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**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 10 “AVIATION” OF THE NEW BRAUNFELS CODE OF ORDINANCES, DELETING CURRENT MINIMUM STANDARDS AND ADOPTING NEW MINIMUM STANDARDS FOR THE NEW BRAUNFELS NATIONAL AIRPORT, AND ADOPTING NEW RULES AND REGULATIONS FOR THE NEW BRAUNFELS NATIONAL AIRPORT; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of New Braunfels (“City”) is the sponsor of the New Braunfels National Airport (“Airport”); and

**WHEREAS**, the City previously adopted Rules and Regulations for the then-New Braunfels Municipal Airport that were codified in Chapter 10, Article V, section 10-121 of the New Braunfels Code of Ordinances; and

**WHEREAS**, the City desires to update the Rules and Regulations for the New Braunfels National Airport to better protect the safety of those who use the Airport and to better serve the public interest and general welfare of the Airport; and

**WHEREAS**, the City has reviewed the existing Rules and Regulations and worked with outside counsel to draft new Rules and Regulations; and

**WHEREAS**, the City previously adopted a set of minimum standards for operators at the Airport, which were codified in Chapter 10, Article VI, section 10-121 of the New Braunfels Code of Ordinances; and

**WHEREAS**, the Federal Aviation Administration highly recommends the use of minimum standards for commercial aeronautical activities to minimize the potential for violations of Federal obligations; and

**WHEREAS**, the City has reviewed the minimum standards and worked with outside counsel to review and update the minimum standards and make changes to the same; and

**WHEREAS**, the City has updated verbiage in Chapter 10 to increase clarity and accuracy and to reflect the Airport’s status as a national airport; and

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**WHEREAS**, the Airport Advisory Board at its meeting on 20 September, 2023, voted to recommend approval of proposed revisions to Chapter 10, the proposed new Minimum Standards, and the proposed new Rules and Regulations; and

**WHEREAS**, the City Council of the City of New Braunfels desires to adopt the updates to Chapter 10, Aviation, of the City of New Braunfels Code of Ordinances, the proposed new Minimum Standards for the New Braunfels National Airport, and the proposed new Rules and Regulations for the New Braunfels National Airport.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

### **SECTION 1**

**THAT** the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

### **SECTION 2**

**THAT** Chapter 10, Airport, Article V, Airport Rules and Regulations and Article VI, New Braunfels Airport Minimum Standards, are hereby amended with additions as underlined and deletions as stricken indicated below. Further amendments are hereby approved to the documents referenced in Sec. 10-101(b)(2) and Sec. 10-121, which shall not be codified but will be on file with the City Secretary and Airport Director, and attached to this ordinance as Exhibit A-New Braunfels National Airport Rules and Regulations, and Exhibit B-New Braunfels National Airport Minimum Standards.

## **ARTICLE V. – AIRPORT RULES AND REGULATIONS**

**Sec. 10-101. ~~Airport uses~~ New Braunfels National Airport Rules and Regulations.**

- (a) *Use of airport restricted.* No person shall use the airport for any commercial activity, unless approved in writing by the City of New Braunfels. The airport was developed with aid from the State of Texas and the United States. These grants include a number of obligations and commitments to the general and flying public, to the state, and to the United States. Any

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provision of these regulations, any lease, or any practice carried out on or for the airport shall be subordinate to the indenture, and if at variance with the grant requirements, unilaterally reformable at the option of the city or FAA's Federal Aviation Administration ("FAA") ~~option~~ for conformity with these grants.

