

ORDINANCE NO. 2010-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING CHAPTER 8 OF THE CITY CODE OF THE CITY OF ODESSA, TEXAS, PROVIDING FOR LANDING OF AIRCRAFT AT OTHER THAN ESTABLISHED AIRPORT; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:

Section 1. That Chapter 8 of the City Code of the City of Odessa shall be amended as follows:

Chapter 8, Offenses and Nuisances

Section 8-1-1. Aircraft operation.

(a) and (b) shall remain the same.

(c) Compliance with rules of Federal Aviation Administration. No person shall operate any aircraft over or within the city in violation of any valid air traffic or other rule or regulation established by the Federal Aviation Administration. Other than to abide by Federal Aviation Administration regulations or instructions, it shall be unlawful for any person to operate any aircraft over the City of Odessa at an altitude of less than 1,000 feet except while in the act of taking off or landing.

(d) shall remain the same.

(e) Landing at other than established airport. Except in case of emergency, it shall be unlawful for any person to take off or land or, being the owner of any aircraft, to permit or authorize the taking off or landing of any aircraft within the corporate limits of the city, except upon a regularly established airport or landing place, without having first obtained a permit as hereinafter provided.

- (1) Applicants for landing any aircraft within the corporate limits of the city under this article shall make a sworn application to the city upon forms to be furnished by the billing and collection office of the city at least 5 days prior to the landing event. Each application shall give the following information:
 - (A) Full name and all information contained on the driver's license of the applicant and each pilot working under the permit;
 - (B) Permanent home address and present local address of the applicant;

- (C) Name and home office address of the applicant's employer;
 - (D) A site plan showing the proposed landing site, including:
 - i) any proposed security measures to keep the takeoff and/or landing site secure during aircraft operations
 - ii) emergency landing sites in the area in the event of a complete power failure at the permitted site
 - iii) ingress and egress to the site;
 - (E) Written permission of the owner of the property to land an aircraft on the proposed site;
 - (F) Proposed dates and times for landing at the proposed site;
 - (G) A copy of the applicant's driver's license or other identification card;
 - (H) Name of property owner and address of the property where the landing will occur;
 - (I) Copy of applicant's and/or applicant's employees' pilot's licenses;
 - (J) Description, make, model of the aircraft to be used when landing at the proposed site; and
 - (K) Written description of the purpose for landing at the proposed site.
 - (L) any waivers or notices required by Federal Aviation Regulations to be issued by or given to the FAA;
- (2) Each application shall be accompanied with payment of a processing fee of twenty-five dollars (\$25.00). There shall also be charged a fee of fifty dollars (\$50.00) for any required investigation of the proposed site location by the city of Odessa police department. These fees shall be applied to the expenses incurred in processing the application and enforcing this article.
- (3) Each application or a copy thereof shall be referred to the city of Odessa police department for investigation and approval of the proposed landing site.
- (4) Any application for landing an aircraft inside the corporate limits of the city may be denied or such permit may be revoked for any of the following reasons:
- (A) Any misrepresentation or false statement contained in the application for the permit;
 - (B) A violation of any of the provisions of this article;
 - (C) The proposed landing would not comply with federal or state law or city ordinance or would endanger persons or property;
 - (D) The landing blocks streets, rights-of-way, access or driveways;

- (5) Upon the denial or revocation of an aircraft landing permit, the city's police chief shall notify in writing the applicant or permittee of the reason for such denial or revocation.
- (6) Each aircraft landing permit issued under the authority of this article shall be valid for the period of anticipated use of the applicant, but not to exceed ninety (90) days from the date it is issued, or until revoked under the provisions of this article.
- (7) Every pilot who has secured a permit under the authority of this article shall keep a copy of any permit upon the aircraft at all times and shall display the same upon the request of any city official or policeman.
- (8) The permits issued under the authority of this article shall not be transferable or assignable.
- (9) It shall be unlawful for any person other than the person to whom the permit was issued to display or otherwise use any aircraft landing permit.
- (10) Upon the submission of prior written permission of the property owner to the police chief, but without obtaining a permit, a person may also land an aircraft upon the following approved landing zones:

City of Odessa – at any site so designated and approved by the city manager and the Odessa police chief

ECISD – at any campus site so designated and approved by the superintendent of the school district and the Odessa police chief

Odessa College - at any campus site so designated and approved by the president of the college and the Odessa police chief

UTPB - at any campus site so designated and approved by the president of the university and the Odessa police chief

Ector County – on any Ector County property located within city limits so designated and approved by the county judge and the Odessa police chief

(f) through (h) shall remain the same.

(i) Penalty. Any person, firm or corporation violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2,000.00).

Section 2. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. That all other sections of the Offenses Chapter of the City Code, not in conflict, shall not be altered in any way by this ordinance and shall continue with full force and effect.

Section 4. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$2,000.00 as provided in Section 1-1-9, "General Penalty", Odessa City Code, which section is adopted by reference and made a part hereof.

Section 6. That the caption and penalty clause of this ordinance shall be published in The Odessa American, a newspaper of general circulation in the city of Odessa, in compliance with the provisions of Article 1176b-1, T.R.C.S.

Section 7. That this ordinance shall go into effect thirty (30) days after adoption on second approval.

The foregoing ordinance was first approved on the 11th day of May, A.D., 2010, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Royce Bodiford	AYE
Dean Combs	AYE
Benjamin Velasquez	AYE

The foregoing ordinance was adopted on second and final approval on the 25th day of May, A.D., 2010, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Barbara Graff	AYE
Dean Combs	AYE
Roy Hunton	AYE

Approved this the 25th day of May, A.D., 2010.

Larry L. Melton, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Larry Long, City Attorney