
- C. Should any person have access at any time for any reason, he or she shall ensure that such access does not compromise, adversely affect or permit unauthorized access, either directly or indirectly to, the Systems (a "Breach") in any way and for any reason. If the Director or designee, in his or her sole good faith judgment, determines that such access either is adversely affecting the Systems or has the potential to adversely affect the Systems, then notwithstanding any other provision of an agreement to the contrary, the Director or designee shall have the right to suspend and/or terminate immediately such access. The Director or designee shall endeavor to give notice of such suspension and/or termination as expeditiously as possible.
- D. The Director or designee shall be immediately notified should a Breach occur and provided with any and all information regarding the Breach.

Article II - Business Activities at Airport

14.16.160 - Concessions—Lease or specific permission required—Regulation of driverless automobiles.

- A. Except in the case of persons or firms doing business with tenants or subtenants of the City located on Airport property or as otherwise permitted or regulated in this Code, no person who does not have a concession agreement, lease agreement or other specific permission in writing from the Director or designee shall on the Airport peddle sell, or rent any goods, wares, merchandise or services, or furnish taxicab or limousine service or hotel courtesy cars to any person who has not called from the Airport for such service, or carry from the Airport any passenger for hire in any aircraft, or conduct any student pilot training or demonstrate or sell any new or used aircraft, or perform aircraft maintenance or any other aeronautical service such as is normally performed on Airport property under lease or concession from the City; or offer to do any act prohibited in this chapter to be done.
- B. No person who does not have such a concession, lease or specific permission in writing for engaging at the Airport in the business of furnishing driverless automobiles, as that term is defined in Section 6.36.010, shall on the Airport:
 - 1. Use any loudspeaker or public address system for or in connection with the renting or delivery of any driverless automobile; or

2. Post, distribute or display signs, advertisements, circulars or any other printed or written matter denoting such business activity except signs painted on the motor vehicle used to pick up and drop off passengers at the front of the terminal building; or
3. Enter for the purpose of assisting customers in the terminal building or any building occupied by a commercial aviation operator as tenant.

14.16.161 – Customer Facility Charge

- A. A Customer Facility Charge (“CFC”) as set forth in Schedule C of the City’s Annual Budget Resolution per Transaction Day (as defined below) on each customer renting a Motor Vehicle from an On-Airport or Off-Airport Vehicle Rental Concessionaire shall be charged. The amount of the CFC may be adjusted from time to time by the City in its Annual Budget Resolution approved by the City Council.
- B. “Motor Vehicle” means a driverless automobile as that term is defined in Section 6.36.010 of the El Paso City Code.
- C. “Transaction Day” means, with respect to rentals of Motor Vehicles, up to 25-hour period or fraction thereof for the first Transaction Day and successive 24-hour periods (or fractions thereof) for each successive Transaction Day.
- D. The On-Airport Vehicle Rental Concessionaires shall collect the CFC from their customers on behalf of the City. The Vehicle Rental Concession Agreement approved by the City Council will govern how the On-Airport Vehicle Concessionaire must so identify the CFC. Each On-Airport Vehicle Rental Concessionaire must charge each customer the total amount of CFC’s due under the customer’s contract at the time the final number of Transaction Days are determined under the contract, and must remit such total amount of the CFC’s pursuant to the terms and conditions of its Vehicle Rental Concession Agreement.

14.16.162-Third Party Service Agencies.

All Third Party Service Agencies shall obtain a license agreement prior to commencing activity at the Airport. Such license shall be renewed annually. Such fees are as established as outlined in Schedule C of the Annual Budget Resolution.

For the purpose of this section “Third Party Service Agencies” means any consultant, agent, business, advisor, or independent contractor who renders services to the Airport and is not otherwise defined under these Minimum Standards.

14.16.163 - Violation—Penalty.

Any person violating this article shall be deemed guilty of a misdemeanor and punished as provided in Sections 1.08.010 through 1.08.030.

Article III - Off-Airport Rental Car Businesses

14.16.300 - Definitions.

As used in this title:

"Gross receipts" means all moneys or other consideration paid or payable to an Off-Airport Rental Car Business, whether for cash or credit and without any deduction for credit card discounts and whether the same shall be paid or unpaid. "Gross receipts" shall include the following: Net time and mileage charges by the business for the rental of automobiles, or any other vehicles, regardless of the ownership, area, fleet or location assignment of said automobiles or vehicles and regardless of where said automobile or vehicle is returned. When a vehicle originally rented to a customer by the business is exchanged for another vehicle at another location of the business, as part of the same or continuous transaction, the transaction shall be considered includable in gross receipts; and charges to customers for supplies, merchandise or services. Excluded from "gross receipts" are the following: One-way drop-off charges; and amounts of any sales or similar taxes imposed by federal, state, county or City laws which are separately stated to and paid by the business, whether currently levied or hereinafter levied or imposed, and directly payable to the taxing authority by the business. No deduction shall be allowed from gross receipts for the payment of franchise taxes or taxes levied on the activities, facilities, equipment or property of the business, either real or personal; and sums received from the sale of used vehicles from the fleet of the business; and amounts of gratuities paid or given by customers to the employees of the business; and sums paid by customers to the business for its elimination of customer's liability to the business for damages to the rental vehicle, provided that said sum is separately stated to and paid by the customer (the aforementioned being commonly referred to as collision damage waiver (CDW) charge or loss damage waiver (LDW) charge); and sums received from customers or insurance carriers for the damage, loss or conversion of the vehicles of the business; provided, however, that any sums received representing reimbursements to the business in lieu of rentals for said vehicle shall not be so excluded; and sums received from the sale of Mexico trip insurance; and sums paid by customers to the business which represent an amount the customer is obligated to pay when the customer does not return the vehicle with the required amount of fuel. Said sum to be excluded must be separately stated to and paid by the customer; the fuel for which the customer may be charged shall be of the grade recommended for use in said vehicle by the manufacturer; and the charges for said fuel shall be at the prevailing rate charged by the business at its other locations; and sums received from transactions in which a customer places a reservation with the business for a vehicle where delivery is to occur outside the City limits of the City; and sums received from the leasing of any one vehicle to any one person or entity for a term of six consecutive months or more.

"Off-Airport Rental Car Business(es)" means a business or person which is engaged in the commercial activity of renting vehicles to the public for compensation and which does not have an in-terminal Vehicle Rental Concession Agreement with the City.

14.16.301 - Permit required—Procedures.

- A. Any person conducting an Off-Airport Rental Car Business desiring access to the Airport for the purpose of conducting such rental car business operation, shall first obtain from the City, through its Director or designee, an Off-Airport Rental Car Business permit, prior to conducting any such business on Airport property. A copy of the application form for such permit shall be available in the administrative offices, El Paso International Airport.
- B. An Off-Airport Rental Car Business permit shall not permit such business to rent motor vehicles on Airport property, to have an office or station on Airport property for the rental of vehicles, to park rental cars on Airport property, or to operate rental cars on Airport property; and all of these actions and activities are expressly prohibited, unless specifically authorized in writing by the Director.

14.16.302 - Courtesy service pickup.

All Off-Airport Rental Car Businesses required to operate under a permit, as provided in this chapter, shall, while on the Airport, pick up and discharge passengers or baggage only in a courtesy vehicle zone designated by the Director or designee. Courtesy vehicles shall occupy said zone only for active loading and unloading, as established by the Director or designee.

14.16.303 - Service limited.

Off-Airport Rental Car Businesses are permitted to utilize the Airport facilities and provide service to persons at the Airport only through operation of a courtesy vehicle system. Transportation onto Airport property of rental cars by Off-Airport Rental Car Businesses will be permitted only if specifically authorized in writing by the Director.

14.16.304 - Permit, charges and reporting requirements.