- (b) *General rules and regulations.* The following rules and regulations shall be observed in the use, operation and conduct of the New Braunfels ~~Municipal~~National Airport (the "airport"):
- (1) *The federal air traffic rules.* Promulgated by the Federal Aviation Administration for observance by aircraft operated anywhere in the United States, and presently or hereafter effective, are hereby referred to, adopted and made a part hereof as though fully set forth and incorporated herein.
  - (2) *Rules and Regulations.* The city council has adopted by ordinance the New Braunfels National Airport Rules and Regulations which are not codified but are filed with the city secretary and airport director and may be reviewed during normal business hours. The adopted rules and regulations are standards for the conduct of activities that are mandatory for all entities at the New Braunfels National Airport. The New Braunfels National Airport Rules and Regulation may be amended from time to time by the City Manager or City Manager's Designee.
  - (3) *Safeguard of persons and property.* The airport ~~manager~~director is hereby vested with the authority to take such action as may be necessary to safeguard any person, aircraft, equipment or property at the airport and to enforce all rules and regulations adopted in this article.
  - (4) *T-hangars, storage of aircraft, and rental of space.* T-hangars may be rented to persons on a monthly basis for the storage of aircraft and ancillary aircraft equipment only. No commercial activity may be operated from these T-hangars (as used herein, the term "commercial activity" shall mean a person who provides for compensation goods or services to others on or from the airport.) Any person wishing to lease a T-hangar will execute an approved T-hangar lease agreement. T-hangars shall be leased at ~~competitive~~ rates set by the city council in accordance with the provisions of subsection (4)a.  
  
The city may rent space at ~~competitive~~ rates in city-owned facilities that are not leased in their entirety to one tenant. Rentals may include office space as well as the storage of aircraft in city-owned hangars.
  - (5) *Lease of airport property.* The city may lease the unimproved property within the building area or other portions of the airport for the construction of hangars, buildings, aprons, taxiways and auto parking areas in accordance with the approved airport layout plan, and may also lease city-owned improved property for aviation and aviation-related purposes. No leased property including all buildings or structures erected on said leased property, shall be utilized for storage of non-aviation equipment, such as automobiles, boats, or farm equipment, unless specifically permitted by an approved lease agreement with the city.
    - a. Lease charge—All airport property, both improved and unimproved, shall be leased

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- at competitive rates set by the city council based on a market study performed by a consultant comparing rates and charges at similarly situated airports offering similar services as the New Braunfels Municipal National Airport. Such market studies shall be performed on a periodic basis, but in no event, of no more than seven years apart. The leases of airport property shall also contain an escalation provision based on a ~~common known~~ specified escalator so that the rental rates will increase from time to time based on the increase in the escalator.
- b. All hangar and parking areas leased or developed shall be paved or floored by a minimum of six inches of asphalt or concrete with a twenty-eight day compressive strength of 3,000 p.s.i. and #3 reinforcement bars on 24-inch centers in each direction. Subgrade fill must be compacted at 95 percent standard testing at a moisture content of zero to four percent of the optimum moisture. Subgrade is to be lime, six inches deep, with an application ratio of 32.4 pounds per square yard.
  - c. Any private structure or hangar not in use for aviation purposes for a period in excess of three months or not available for rent or subleased for aviation purposes, if so directed and permitted by the city, shall be removed after due notice in writing, or the city will consider such structures or hangars abandoned and title will pass to the city.
  - d. No structures may be erected beyond the building restriction line (BRL) or in conflict with the approved airport layout plan.
  - e. All construction must be authorized by the city and must comply with all permitting procedures established by the city. ~~and must be a~~ Any structure constructed on the airport must be capable of withstanding winds of 85 miles per hour, with doors open or closed. Furthermore, all structures must comply with the city building codes and airport zoning and land use ordinances.
- (6) a. ~~FBO's/commercial~~ Commercial activity fees based on gross receipts. All ~~persons~~ entities approved by the city to conduct a commercial activity on or at the airport shall pay a monthly fee (the "commercial activity fee" or "CAF") on the gross revenue earned (~~"commercial activity fee" or "CAF"~~). The commercial activity fee shall be in an amount of not less than one percent, nor more than two percent of the gross revenue. The CAF shall be set by the city council, and may be adjusted from time to time based on the market studies outlined in subsection (4)a. above.

All fuel delivered for aviation use at the New Braunfels Regional National Airport will be assessed a fuel flowage fee of \$0.07 per net gallon upon delivery. The fuel flowage fee shall be charged upon delivery of the fuel and shall be paid to the city on a monthly basis unless it is paid as a result of the purchase of fuel directly from the city.

Gross revenues used for computing the CAF will be based upon commercial activity for each operator at the airport. The CAF shall not be applied to the sales of aircraft. Proof of revenue such as income tax statements and personal books or records shall be provided to the city upon request and the city shall have the right to conduct an audit of such statements, books and records.

