

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, APPROVING RESOLUTION NO. 2010-07-150 AND RESOLUTION NO. 2010-09-220 OF THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD WHICH AMEND CHAPTERS 1, 2, 3, 6, 7, 8, 9, 10, THE TABLE OF CONTENTS AND APPENDIX I OF THE CODE OF RULES AND REGULATIONS OF THE DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD, AS AMENDED; PROVIDING FOR A FINE NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS PER DAY FOR ANY VIOLATION THEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 8.F of the Contract and Agreement, as amended, between the City of Fort Worth, and the City of Dallas, Texas, provides that the Dallas-Fort Worth International Airport Board shall have the power, by a duly adopted order, to adopt and enforce rules and regulations for the orderly, safe, efficient and sanitary operation of the Airport, and to prescribe reasonable penalties for the breach of any rule or regulation not to exceed the maximum fines authorized by state law; and

WHEREAS, Sections 22.082 of the Texas Transportation Code, Chapter 22, Subchapter D and Section 8.F of the 1968 Contract and Agreement, as amended, provide that such orders by the Dallas-Fort Worth International Airport Board shall become effective only upon approval of the governing bodies of the Cities of Fort Worth and Dallas and proper publication; and

WHEREAS, on July 1, 2010 and September 2, 2010, the Dallas-Fort Worth International Airport Board passed, approved, and ordered Resolution No. 2010-07-150 and Resolution 2010-09-220 respectively, which amend Chapters 1, 2, 3, 6, 7, 8, 9, 10, the Table

of Contents and Appendix I of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended, to reformat the chapters and Table of Contents, expand definitions, include new definitions, add rules associated with the operation of vehicles in the movement area of the airport operations area (AOA), change chapter titles, establish additional areas on the Airport where commercial photography and moving picture production are prohibited, establish a new section for airport security violations, and add two new roadways that will access the new corporate aviation facility; and

WHEREAS, in accordance with Section 3 of Chapter 9 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended, the Airport Board has requested that the City Councils of the Cities of Fort Worth and Dallas approve its said Resolution No. 2010-07-150 and Resolution No. 2010-09-220 in order that they may become effective;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH TEXAS:

SECTION 1.

That all of the declarations and findings contained in the preamble of this ordinance are made a part hereof and shall be fully effective as part of the ordained subject matter of this ordinance.

SECTION 2.

That Resolution No. 2010-07-150 of the Dallas-Fort Worth International Airport Board, a duly certified copy of which is attached hereto as Exhibit "1" and is made a part of this ordinance by reference, is hereby approved, and that Resolution No. 2010-09-220 of the

Dallas-Fort Worth International Airport Board, a duly certified copy of which is attached hereto as Exhibit “2” and is made a part of this ordinance by reference, is hereby approved

SECTION 3.

That after publication of a substantive statement relating to the contents of Resolution No. 2010-07-150 and Resolution No. 2010-09-220 of the Dallas-Fort Worth International Airport Board in a newspaper of general circulation in each of the counties of Tarrant and Dallas, stating that a breach of any provision of Resolution No. 2010-07-150 and Resolution No. 2010-09-220 will subject the violator to a penalty, and stating that the full text of Resolution No. 2010-07-150 and Resolution No. 2010-09-220 and any attachments to them are on file in the principal office of the Airport Board to be read by any interested party. Resolution No. 2010-07-150 and Resolution No. 2010-09-220 shall thereafter have the same force and effect within the boundaries of the Dallas-Fort Worth International Airport as an ordinance by the City Council of the City of Fort Worth would have in the City of Fort Worth, and the penalty shall be enforced in the same manner in which penalties prescribed by other ordinances of the City of Fort Worth are enforced.

SECTION 4.

That the sections, paragraphs, sentences, clauses and phrases of this ordinance and Resolution No. 2010-07-150 and Resolution No. 2010-09-220 are severable, and if any phrase, clause, sentence, paragraph or section shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance or Resolution 2010-07-150 and Resolution No. 2010-09-220, since

the same would have been enacted without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance or Resolution No. 2010-07-150 and Resolution No. 2010-09-220 shall be fined not more than Five Hundred Dollars (\$500.00) or more than Two Thousand Dollars (\$2,000.00) for each offense relating to fire safety, public health and sanitation, or the dumping of refuse. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of any other ordinances affecting the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two days in the official newspaper of the City of Fort Worth, Texas, as authorized by Texas Local Government Code, Section 52.013.

SECTION 8.

That this ordinance shall take effect immediately from and after its passage and publication as required by law, in accordance with the provisions of the Charter of the City of Fort Worth, and it is accordingly so ordained.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

Adopted and Effective: _____