There are established the following charges and requirements for Off-Airport Rental Car Businesses:

- A. An annual permit shall be a prerequisite to operation of an Off-Airport Rental Car Business at the Airport. City Council may establish a fee for Off-Airport Rental Car Business permit in the City's Annual Budget Resolution.
- B. In addition to the permit required by subsection A of this section, permittee shall pay the City a monthly charge, as defined in this chapter, derived during each month from rentals to customers picked up from the Airport by Off-Airport Rental Car Businesses during the month, such charge to be for the privilege of use of the Airport. The charge shall be payable, not later than the twentieth day of each month, for the preceding month's receipts. The permittee shall furnish to the Director of Aviation or authorized designee, not later than thirty days following the end of the

permit year, a report, properly certified by a certified public accountant, showing the month-to-month gross receipts derived from providing off-Airport rental car services to passengers of the Airport. In addition, authorized representatives of the City may, at all reasonable times and places within the City, examine or audit the permittee's books and accounts to verify that the correct monthly charges have been paid, or to require the permittee to furnish written proof of all gross receipts derived from Airport-related car rental service during any month. The City retains at all times the right to require an independent audit, and if such audit shows permittee has underreported its gross receipts by two percent or more, permittee shall be responsible for paying the difference between the audited figures and what was reported by permittee, as well as the full cost of the audit.

14.16.305 - Nontransferability.

The Off-Airport Rental Car Business permit shall not be transferable.

14.16.306 - Amendment of permit.

An annual permit is amendable at any time by the Director or designee.

14.16.307 - Issuance and denial of permit.

- A. Within a reasonable time after submission of the application, the Director or designee shall approve or deny issuance of an Off-Airport Rental Car Business permit. Upon approval of an application for an annual permit by the Director or designee, the Director or designee shall, within a reasonable time thereafter, issue the annual permit and incorporate therein such conditions as he deems necessary. The holder shall then be authorized to operate the Off-Airport Rental Car Business upon the conditions of this chapter and the permit, as may be amended.
- B. The Director or designee may deny issuance of an Off-Airport Rental Car Business Permit for good cause, which includes a finding that:
 - 1. The applicant has failed to comply with the requirements of this Chapter or permit application;
 - 2. The applicant has, on more than one occasion, violated the provisions of Section 14.16.160(B); or
 - 3. The applicant has failed to provide or materially altered or omitted pertinent information in any governmental record, including an application for a permit or permit renewal; or
 - 4. The applicant has been finally convicted of a criminal violation of any local, state or federal law, which directly relates to the duties and responsibilities of providing an Off-Airport Car Rental Business or which would indicate a lack of fitness of the applicant to provide this service at the Airport.

- C. If the Director or authorized designee denies the issuance of a permit, he shall notify the rejected applicant pursuant to the notification procedure set forth in Section 14.16.310.

14.16.308 - Renewal of permit.

To obtain renewal of an annual permit, a holder shall file with the Director, at least forty-five days prior to the expiration date of the annual permit, a written, sworn application for permit renewal. City Council may establish a permit renewal fee in the City's Annual Budget Resolution. Upon payment of the permit renewal fee, if any is established, the annual permit will then be renewed, subject to approval of the application by the Director, unless the Director determines that good cause exists for the permit renewal to be denied. For purposes of this provision "good cause" includes the items described in 14.16.307 above and 14.16.309 below.

14.16.309 - Revocation or suspension of permit.

- A. The Director may revoke or suspend a permit, if he determines that a permit holder:
 - 1. Has been finally convicted of a criminal violation of any state or federal law, which directly relates to the duties and responsibilities of providing an off-Airport car rental business and which would indicate a lack of fitness of the applicant to provide this service at the Airport; or
 - 2. Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for a permit or permit renewal; or
 - 3. Has failed to comply with the provisions of this chapter, including the payment of the gross receipts charge, or any provision of this Code related to the conduct of rental car businesses, including any provisions pertaining to the regulation of driverless vehicles; or
 - 4. Has failed to comply with the provisions of a permit or written agreement required by this chapter; or
 - 5. Has failed to allow examination or audit of records required by this chapter and which are necessary to determine compliance with the provisions of this chapter, or to furnish to the Airport written proof, as required by Section 14.16.304(B); or
 - 6. Has operated the business on Airport property while on suspension for a violation of this chapter.
- B. The Director or designee may, after compliance with the procedures set out in Section 14.16.310, regarding notice, and Section 14.16.312, regarding hearings, revoke or suspend a permit for one or more of the causes enumerated in subsections (A)(1) through (A)(6) of this section; or, if the permit holder has engaged in misconduct or any improper or wrongful behavior of a substantial nature, which is dangerous to the safety and welfare of the public, and if such misconduct or wrongful behavior directly relates to the capacity of the permit holder to provide

adequate and safe services to the public or of the Airport to effectively regulate its operations.

14.16.310 - Notice.

If the Director, or designee, denies an application for a permit, fails to approve renewal of a permit, or suspends or revokes a permit, he shall provide notice of his decision to the applicant or permit holder, within ten days of the action. Notice shall be in writing, by certified mail, return receipt requested, or by hand delivery, to the applicant or permit holder.

14.16.311 - Emergency suspension.

Notwithstanding any of the procedures set out in this chapter, the Director or designee may immediately and without notice:

- A. Suspend a permit at any time that insurance, or proof of self-insurance, if self-insurance is permitted by state law, required under this chapter lapses, terminates or is otherwise not in force. Such suspension shall remain in effect until satisfactory evidence is presented to the Director or designee that the required insurance coverage is again in force or effect;
- B. Suspend a permit at any time that the Transportation for Hire Operating Authority (THOA)expires or is renewed in time; or
- C. Suspend, pending notification and a hearing, a particular vehicle from operating on Airport property, in any situation in which the vehicle is in such condition as to pose an immediate threat to the health or safety of any person riding in said vehicle or any person using the Airport. The suspension shall remain in effect until the unsafe or unhealthy condition has been corrected to the reasonable satisfaction of the Director or designee.

14.16.312 - Hearing.

Any applicant or permit holder which receives notice pursuant to Section 14.16.310 or Section 14.16.311 of this chapter and wishes a hearing before the Director or designee for reconsideration of his decision, shall forward a written request to the Director or designee within ten days of notification of a decision adverse to the applicant or holder.

14.16.313 - Appeals.

Any applicant or permit holder may appeal the denial, suspension, or revocation of a permit after a hearing with the Director of designee under this Article III, to the City Manager as provided in this Section.

- 1. Within ten business days of a hearing for reconsideration of a denial, suspension, or revocation under Section 14.16.312 above, the Director, or

designee, shall prepare a report indicating the reasons for the denial, suspension, or revocation and shall provide a copy to the applicant or permit holder. The Director or designee's decision is final unless within ten business days from the date of receiving such report, the applicant or permit holder files with the City Clerks a written appeal to the City Manager specifying the reasons for the appeal. Said appeal shall also include a written rebuttal to the Director's report.

2. The City Manager or designee shall review the report and the appellant's rebuttal. The City Manager or designee may allow the appellant to make an oral presentation or submit additional rebuttal. The City Manager or designee shall make a ruling on the appeal within a reasonable period of time after the appeal has been filed.
3. The City Manager or designee shall sustain, reverse or modify the action of the Director or designee and shall notify the appellant of the decision in writing. The decision of the City Manager or designee is final.

14.16.314 - Violation—Penalty.

- A. A person commits an offense hereunder, if he:
 1. Operates an off-Airport car rental business or courtesy vehicle of such business at the Airport without a permit; or
 2. Forges, alters or counterfeits an Off-Airport Rental Car Business permit; or
 3. Possesses a forged, altered or counterfeit Off-Airport Rental Car Business permit.
- B. Any person committing an offense under this subsection shall be deemed guilty of a misdemeanor and punished as provided in Sections 1.08.010 through 1.08.030 of this Code.
- C. Prosecution for an offense under this chapter does not prevent the use of other enforcement remedies or procedures, including injunctive relief, applicable to the person charged with the conduct involved in the offense.
- D. If any provision of this chapter is held insufficient as the basis of criminal prosecution, as provided for herein, the same shall nevertheless be a ground for denial of an application, denial of renewal of a permit, or revocation or suspension of any license, permit or privilege issued under this chapter.

Article IV - Ground Transportation Services

14.16.401. - Statement of Policy

It is the policy of the City to provide and promote adequate and efficient ground transportation services at El Paso International Airport for the convenience of the public. To this end, the City has established a ground transportation system at the Airport designed to control traffic congestion, protect the public health and safety, preserve the Airport infrastructure, and provide beneficial and convenient ground transportation services to air carrier passengers and other users at the Airport.