Prior to starting any commercial activity, a deposit equal to an estimate of one month's fee shall be paid by the ~~operator~~ lessee to the city. The deposit shall be

held by the city and applied to overdue fees at the discretion of the city. If the deposit is applied to overdue fees, the deposit shall be replenished by the airport lessee ~~or person~~ or entity conducting the commercial activity. If the commercial activity is terminated, the deposit shall be returned to depositor provided that all fees and rentals due the city have been satisfied.

Exemptions: Certain activities, such as sales of aircraft, are exempt from payment of the CAF based on gross receipts. As an airport commercial operator fulfills one or more of the performance thresholds outlined in the chart below, the required CAF percentage is reduced as follows:

Performance Threshold	Required CAF payment if:
1. <del>Operator's</del> <u>Entity's</u> yearly gross income is \$2,000,000.00 or greater; <del>(\$5,000,000.00 for a full-service FBO);</del> and/or	1 of 3 thresholds met: 75% of gross revenues
2. Total value of <del>operator's</del> <u>entity's</u> assets (ad valorem and personal property) based at the airport is \$1,000,000.00 or greater; and/or	2 of 3 thresholds met: 50% of gross revenues
3. <del>Operator</del> <u>Entity</u> creates 12 jobs with at least ten <del>considered being</del> full-time <u>jobs</u> within 24 months of receiving a certificate of occupancy from the city	3 of 3 thresholds met: 50% of gross revenues

For example, if ~~a company's~~ an entity's assets are greater than \$1,000,000.00 and ~~they employ~~ the company employs 15 people in full-time positions, the ~~company~~ entity has fulfilled two of the three performance measures. ~~Its~~ The entity's CAF would be reduced to 0.5 percent of gross revenues. Similarly, if ~~a company~~ an entity fulfills all three thresholds, ~~they~~ the entity may be exempted from paying the CAF.

- b. *Fixed commercial activity fee.* In the event that ~~businesses~~ entities approved by the city to conduct commercial activity on or at the airport should qualify for exemption from the entire commercial activity fee based on the percentage of gross receipts, those ~~persons~~ entities shall be required to pay a fixed rate commercial activity fee.

The fixed commercial activity fee will be determined by the category of commercial operation. The fixed amounts are outlined in the following table:

Category	Fixed CAF
<del>Fixed base operator</del>	\$25,000.00
Corporate headquarters of affiliated KBAZ commercial operation	10,000.00
Aircraft maintenance operator ( <del>SASO</del> <u>Specialized Aviation Service Operator</u> )	FAA certified: 10,000.00 Non-FAA: 5,000.00
Avionics or instrument maintenance operator (SASO)	FAA certified: 10,000.00 Non-FAA: 5,000.00
Aircraft rental, <del>flying club</del> , or flight training	FAA certified: 2,000.00

	Non-FAA: 1,000.00
Aircraft charter or aircraft management operator	5,000.00
Aircraft sales operator	1,000.00
Specialized commercial aeronautical operator	2,000.00
Temporary specialized aviation service operator	500.00
Aircraft storage operator	3,000.00
Non-commercial hangar operator (corporate hangars)	2,000.00
Non-commercial self-service fueling operator	500.00
Non-aeronautical use	10,000.00

*Multiple commercial categories.* If a ~~company~~ an entity is classified in more than one category, the fee is based upon the activity from where a majority (greater than 50 percent) of the ~~company's~~ entity's revenues revenue is derived, except in the case where the ~~company~~ entity is operating an aircraft storage operation to supplement its primary business.

If a ~~company~~ an entity pays a fixed commercial activity fee as an aircraft storage operator, it must pay a fixed commercial activity fee for each hangar it owns and operates at the airport.

~~Companies~~ Entities that have obtained higher certifications ~~and/or~~ licenses, ~~such as but not limited to, certified repair stations, Part 141 flight schools, certified maintenance repair overhaul shops (MRO),~~ from the Federal Aviation Administration (FAA) to conduct commercial activities shall pay the fixed fee designated as "FAA Certified" in the fee table. ~~Those companies~~ Entities that possess certifications ~~and/or~~ licenses to operate as, ~~but not limited to, airframe and powerplant shops (A&P), Part 61 flight schools that~~ do not possess any certifications ~~and/or~~ licenses from the FAA shall pay the "Non-FAA" fixed fee.