14.16.402.- Definitions

In this article:

“Certificate of Registration” or “Registration” means a certificate of registration issued by the Director under Section 14.16.405 of this article that authorizes the operation of a courtesy vehicle or transportation-for-hire vehicle at the Airport.

“Concession Contract” means a contractual agreement between the City and another person for the provision of car rental and parking services at the Airport, under which the City receives a minimum monthly payment or percentage of the gross revenues received by the contractor for such services.

“Courtesy Vehicle” means any vehicle used to offer or provide courtesy vehicle services.

“Courtesy Vehicle Service” means the provision of free transportation to customers by or for a business as an accessory to the main activities of the business.

“Decal” means a decal issued by the Director under Section 14.16.406 of this article authorizing a courtesy vehicle or transportation-for-hire vehicle to be operated at the Airport.

“Director” means the City’s Director of Aviation or the Director’s designated representative, including the transportation coordinator.

“Driver” means an individual who drives or otherwise controls the physical movements of a courtesy vehicle or transportation-for-hire vehicle.

“Fixed-Based Operator” means a person who provides full- service aircraft maintenance, aircraft rental, passenger charter flight service, or fuel operations for compensation at the Airport.

“Ground Transportation Service” means the business of operating a courtesy vehicle or transportation-for-hire vehicle at the Airport for the purpose of dropping off or picking up passengers at the Airport’s terminal building or other areas of the Airport.

“Ground Transportation Vehicle” means a courtesy vehicle or transportation-for-hire vehicle that is used for performing ground transportation service at the Airport.

“Holder” means a person who is granted operating authority to perform ground transportation service at the Airport, and includes any person with an ownership interest in the ground transportation service.

“Lawful Order” means a verbal or written directive issued by the Director in the performance of official duties in the enforcement of this article and any rules and regulations promulgated under this article.

“Operate” means:

1. to own, drive, or be in control of a Ground Transportation Vehicle at the Airport; or
2. to own or be in control of a ground transportation service provided at the Airport.

“Operating Authority” has the definition given that term in Title 6 of this Code.

“Operator” means:

1. the owner or driver of a ground transportation vehicle; or
2. the holder of operating authority to perform ground transportation service at the Airport.

“Owner” means the person:

1. who is the legal owner of a motor vehicle;
2. to whom a motor vehicle is registered by the state; or
3. who is leasing a motor vehicle.

“Person” means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

“Transportation Coordinator” means the person designated by the Director to oversee and manage the ground transportation service operations at the Airport.

“Transportation- For-Hire Service” has the definition given that term in Title 6 of this Code.

“Transportation- For-Hire Vehicle” has the definition given that term in Title 6 of this Code.

“Transportation Network Company (“TNC”) Service” means transportation pre-arranged through a TNC’s digital network between points chosen by the passenger. TNC service commences when a TNC driver accepts a transportation request via the digital network and concludes when the passenger exits the TNC vehicle. TNC

service is not a taxicab service or available via street hail.

“Trip” means each time passengers are picked up at the Airport by a ground transportation vehicle.

“Trip Fee” means the monetary amount charged per trip to the owner or operator of a Ground Transportation Vehicle in accordance with Section 14.16.407 of this article.

14.16.403. General Authority for Enforcement.

- A. The Director shall implement and enforce this article and may promulgate and enforce written rules and regulations, not inconsistent with this article, governing the operation of ground transportation vehicles and ground transportation services at the Airport as the Director determines necessary to provide for the orderly, efficient, and convenient flow of traffic, to protect the public health and safety, and to manage the ground transportation system at the Airport.
- B. The Director may issue lawful orders, not inconsistent with this article, as the Director determines necessary to carry out duties under, or to effect the policy of, this article.
- C. The Transportation Coordinator is authorized to enforce this article and all rules, regulations, and lawful orders promulgated or issued by the Director under this article.
- D. The Director may use the Director’s full authority under federal, state, and local law, as well as TSA security directives, to direct, remove, or cause to be removed at the owner's expense from any restricted or reserved area, any roadway or right-of-way or other area on the Airport premises, any vehicle which is: disabled, abandoned, illegally or improperly parked, or creating an Airport operational issue. Any such vehicle may be removed or caused to be removed to an official vehicle impound area designated by the City. The City shall not be liable for damage to any vehicle or loss of personal property which might result from the act of removal.

14.16.404. Defenses

It is a defense to prosecution under this article that:

- A. the motor vehicle was owned, operated, or leased by:
 - 1. a nonprofit organization and being used to carry only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;
 - 2. an employer or employee association and being used to transport employees between the employee’s homes and the employer’s place of business or between work stations;
 - 3. an air freight or cargo company utilizing air cargo terminals at the Airport;

4. a fixed-based operator and being used to transport employees or customers at the Airport;
5. the federal or state government or a political subdivision of the state; or
6. a school, university, organ donor company, medical service provider, or ambulance service; or
7. the Ground Transportation Vehicle was licensed by another governmental entity and was transporting a passenger from a point outside the City to a destination inside the Airport, if the Ground Transportation Vehicle leaves the Airport without receiving a passenger inside the Airport.

14.16.405. Ground Transportation Service Requirements

A. A person commits an offense if he:

1. performs ground transportation service at the Airport without being authorized under a current, valid certificate of registration issued under Section 14.16.406. of this article; or
2. performs transportation-for-hire service at the Airport or operates a transportation-for-hire vehicle at the Airport without current, valid Transportation for Hire Operating Authority under Title 6 of this Code; or
3. violates the requirements of this Section 14.16.405.

B. All vehicles shall be no more than ten model years old. Further, the vehicle while in service shall be kept in a clean condition, free of foreign matter and of offensive odors. There shall be no litter in the vehicle or trunk or on floor mats and the upholstery and floor mats shall be kept clean and without holes or large wear spots. The vehicle shall be free from damaged fenders and body, defective paint and other conditions. All vehicles shall comply with Airport, local, state and federal motor vehicle codes ordinances, regulations, statutes, standards and/or directives with respect to inspection, safety and operation of vehicles.

C. While on duty driver shall:

1. conduct himself in a reasonable, prudent and courteous manner;
2. maintain a sanitary and well-groomed appearance;
3. not consume alcoholic beverages, controlled substances, or other substances which could adversely affect his ability to drive a motor vehicle;
4. not “cruise” the Airport roadways for the purpose of advertising its services or soliciting fares or passengers;
5. obey the lawful orders and directions of all Airport law enforcement personnel, any state or local law enforcement officer, and all Airport officials who display proper identification;
6. comply with posted speed limits and traffic control signs;
7. not engage in any criminal activity; and
8. have a valid driver’s license.

- D. Drivers of Ground Transportation Vehicle shall remain in (or with) their vehicles and shall not park or leave a vehicle unattended at any curb. Unattended vehicles may be cited and removed. If Drivers must park or leave their vehicles unattended, they shall park in the public parking lot or garage subject to the posted rates.
- E. A Driver, representative, employee, agent or Operator shall not deceive or attempt to deceive the public through false or misleading representations concerning its prices or services or those of other Operators.
- F. Operators and Drivers shall not offer or give tips, gratuities or payments of any kind to employees or agents of the City, airlines or any other business entity operating at the Airport.
- G. Operators and Drivers shall not interfere with Airport operations or activities, nor shall Operators and Drivers interfere with the City, or airline employees or agents in the performance of their duties.
- H. Operators and Drivers shall only pick up passengers in locations specifically designated for such purposes. Designated pick-up, drop-off, cueing, loading and unloading areas are subject to change from time to time, as necessary in the judgment of the Director to advance the safety, security and/or convenience of Airport operations.
- I. Operators and Drivers shall procure and maintain insurance coverage by financially responsible and qualified companies eligible to do business in the State of Texas in an amount and form that is satisfactory to the City.
- J. Operators and Drivers shall not perform any maintenance or repairs to their vehicles on Airport property, except in an emergency to make the vehicle immediately operable. Operators and/or Drivers shall pay or reimburse the City upon demand for any cleanup costs incurred by the City, caused by or relating to the Operator's or Driver's conduct or omission.