*Fixed commercial activity fee escalation schedules.* The fixed commercial activity fee shall increase for all commercial operations by no greater than the annual Commercial Price Index-Urban Consumers (CPI-U) adjustment for the previous year. In no event shall the fixed commercial activity fee increase more than ten percent in a three-year period, except as provided in other areas of this Code.

If a ~~company~~ an entity enters into a new lease for an expansion of its operation, the percent increase in the fixed commercial activity fee will be one-half proportionate to the percent increase in the amount of the land leased relative to the originating ground lease.

- (7) *Authorized signs.* No signs, ~~or~~ equipment, ~~or~~ portable buildings ~~and~~ or house trailers may be erected, moved in or installed on the airport property except as may be specifically authorized by the airport ~~manager~~ director.

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- (8) *Surreptitious activities.* Any person observing suspicious, unauthorized or criminal activities shall report such activities immediately to the airport ~~manager~~ director, New Braunfels ~~police~~ Police Department, ~~county sheriff's office~~ Guadalupe County Sheriff's Office, Comal County Sheriff's Office or officers of the department of public safety.
- (9) *Wrecked and unairworthy aircraft.* Under the direction of the airport ~~manager~~ director, every aircraft owner, ~~his/her~~ pilot and ~~agents~~ agent, shall be responsible for notifying the FAA of unairworthy aircraft and is responsible for the prompt removal from the operational areas of the airport, ~~of disabled or wrecked~~ unairworthy aircraft. Aircraft left in an unairworthy condition over 30 days in open air parking areas will be removed from the airport premises at the expense of the aircraft's owner, unless the airport ~~manager~~ director was previously notified of the disabled or wrecked aircraft and has allowed ~~and arrangements made to leave the aircraft to remain~~ parked. Unairworthy aircraft include ~~those~~ aircraft with ~~no~~ missing engines, propellers, ~~missing~~ primary control surfaces or aircraft with other obvious disqualifying conditions as determined by the airport director.
- (10) *Repairs to aircraft.* No aircraft shall be repaired on any part of the landing or take-off area, and all outside repairs shall be made at the places designated by the airport ~~manager~~ director for such purpose.
- (11) *Agricultural operations.* Agricultural spraying operations will be conducted in accordance with procedures approved by the airport ~~manager~~ director and made known to all persons conducting agricultural spraying operations. Said operations shall be conducted only on the designated airport areas, and shall not include reckless flying or careless chemical handling. Chemicals and containers used in agricultural flying operations shall be dispersed, maintained, stored promptly, and disposed of in accordance with label directions and the standards set by the Environmental Protection Agency (EPA), Texas National Resources Conservation Commission (TNRCC), Texas Department of Agriculture, Texas Health Resources Commission and the City of New Braunfels Fire Department. Washing of agricultural aircraft and flushing of agricultural aircraft spray tanks will be accomplished in accordance with the standards set by the EPA, TNRCC and Texas Health Resources Commission in an area so designated by the city.
- (12) *Damage to airport.* Any ~~person, corporation or individual~~ entity causing or owning an aircraft that causes, ~~and the owner of any aircraft causing~~ damage of any kind to the airport, ~~whether through violation of any of these rules or through vandalism or any act of negligence~~, shall be liable ~~therefore~~ to the city for any damage caused to any property owned by or in custody of New Braunfels National Airport.
- (13) *Injury to person.* Except for the carriage of passengers to and from the airport terminal and persons using the airport passenger terminal in the normal course of business, no ~~No~~ person shall may enter the airport grounds ~~either on foot or by motor vehicle~~, without permission from the airport ~~manager~~ director, ~~and any~~ Any person ~~so entering upon the airport property~~ grounds does so at ~~his/her~~ the person's own risk



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and with no liability to the city for any injury or damage to person or property. The terms "airport grounds" and "airport property" as used in this rule shall ~~do not include carriage of passengers to and from the airport terminal, nor persons using the airport passenger terminal in the normal course of business.~~

- (14) *Certificated pilots.* Only properly registered aircraft and persons holding a current pilot's certificate issued by the FAA shall operate upon or over the airport without written permission. This limitation shall not apply to students in training under certified instructors nor to public aircraft of the federal government or of a state, territory or political subdivision thereof, or to aircraft certified by a foreign government with which the United States has a reciprocal agreement covering the operation of such certificated aircraft.