14.16.406. Registration of Ground Transportation Service at the Airport

A. Registration required: application.

To obtain a ground transportation service certificate of registration, a person must submit an application to the Director on a form provided for that purpose. The applicant must be the person who will own or operate the proposed ground transportation service. The registration application must include or be accompanied by:

- 1. for transportation- for-hire vehicles, proof of current, valid Transportation for Hire Operating Authority permit issued by the City under Title 6 of this Code;

2. an annual registration fee in the amount specified in the City of El Paso Annual Approved Budget - Schedule C of the current fiscal year; and
3. any other information re-quested by the Director that is reasonably necessary to determine the qualifications of the applicant to perform ground transportation service at the Airport.

B. Issuance and denial of registration.

1. The Director shall issue a certificate of registration to the applicant, unless the Director determines that the applicant:
 - a. failed to comply with the requirements for receiving a Certificate of Registration;
 - b. failed to submit a complete registration application;
 - c. made a false statement as to a material matter on or in connection with the registration application;
 - d. had a Ground Transportation Service Certificate of registration revoked within the 24 months preceding the date of application; or
 - e. owes the City money relating to the operation of ground transportation service at the Airport.
2. If the Director approves the registration application, the applicant will receive a Ground Transportation Service Certificate of registration for each vehicle authorized to be operated in the ground transportation service. A certificate of registration and all accompanying decals must be renewed in accordance with the application procedures set forth in this section.
3. If the Director determines that a certificate of registration should be denied, the Director shall notify the applicant in writing that the application is denied and include in the notice the reason for the denial and a statement informing the applicant of the right of appeal.

C. Suspension or revocation of registration.

1. The Director may suspend or revoke a certificate of registration if the Director determines that:
 - a. the holder made a false statement as to a material matter on or in connection with the registration application;

- b. the holder, or any operator of a courtesy vehicle or transportation-for-hire vehicle authorized under the holder's registration, failed to pay any fee required by this article at the time or in the manner required by this article or approved by the Director;
 - c. the holder, or any operator of a courtesy vehicle or transportation-for-hire vehicle authorized under the holder's registration, failed to comply with any provision of this article or any rule, regulation, or lawful order promulgated or issued by the Director under this article, including without limitation the requirements in Section 14.16.405.
2. The Director may suspend the certificate of registration of a ground transportation service for a period not to exceed 60 days. The Director may apply the suspension to all of the holder's courtesy vehicle or transportation-for-hire vehicle operations at the Airport or limit the suspension to the particular courtesy vehicle or transportation-for-hire vehicle operator listed on the holder's certificate of registration who is responsible for creating the grounds for the suspension. At the end of the suspension period, the holder or the courtesy vehicle or transportation-for-hire vehicle operator, whichever applies, may resume providing courtesy vehicle or transportation-for-hire vehicle service at the Airport after providing verification to the Director that any deficiency for which the suspension was given has been corrected within the suspension period. Failure to correct a deficiency within the time period established by the Director may result in revocation of the holder's certificate of registration.
3. The Director shall notify the holder in writing of any suspension or revocation under this section. The Director shall include in the notice the reason for the suspension or revocation, the scope of the suspension, the date the Director orders the suspension or revocation to begin, the duration of any suspension, and a statement informing the holder and any suspended courtesy vehicle or transportation-for-hire vehicle operator of the right of appeal. The period of suspension or revocation begins on the date specified by the Director or, in the case of an appeal, on the date ordered by the permit and license appeal board.
4. If the Director denies issuance or renewal of a ground transportation service certificate of registration, suspends or revokes a holder's certificate of registration, or suspends the authority of a courtesy vehicle or transportation-for-hire vehicle operator to operate at the Airport under a holder's certificate of registration, the applicant, holder, or courtesy vehicle or transportation-for-hire vehicle operator, whichever applies, shall immediately cease any ground transportation service at the Airport and shall promptly surrender and remove any registration decal from any motor vehicle used to perform ground transportation service at the Airport.

5. A holder whose certificate of registration has been revoked is not eligible to reapply for another ground transportation service certificate of registration before the expiration of 24 months after the date of revocation or, in the case of an appeal, the date the permit and license appeal board affirms the revocation.
- D. Appeal of denial, suspension, or revocation. Any person whose application for issuance or renewal of a ground transportation service certificate of registration is denied by the Director, any holder whose certificate of registration has been revoked or suspended by the Director, or any courtesy vehicle or transportation-for-hire vehicle operator whose authority to operate at the Airport under a holder's certificate of registration has been suspended by the Director may file an appeal in accordance with Section 6.04.320 of this Code.

14.16.407. Fees.

- A. A person performing ground transportation service at the Airport shall adhere to the following regulations:
1. No vehicle may be used to provide transportation-for-hire services without a valid certificate of registration under this article.
 2. A vehicle Registration expires one year from the date it is issued.
 3. Annual registration fee. The annual registration fee for ground transportation service is listed in the City of El Paso Annual Approved Budget - Schedule C of the current fiscal year.
 4. An airport trip fee for transportation network companies (TNC) listed in the City of El Paso Annual Approved Budget—Schedule C of the current fiscal year.
- B. The Director shall establish rules and regulations governing the time and manner in which the fees required by this section must be paid.
- C. All revenues arising out of ground transportation services at the Airport shall be retained by the airport enterprise fund for airport use only.

Chapter 14.20 - Airport Vehicular Traffic Regulations

Article I - Operation of Vehicles on Landing and Apron Areas

14.20.010 - Application of provisions—Definitions.

- A. The rules and regulations of this article shall apply to the operation of ground vehicles, other than aircraft, on the landing and apron areas of the Airport.

- B. "Movement Area" means the runways and taxiways for aircraft and the areas between and adjacent to the runways and taxiways.
- C. "Apron" means the area used for the loading or unloading of aircraft passengers or cargo and the fueling or servicing of aircraft.

14.20.020 - Licenses required for vehicle and driver.

No person shall operate any ground vehicle on the movement or apron areas unless such person is licensed to operate such ground vehicle and passed the requisite training for ramp and/or movement area driving privileges, or unless such ground vehicle is licensed for operation or is specially authorized for operation on Airport property only.

14.20.030 - Movement area permission required.

No person shall operate any ground vehicle on the movement areas without first obtaining permission from the Director or designee, and without having a properly equipped vehicle, demonstrated need, and driving competency evaluation as determined by the Director or designee. All persons shall additionally obtain permission from the air traffic control tower before entering the movement area.

14.20.040 - Obedience to traffic regulations.

Every person operating a ground vehicle on the movement area or apron areas shall obey the lawful order, signal or direction, by voice, hand or otherwise, of the air traffic control tower and operations personnel or of any Airport guard or policeman.

14.20.050 - Prohibitions.

- A. No person shall operate any ground vehicle on the Air Operations Area, as defined in Section 14.20.190, unless authorized to do so by the Director or designee. No person shall operate any ground vehicle on the landing field except in accordance with rules and regulations promulgated by the Director or designee.
- B. No person shall operate any ground vehicle on any part of the landing field, in a negligent manner or while the operator is under the influence of alcoholic beverages, legal, illegal or over-the-counter medications, or when the vehicle is in an unsafe condition or equipped or loaded so as to endanger persons or property or in a manner unsafe for weather or ground surface conditions.

14.20.060 - Airport ground control light signals.

All persons on the movement area shall obey the following Air Traffic Control Tower light gun signals if/when issued in the absence of positive communication with a properly-functioning radio.

Color and/or Pattern of Light Gun Signal	Meaning
Red	Stop
Flashing red	Clear runway immediately
Green or flashing green	Proceed
Alternating red and green	Use extra caution
Flashing white	Return to apron

14.20.070 - Radio and other required equipment.

No person shall operate any ground vehicle on the movement area unless such ground vehicle is equipped with two-way radio in operating condition, displays in daylight hours a checked flag at least three feet square with checks on each side at least one foot square and colored international orange and white, and during hours of darkness, displays an amber overhead light of the design designated by the City for emergency vehicles.

14.20.080 - Vehicles transporting explosives.

No person shall operate, stop or park on the movement area or apron any ground vehicle transporting any explosives or hazardous materials, nitroglycerin, black powder, fireworks, blasting caps or other explosives, gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or other flammable or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered metallic magnesium, nitrocellulose film, peroxides or other flammable solids or oxidizing materials, hydrochloric acid, sulfuric acid or other corrosive liquids, prussic acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas, lewisite, or any other poisonous substance, liquid or gas or any compressed gases, or any radioactive article, substance or material, at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property.

14.20.090 - Ground vehicles to yield right-of-way to aircraft—Exception.

All ground vehicles, including emergency response vehicles, responding to an emergency/alert shall yield the right-of-way to any aircraft in motion. All aircraft shall hold their positions during an emergency unless otherwise directed by the Air Traffic Control Tower.

14.20.100 - Vehicles to yield right-of-way to pedestrians and aircraft.

Pedestrians and aircraft shall at all times have right-of-way over vehicular traffic. All ground vehicles shall pass to the rear of taxiing aircraft or under tow. When passengers are boarding or debarking from aircraft at the terminal, no ground vehicle shall be driven on the apron areas between the aircraft and its loading gate.

14.20.110 - Operation, parking, stopping of vehicles—Director’s authority.

No person shall operate, park or stop any ground vehicle in any aircraft parking area, landing area or apron area, except as authorized by the Director or designee.

14.20.120 - Parking in a T-hangar or adjacent paved areas.

Short-term vehicle parking is allowed within T-hangars while the aircraft is out. Ground vehicles may be parked on the pavement adjacent to the T-hangar only when the tenant is present, provided taxiway access is not blocked. A ground vehicle may not be left unattended outside the T-hangar at any time.

14.20.130 - Parking of apron vehicles and equipment.

Apron ground vehicles and equipment when not in use shall be parked in the areas designated by the Director or designee for such use.

14.20.140 - Parking of fueling vehicles.

No person shall park any ground vehicle designed for fueling within fifty feet of any building. Fueling ground vehicles should be parked no closer than 10 feet to each other.

14.20.150 - Exclusion of vehicles by Director or designee.

The Director or designee is authorized to exclude from the Airport, permanently or for a limited time, any ground vehicle violating this article, or unsafe ground vehicle, and any other ground vehicle belonging to the same owner or operated by the same operator.

Article II. - Operation of Vehicles Outside Landing and Apron Areas

14.20.160 - Application of provisions.

This article applies to the operation of ground vehicles on parts of the Airport that are not public streets or highways.

14.20.170 - Operation of ground vehicles in designated areas.

No person shall operate any ground vehicle on the area described in Section 14.20.160 without permission of the Director or designee, except on such driveways, parking areas or other areas as are designated by signs or markings for such operation, in which case the operator shall comply with any directions, instructions or limitations given by such signs or markings.

14.20.180 - Manner of operation of ground vehicles.

No person shall operate any ground vehicle on the area described in Section 14.20.160 negligently, or in such manner as to collide with or damage any structure, fixture, vehicle or other property.

Article III. - Air Operations Area (AOA)

14.20.190 - Defined.

The term "Air Operations Area" or "AOA" as used in this article is as defined in 49 CFR Part 1540, and as more particularly described in the most current Airport Security Program.

14.20.200 - Traffic signs—Placement.

The Director or designee is authorized to designate such areas and roads within the AOA as are suitable for the movement or parking of ground vehicles, considering the convenience and safety of aircraft and ground vehicles and of the public, and to mark such areas and roads with appropriate traffic signs.

14.20.210 - Traffic signs—Obedience required.

No person shall operate or park any vehicle, other than aircraft, upon any part of the airfield or AOA not designated and marked for the use of ground vehicles, as provided in Section 14.20.200.

14.20.220 - Speed limit.

- A. No person shall operate any ground vehicle (except an emergency response ground vehicle when responding to an emergency/alert), other than aircraft, at a speed greater than fifteen miles per hour while within the parking and loading areas, five miles per hour when within twenty feet of an aircraft, or thirty miles per hour while in the AOA. Additionally, aircraft shall not be towed at more than five miles per hour.
- B. Emergency ground vehicles while on emergency runs and official Airport ground vehicles being used in the performance of official duties are excluded from this section; however, such ground vehicles shall at all times be operated in accordance with the provisions of Section 14.20.050(A).
- C. For the purpose of this section, the FAA movement area is defined as runways, taxiways and other areas of the Airport that are used for taxiing, takeoff and landing of aircraft, exclusive of loading aprons and aircraft parking areas; and the air operation area is defined as all areas not open to the public, including landing areas, apron areas, aircraft parking and storage areas and hangars, except to the extent that any part of the air operation area, as defined in this subsection, is within the FAA movement area.

14.20.230 - Exclusions from application of article.

This article does not apply to police ground vehicles, firefighting equipment, and ambulances operating under permits of the Texas Department of State Health Services,

ambulances operated by the United States government or its agencies, or ground vehicles of the Airport, while operated in the performance of duty.

Article IV. - Parking

14.20.240 - Regulations.

- A. No person shall stop or park a motor vehicle at the Airport except in the areas specifically established for stopping or parking by signs or markings.
- B. No person shall stop or park a motor vehicle in front of the terminal building except for the loading and unloading of passengers and baggage for a period of no longer than three minutes; and no person shall leave his vehicle unattended.
- C. Each vehicle parking within either the short-term or long-term parking lots shall pay a fee for such use. The fee shall be calculated according to the length of time that the vehicle has occupied the lot. No fee shall be assessed to veterans with disabilities, Purple Heart recipients, Pearl Harbor survivors, former prisoners-of-war, Congressional Medal of Honor recipients, or surviving spouses of disabled veterans. The exemption from payment is granted at the time of the charge only by or for the transportation of such person who registered the vehicle and while displaying the applicable license plate as issued under Texas Transportation Code provisions.
- D. Cell phone lots are established for the temporary parking of vehicles. The driver of the vehicle must remain with the vehicle while it is parked within a cell phone lot. Vehicles shall not occupy the cell-phone lots in excess of two hours, and shall obey all posted signage.
- E. All vehicles operating for TNCs shall park only in the designated cell phone lot.

Chapter 14.24 - COMMERCIAL AIR CARRIERS RATES AND CHARGES

14.24.020 - Applicability—Compliance required.

- A. The provisions of this chapter do not apply to commercial air carriers that are signatory to an airline operating or terminal building lease agreement (collectively a "Signatory Agreement") with the City.
- B. As a condition precedent to the right of any commercial air carrier to use the Airport, the carrier shall comply with all rules and regulations promulgated by the Director or designee and all ordinances of the City. Any provision in the permit, lease, or agreement inconsistent with any general provision of this title shall control over that provision of this title. Each such carrier shall be deemed to have consented to giving the Director or designee access to the carrier's books, at all reasonable times, in person or by agent, to examine the records of the carrier for purposes of

validating information required to be reported by the carrier to the Airport under this chapter.

- C. If a commercial airline carrier does not have a Signatory Agreement with the City, then the commercial airline carrier will be charged 125% of the most recent fees in the most recent Rates and Charges document prepared as per the current Signatory Agreement.

14.24.030 - Landing fees, fuel flowage, and airline reporting procedures.

- A. Each aircraft operating under F.A.R. Parts 121 and 135 shall pay Airport landing fees as set forth in the respective airline agreement (“Signatory Agreement”), or if not a party to a Signatory Agreement, 125% of the rates charged within the most recent Signatory Agreement. Such fees do not apply to flights which depart from the Airport and return for emergencies, weather, or other reasons without landing at another Airport.
- B. In tabulating weights, the weights of each aircraft shall be the certified maximum gross landing weight as computed by the manufacturer and the Federal Aviation Administration. If the exact certified maximum gross landing weight cannot be determined, the air carrier may refer to the Burns & McDonnell Aircraft Characteristics book to report landing weight.
- C. An air carrier operator that does not have a signatory agreement on file with the El Paso International Airport shall pay a non-signatory premium of 125% of terminal and landing fees as set forth in the most current annual Airlines Rates and Charges.
- D. Any person, corporation, partnership, association, or business entity of any kind who brought fuel to a fuel storage tank or who brought fuel obtained from a source not on the Airport directly into any aircraft on the Airport must pay the fuel flowage charge as established in Schedule C of the City’s Annual Budget Resolution, as amended, unless otherwise determined in any respective, executed lease agreement with the City. Military aircraft conducting operations which require fueling from U.S. Government facilities and aircraft that operate under F.A.R. Parts 121 and 135 and were assessed a landing fee are exempt from fuel flowage fees.
- E. As a condition precedent to the right to use and occupy the Airport, each commercial air carrier shall furnish to the Director or designee a report, duly certified as true and correct by the person delegated by the carrier as its official representative having custody of its records, containing the number of its flights which have landed at the Airport during the preceding month, together with the manufacturer, type and landing weight of each of its aircraft landing at the Airport; the volume of cargo, mail and express carried; and the number of enplaning and deplaning passengers on its flights during said month by the tenth day of each next subsequent month unless otherwise outlined in a Signatory Agreement. The Director or designee shall have the right to prescribe and furnish forms for the making of all reports required to be made by this subsection. Any carrier under

reporting or failing to report is subject to reimbursing the Airport any amounts due, including interest and administrative costs.