Persons operating ultralight aircraft shall conform to Federal Aviation Regulations part 103. Permission to use the airport, if granted, shall be contingent on operating procedures coordinated with and acceptable to the airport ~~manager~~ [director](#).

- (15) *Registration.* Every person stationed, employed, receiving instruction at or operating from the airport shall register (upon request) at the office of the airport ~~manager~~ [director](#), shall give ~~his/her~~ [the person's](#) name, address, telephone number and the nature of ~~his/her~~ [the person's](#) business or occupation. Identification numbers of all aircraft hangared at the airport shall be registered at the office of the airport ~~manager~~ [director](#).

- (16) *Use of another's property.* Unless authorized by the owner in writing, the use of any aircraft, parts, equipment, accessories or tools of another, situated on the airport, is forbidden.

- (17) *Intoxicants and narcotics forbidden.* No person under the influence of an intoxicant or narcotic shall operate any aircraft upon or over the airport or participate in any aviation related activity.

- (18) *Complaints.* Complaints against any operator or ~~his/her~~ [the operator's agents or](#) employees for violations of these standards shall be in writing, dated, and signed by the complainant and filed with the airport ~~manager~~ [director](#), to be investigated.

- (19) *Lien for charges.* To enforce the payment of any charges made for repairs, improvements, storage or care of any personal property, made or furnished by the city or its agents in connection with the operation of the airport, the city shall have a lien upon such personal property repaired, improved or stored, which lien shall be enforceable as provided by law.

- (20) *Lien of possessory rights.* To enforce the payment of any such charge as discussed in subsection (18) above, the airport ~~manager~~ [director](#), or ~~his/her~~ [the airport director's](#) agent ~~or expressed above~~, may retain possession of such personal property until all reasonable, customary and usual compensation including ~~attorneys~~ [attorney's](#) fees and collection cost, ~~shall have been~~ [are](#) paid in full.

(Ord. No. 96-40, § I(Exh. A, pt. A, § 1), 8-12-96; Ord. No. 2010-26, § 1, 5-10-10; Ord. No. 2012-14, § II, 3-26-12; Ord. No. 2012-35, § I, 6-11-12)



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Editor's note(s)—Ord. No. 2012-35, § I, adopted June 11, 2012, enacted provisions intended for use as subsection (b)(6). Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as subsection (b)(5)b.

## **Sec. 10-102. Ground operations.**

The following rules and regulations shall be observed in the ground operations of the New Braunfels Municipal Airport:

(1) *Air and ground traffic-vehicular traffic.* All vehicular traffic on the airport shall be confined to streets, roads, and avenues of passage designated and provided for that purpose and shall not be operated at a speed in excess of 15 miles per hour. Only official vehicles will be driven on the landing area. Such official vehicles will have an operating ground to air radio transceiver turned to the local UNICOM frequency (122.7) or Common Traffic Advisory Frequency (CTAF) and a flashing beacon light mounted on the roof of the car or a checkered orange and white flag mounted on the vehicle. Special use vehicles, such as an ambulance, hearse, or delivery van may be driven on the apron with the permission of the airport ~~manager~~ director. An aircraft owner who rents, leases, or owns ~~his/her~~ a private hangar may park ~~his/her~~ the aircraft owner's automobile in the hangar while on a trip in ~~his/her~~ the aircraft owner's aircraft.

~~(2) *Fueling of aircraft.*~~

- ~~a. Aircraft shall not be fueled while the engine is running or while in a hangar or in other enclosed place.~~
- ~~b. All aircraft will be positively grounded when being serviced with fuel. Aircraft being serviced by a fuel truck will be grounded to the fuel truck.~~
- ~~c. All aircraft shall be fueled at a fuel pump, or if by truck, on the ramp clear of hangars, by an approved FBO or an approved self fueling operator.~~
- ~~d. Aircraft fuel trucks will be equipped, operated and maintained in accordance with New Braunfels fire department rules. All truck operations, except as provided below, will be limited to the ramp area for aircraft refueling.~~
- ~~e. Persons or aviation businesses wishing to supply and dispense aviation fuel for their private use must first obtain permission from the city. Self fueling facilities must be located on leased property and the fueling system installed and fuel dispensed in accordance with aircraft fueling rules and FAA directives.~~
- ~~f. Aviation fuel, auto fuels, kerosene, propane, or white gas will not be stored in a hangar. Lubricants such as oil, grease, etc., will be properly stored and will meet all city codes and the National Fire Protection Association codes.~~