- F. After receipt of the report specified in subsection (E) of this section or as soon thereafter as practicable, the Director or designee shall send an invoice to each commercial air carrier making a report. Payment by the carrier shall be made within thirty days of the date of the invoice unless otherwise outlined in a Signatory Agreement.
- G. It is unlawful and a violation of this chapter for any person to operate an aircraft of a commercial air carrier unless it provides assurance satisfactory to the Director or designee that the fees prescribed in this section have been or will be paid.

14.24.040 - Terminal rentals.

- A. Any regularly scheduled service airline (Part 121 and Part 135) operating from the terminal must sign a signatory or non-signatory agreement. Terminal rental fees shall be determined per the rates and charges document for that fiscal year or on a per diem basis.
- B. Non-signatory operators, or airline operators with irregular or seasonal operations, within the terminal shall pay the non-signatory rate as determined by the rates and charges document for that fiscal year.

14.24.050 - Equipment parking rentals.

Commercial air carriers shall pay the City as rent for its preferentially assigned equipment parking areas per square foot per year as determined by the rates and charges listed in Schedule C of the City's Annual Budget Resolution, as amended.

14.24.060 - Security screening fee.

Commercial air carriers shall pay the City amounts sufficient to reimburse the City for its appropriate share of the City's actual cost, plus an allowance for administrative overhead, of providing armed law enforcement support for the security screening operation as required by 49 CFR, Part 1540, 1542, and 1544. The cost of such services shall be apportioned among airlines using the secured passenger boarding areas on the basis of the share which each airline's enplaned passengers bears to the total enplaned passengers of all such airlines for such month. City shall invoice commercial air carriers monthly for such fee.

14.24.070 - Apron use fee.

Commercial air carriers shall pay an apron use fee in equal monthly installments for the use of each aircraft parking position preferentially assigned to each commercial air carrier (at the passenger terminal or in cargo areas). An annual fee shall apply for each preferentially assigned aircraft parking position. Commercial air carriers shall pay a gate use fee on a per use basis for the use of common use aircraft parking positions.

14.24.080 - Parking facilities.

Employees working for a tenant in the Airport terminal will be provided access to vehicular parking facilities, if available, in common with other employees. Such facilities shall be located in an area designated by the Director or designee. The Airport reserves the right to assess a reasonable charge to tenants or its employees for such employee parking facilities.

14.24.090 - Airline equipment charges.

Commercial air carriers shall pay amounts sufficient to amortize their appropriate share of the cost of equipment and tenant finishes financed by the City, including applicable maintenance and operating expenses. City shall invoice commercial air carriers for such charges.

14.24.100 - Loading bridge charge.

Commercial air carriers shall pay the Airport a loading bridge charge for each use of a City Airport-owned loading bridges per turnaround as outlined in Schedule C of the City's Annual Budget Resolution, as amended.

14.24.110 - International arrivals areas charges.

Commercial air carriers shall pay a charge per deplaning passenger for the use of the common-use international arrivals area as outlined in Schedule C of the City's Annual Budget Resolution, as amended.

14.20.120 -Other Charges and Fees

Commercial air carriers that are not parties to a Signatory Agreement shall pay for all charges outlined on Scheduled C to the Annual Budget Resolution.

14.24.140 - Delinquent payments.

Any fee, charge, rate, rental or other payment, whether due under written agreement, the provisions of this chapter or otherwise, shall be paid as of the established due date. Rentals for the exclusive use of terminal space and for preferentially assigned gate use fees shall be paid monthly in advance on the first day of each month. Payment for all other rentals, fees and charges shall be due within thirty days of the date of the invoice. Any portion of such fee, charge, rate, rental or other payment which remains unpaid after the established due date shall bear interest at either eighteen (18%) percent, or the highest rate available by law, whichever is greater, per calendar month or fraction thereof during which the payment remains unpaid. Failure to pay any past due amounts will result in loss of privilege in addition to any other remedies available at law.

Section 2. Except as amended herein, Title 14 of the El Paso City Code remains in full force and effect.

(Signatures on the following page)

PASSED AND APPROVED this _____ day of _____, 20__.

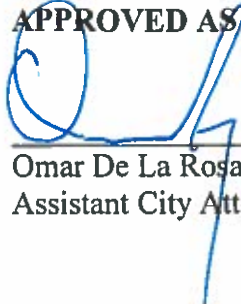
CITY OF EL PASO

Dee Margo
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Monica Lombrana, A.A.E.
Managing Director of Aviation and
International Bridges

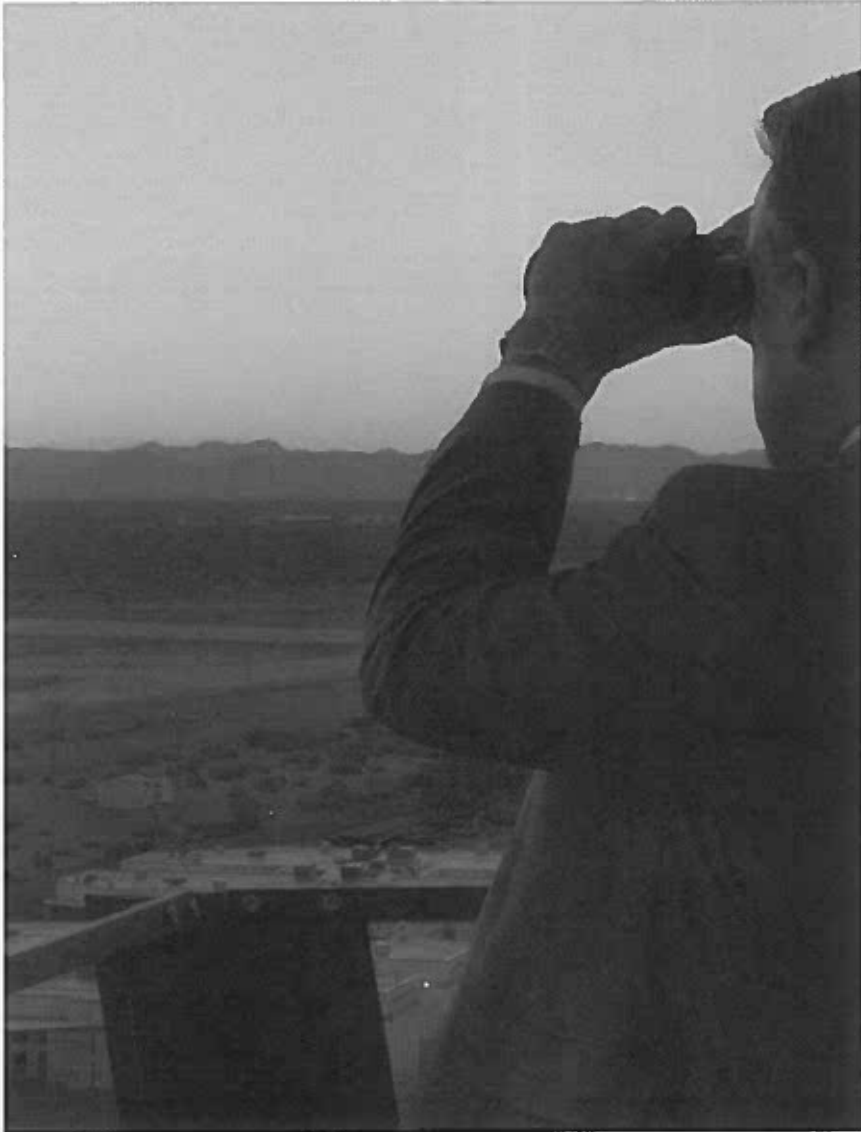


EL PASO

INTERNATIONAL AIRPORT

Title 14 Update

Terry Sharpe, C.M.
Assistant Director – Aviation Development



Strategic Plan Goal

- 1) **Create an Environment Conducive to Strong Sustainable Economic Development**
 - 1.4 Grow the core business of air transportation