(3) *Tiedown of aircraft.*

- a. All aircraft not hangared shall be tied down or secured at night and during inclement weather.
- b. The aircraft owner or ~~his/her~~ operator is responsible for the tiedown or security of ~~his/her~~ the aircraft owner or operator's aircraft at all times and particularly during inclement weather.

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- c. Aircraft parked overnight on the transient apron shall pay a fee of \$3.00 for each night. Aircraft based on the airport and tied down shall pay a fee of \$30.00 per month. These rates may be revised from time to time as approved by the city council.

(4) *Running aircraft engines.*

- a. If not equipped with adequate brakes, the engine shall not be started in an aircraft until and unless the wheels have been set with chocks attached to ropes or other suitable means for removing the chocks.
- b. No airplane will be started and left running without qualified personnel at the controls.
- c. No engine shall be started or run inside any building or hangar. Only if the building is approved testing center and has been approved by the city fire department for such use.
- d. No engine shall be started, run or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings and groups of people in the observation areas and path of the aircraft.

(5) *Damage to runway lights.* Any person damaging any field light or fixture by operation of an aircraft or otherwise shall immediately report such damage to the airport ~~manager~~ [director](#). Persons causing damage to runway or taxiway lights, fixtures or signs, will be liable for replacement cost of the light(s).

(6) *Taxiing aircraft.*

- a. No person ~~shall~~ [may](#) taxi an aircraft until he has ascertained there will be no danger of collision with any person or object in the immediate area.
- b. Aircraft will be taxied at a safe and prudent speed, and in such manner as to be at all times under the control of the pilot.
- c. Aircraft not equipped with adequate brakes will not be taxied near buildings or parked aircraft unless an attendant is at a wing of the aircraft to assist the pilot.
- d. Aircraft ~~shall~~ [may](#) not taxi onto the runway from the ramp and taxiway area if there is an aircraft approaching to land, or on the ground in take-off position.
- e. There ~~shall~~ [may](#) be no taxiing of aircraft by engine power into or out of hangars.

(7) *Parking aircraft.*

- a. Unoccupied aircraft ~~shall~~ [may](#) not be parked or tied down on or within 200 feet of the centerline of a VFR basic utility runway, within 250 feet of the centerline of a general utility runway or within 300 feet of the centerline of an IFR runway with visibility minimums greater than three-fourths of a mile. All unhoused aircraft shall be parked in the areas designated by the airport ~~manager~~ [director](#) for the purpose.
- b. Aircraft ~~will~~ [may](#) not be parked within 50 feet of an aircraft fuel pump. The 50 feet parking prohibition is waived in the case of temporary parking for the purpose of refueling an aircraft.
- c. Aircraft ~~will~~ [may](#) not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the airport ~~manager~~ [director](#) as an emergency measure.
- d. It is the responsibility of the pilot when leaving a parked aircraft unattended to see that the brakes are set or that the plane is properly chocked and/or tied down.

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- (8) *Loading/unloading aircraft.* It is the responsibility of the pilot in command for the safety of ~~his/her~~ passengers or personnel during any loading and unloading operations of an aircraft under pilot's command.

(Ord. No. 96-40, § I(Exh. A, pt. A, § 2), 8-12-96)

### **Sec. 10-103. Landing and take-off rules.**

[The following rules and regulations shall be observed for the landing and take-off rules of the New Braunfels ~~Municipal~~ National Airport:]

- (1) *Authority to suspend operations.* The airport ~~manager~~ director may suspend or restrict any or all operations without regard to weather conditions, whenever such action is deemed necessary in the interest of safety.
- (2) *Clearing street.* No aircraft shall land or take off in such a manner as to clear any public street or highway at an altitude of less than 30 feet over a highway or 50 feet over a railroad track nor land or take off on the taxiway or over hangars, other structures, automobile parking areas or groups of spectators.
- (3) *Unicom.* All pilots are encouraged to call on the local UNICOM frequency to determine the active runway and to announce their position and intentions for take-off and landing.
- (4) *Take-offs on apron, etc.* No take-offs or landings shall be made on the apron, parking ramp or taxiway except by special permission of the airport ~~manager~~ director.
- (5) *Touch-and-go's.* Touch-and-go landings may be made at the discretion of the pilot. All aircraft shall clear for incoming and take-off traffic before taxiing into take-off position.
- (6) *Take-off climb.* If remaining in the traffic pattern, commence turn to crosswind leg beyond the departure end of the runway, within 300 feet of pattern altitude. If departing the traffic pattern, continue straight out, or exit with a 45 degree turn (to the left when in a left-hand pattern; to the right when in a right-hand traffic pattern) beyond the departure end of the runway, after reaching pattern altitude.
- (7) *Traffic altitude.* Traffic pattern elevation is 1,649 feet MSL (mean sea level) or 1,000 feet AGL (above ground level).
- (8) *Common courtesy.* Aircraft entering the traffic pattern shall exercise caution and practice courtesy so as not to cause aircraft already in the pattern to deviate from their course.
- (9) *Aircraft turn.* Any aircraft within three nautical miles of the airport at an altitude of less than 2,000 feet MSL (mean sea level) shall conform to the flow of traffic. All aircraft shall establish their pattern altitude before entering the traffic pattern and shall not deviate from this altitude (except in an emergency) until descent for landing is necessary.

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- (10) *Traffic flow.* All aircraft landing at the New Braunfels ~~Municipal~~ National Airport shall fly a standard left-hand traffic pattern (unless otherwise published) at an altitude of 1,000 feet above the ground. Pattern entry shall be made at an angle of 45 degrees to the active runway with the runway to the pilot's left at all times. Entry shall be made at the midpoint of the downwind leg.
- (11) *Altitude and noise of engines.* No airplane shall be operated over the city at an altitude of less than 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft. Aircraft engines shall not be accelerated nor decelerated while over the city in such manner as to distract, excite or disturb persons on the ground, regardless of altitude.
- (12) *Straight-in approaches.* Straight-in approaches shall not be used under VFR (visual flight rules) conditions unless radio contact with the airport advisory radio (UNICOM) has been established from at least ten miles out, or announcing intentions on the Common Traffic Advisory Frequency (CTAF) should not be excluded. Under VFR (visual flight rules) conditions all aircraft will use standard left-hand pattern unless otherwise published. Aircraft without radio communication are advised to enter traffic pattern before landing.
- (13) *Student training and practice flying.*
- Instructors in flying shall inform students and shall inform themselves on all rules and regulations in effect at the airport.
  - By notice posted in his/her instructor's office, the airport ~~manager~~ director may designate limited areas of the airport for practice flying and training of students.
  - Aircraft ~~shall~~ are not be permitted to remain on the landing or take-off areas for the purpose of instructing students.
- (14) *Skydiving/parachuting.* Due to safety considerations and city ordinances, parachuting/skydiving activities ~~will~~ are not be allowed at the airport except during special events, such as air shows, or open houses, ~~etc. and with written approval of~~ Approval will be by written permission of the airport manager director. Proof of liability insurance acceptable to city will also be is required prior to written approval of the airport director.
- (15) *Special procedures.* The airport ~~manager~~ director may, in the interest of safety, designate special traffic procedure for certain operations, such as air shows, agricultural operations, lighter than air operations, and helicopter operations.
- Aircraft lighter than air.* Approval will be by permission of the airport ~~manager~~ director. The airport ~~manager~~ director may, in the interest of safety, refuse the use of the airport or designate special traffic procedure for the operation of aircraft lighter than air.  
*Requirement for approval.*
    - Approval of launch area.
    - No takeoffs are allowed when winds will carry the aircraft over any runways located on the airport.

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3. No takeoffs are allowed when winds are more than five knots.
  4. No takeoffs are allowed without a proper and updated fire extinguisher.
  5. No more than two aircraft launches a day, (unless [additional aircraft launches are approved by the airport manager director](#)).
  6. Operation hours are 1½ hours after sunrise and 1½ hours before sunset (unless [alternate hours are approved in writing](#) by the airport ~~manager~~ [director](#)).
  7. All aircraft will be registered by the FAA.
  8. All pilots will have proper certification by the FAA.
  9. All pilots will be required to provide adequate insurance coverage as required by the New Braunfels ~~Municipal~~ [National](#) Airport.