- 3) **Promote the Visual Image of El Paso**
 - 3.2 Improve the visual impression of the community

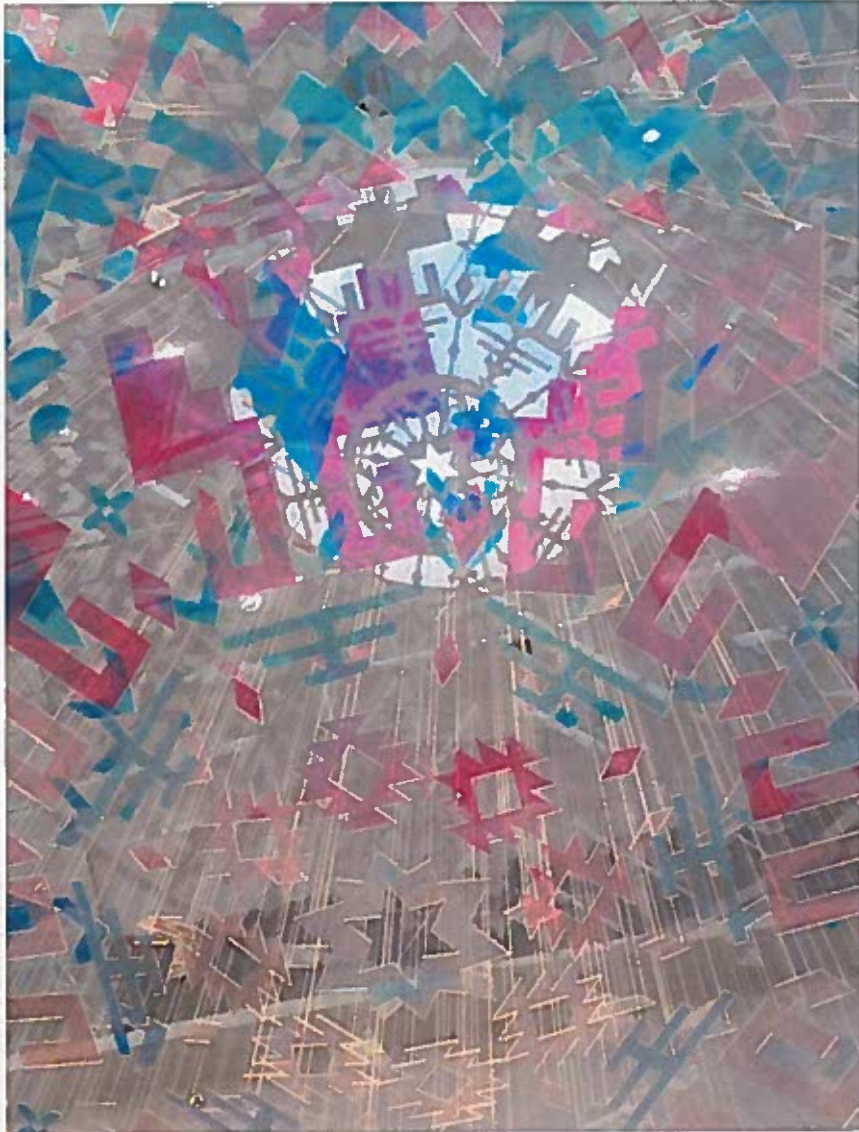
- 7) **Enhance and Sustain El Paso's Infrastructure Network**
 - 7.2 Improve competitiveness through infrastructure improvements impacting the quality of life



Purpose

Update Title 14 to reflect current state and federal regulations and current circumstances:

- Alignment with state and federal law
- Reflects new technological environment
- Operational practices not formally codified
- Simplify fee and permitting practices
- Administrative and minor references throughout



Significant Changes

Amending

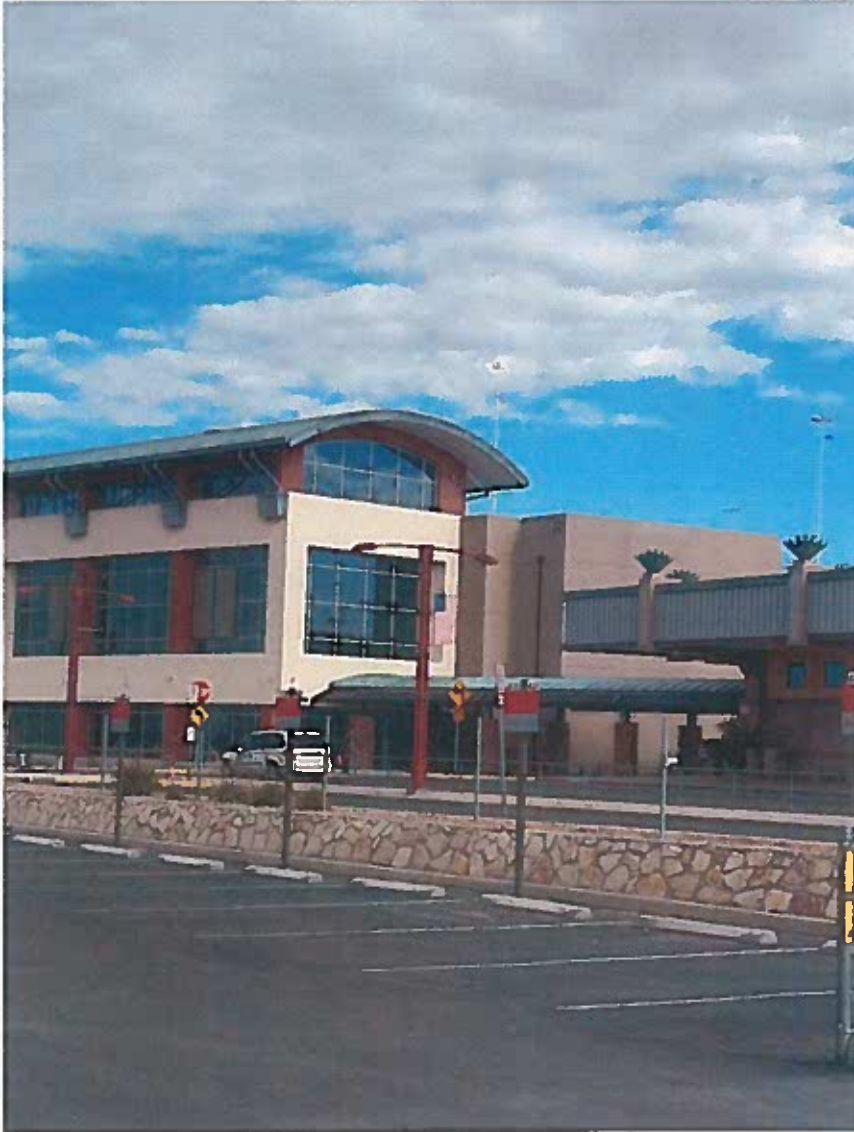
- 14.12.170 – Take-offs and landings
 - Removed language related to the movement area controlled solely by the tower or FAA regulations
- 14.16.040 – Prohibited animals
 - Clarified alignment with current federal law
- 14.08.050 – Nonconforming uses / structures
 - Added “grandfather” language to align with state law
- 14.08.020 – Airport zone map
 - Removed FAA Part 77 language, which establishes standards & notification requirements for objects affecting navigable airspace; clarified Airport 5-mile air navigation obstruction development review authority



Significant Changes

Amending

- 14.16.060 – Smoking prohibited
 - Changed "smoking impermissible where signed" to "smoking permissible only where signed"; added electronic cigarettes as a prohibited item
- 14.16.080 – Firearms prohibited – exceptions
 - Aligned to state law and federal law
- 14.20.010 – Operation of vehicles, definitions
 - Revised terms to align with industry standards and FAA operations
- 14.20.190 – Air Operations Area, defined
 - Simplifies language and aligns with federal code and the Airport Security Program



Significant Changes

Amending

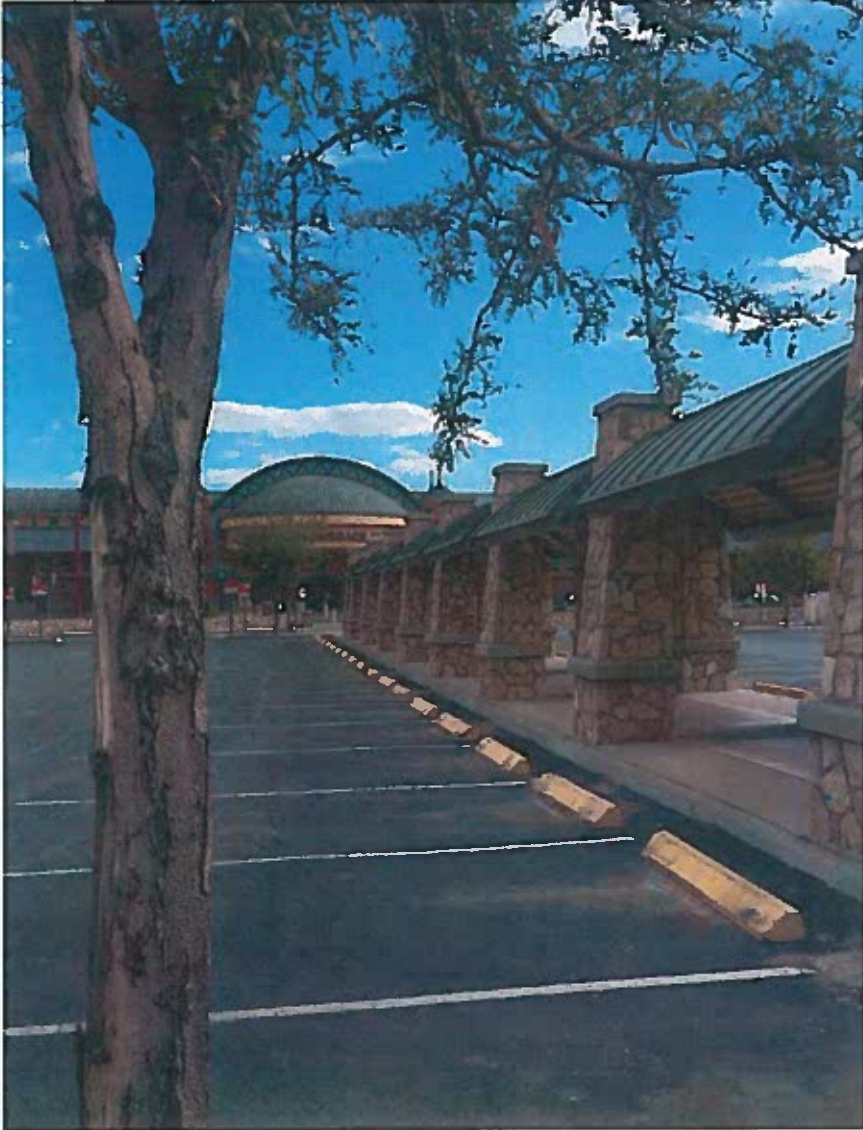
- 14.20.240 – Parking regulations
 - Clarifies authority to charge a fee; adds exceptions to specialty-plate bearers to match state law; adds language for TNCs and cell-phone lots
- 14.24.040 – Terminal rentals
 - Clarifies requirement for airline agreements, and that rates/charges are calculated as set forth in airlines' operating agreement and adopted annually by City Council via Schedule C



Significant Changes

Adding

- 14.12.220 – Unmanned aircraft systems (UAS)
 - Adds language to require adherence to federal and state law
- 14.16.155 – Computer non-corruption & IT
 - Adds industry language for tenants and public regarding the Airport's accessible and integrated IT environment
- 14.16.162 – Third-party service agencies
 - Adds authority to license parties operating on Airport premises but who are not directly contracted by the Airport

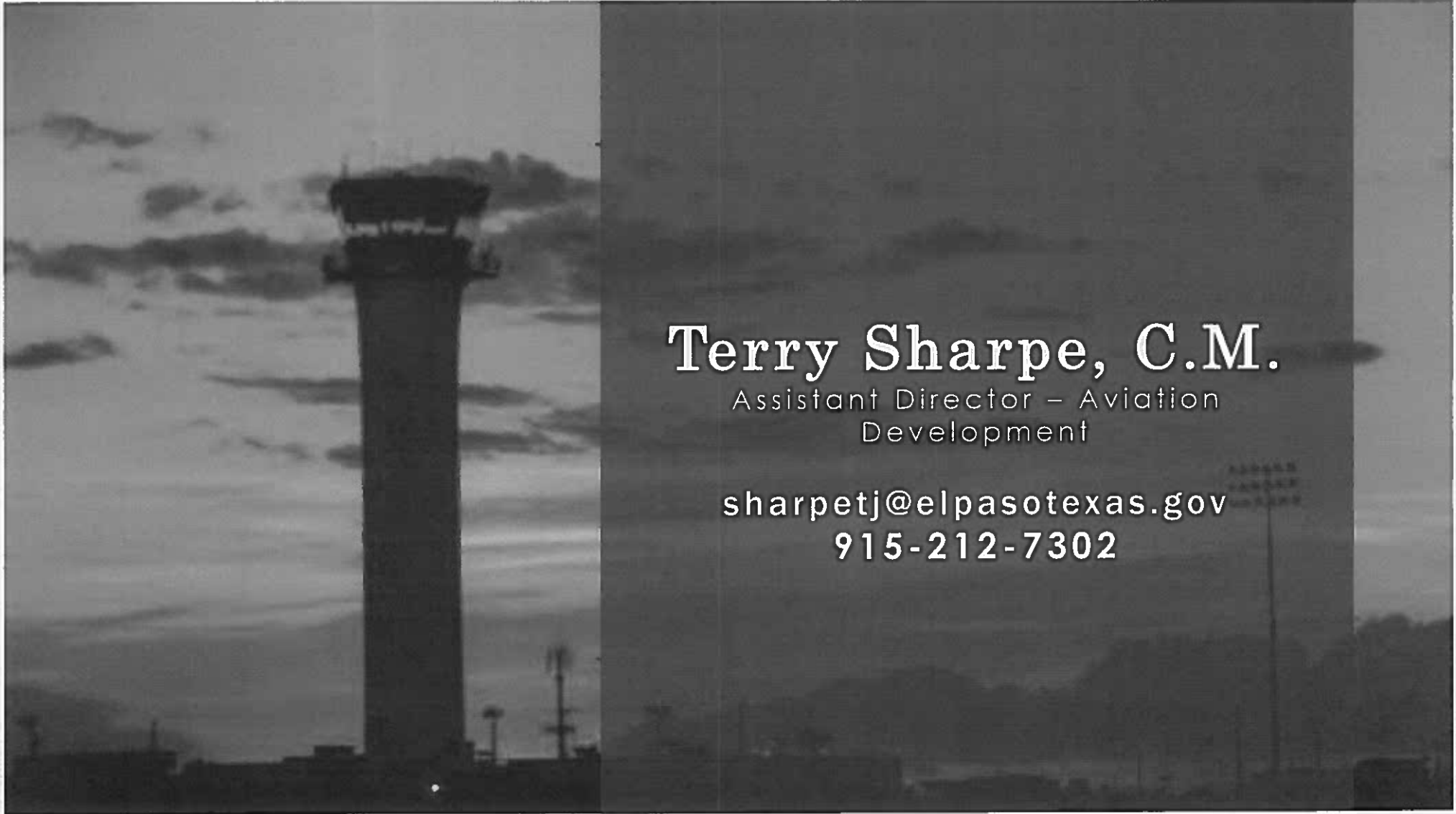


Significant Changes

Deleting

- 14.12.190 – Weight limitations
 - Removed restriction limiting aircraft with a wheel load in excess of 45,000 lbs. from landing.
- 14.24.050 – Electricity charges
- 14.24.060 – Telecommunication charges
- Appendix A – Cost recovery rates

Charges/rates are now standardized in Schedule C



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