See attachment I [section 10-136 of this article VI] for minimum coverages.

The city shall be named as an additional insured on all policies obtained by the fixed base operator or commercial operator and proof of insurance shall be delivered to the city within five days of any request from the city.

10. All pilots operating aircraft lighter than air are recommended to have radio contact with the airport UNICOM. (Handheld transceiver) Aircraft will be clear of all traffic before takeoff.

(Ord. No. 96-40, § I(Exh. A, pt. A, § 3), 8-12-96)

#### **~~Sec. 10-104. Fire regulations.~~**

- ~~(a) Every person using the airport or its facilities in any manner, shall exercise the greatest care and caution to avoid and prevent fire.~~
- ~~(b) Smoking or open flame within 50 feet of any aircraft or fuel truck is prohibited.~~
- ~~(c) Compressed flammable gas shall not be kept or stored upon the airport, except at such place as may be designated by the airport manager.~~
- ~~(d) No flammable substance shall be used in cleaning motors or other parts of an aircraft inside a hangar or other building.~~
- ~~(e) No one shall smoke, ignite a match or lighter in any building, except in offices, waiting rooms or buildings where specially permitted and posted by the airport manager.~~
- ~~(f) Hangar entrances shall be kept clear at all times.~~
- ~~(g) The floor in all buildings shall be kept clean and free from oil. Volatile, flammable substances shall not be used for cleaning the floors.~~
- ~~(h) No boxes, crates, cans, bottles, paper, tall grass/weeds or other litter shall be permitted to accumulate in or about a hangar.~~
- ~~(i) Prior to being fueled, all aircraft will be positively grounded by a grounding cable. The grounding clip on the end of the grounding cable should be connected to bare, unpainted metal on the aircraft, however, the grounding clip should not be attached to the aircraft's propeller, landing gear or radio antennas.~~

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- (j) ~~Where aircraft fueling is performed by a fuel truck or fuel tank, when available it will use any suitable grounding connections on the aircraft apron or servicing ramp. (when required)~~
- (k) ~~At least two 20B portable fire extinguishers will be available within 50 feet of the fuel pumps where the open hose discharge capacity of the fuel pump is not more than 200 gallons per minute; at least one wheeled not less than 80B fire extinguisher where the open hose discharge capacity is more than 200 gallons per minute, but not more than 350 gallons per minute; at least two wheeled not less than 80B fire extinguisher where the open hose discharge capacity is greater than 350 gallons per minute.~~
- (l) ~~All aviation fuel nozzles will have "dead man" controls which will shut off the fuel flow when the nozzle hand control is released. Automatic fuel cut off nozzles will not be permitted for fueling aircraft.~~
- (m) ~~The pilot and passengers will exit the aircraft and the aircraft will be unoccupied during fueling operations.~~
- (n) ~~In all matters related to aircraft fueling safety, the provisions of the NFPA (National Fire Protection Association) Manual 407 "Aircraft Fuel Servicing, 1990" or current edition published and available from the National Fire Protection Association, Incorporated, 470 Atlantic Avenue, Boston, Massachusetts, 02110, shall prevail.~~
- ~~(Ord. No. 96-40, § I(Exh. A, pt. A, § 4), 8-12-96)~~

**Sec. 10-105.**

**Sec. 10-106. 10-104. Conflict in rules.**

If and where there is a conflict in these rules or between these rules and the Federal Aviation Rules (FAR's), the latter shall prevail. If and where there is a conflict in these rules and the New Braunfels National Airport Rules and Regulations on file with the airport director and city secretary, the former shall prevail.

(Ord. No. 96-40, § I(Exh. A, pt. A, § 6), 8-12-96)

**Sec. ~~10-107~~ 10-105. Penalty for violation.**

- (a) Any person operating or handling an aircraft in violation of any of these rules or refusing to comply herewith, may, at once, be ejected from the airport, or may for any period of time, not exceeding 15 days, be denied use of the airport by the airport ~~manager~~ director, and upon hearing by the city council, may be deprived of the further use of the airport and its facilities for such period of time as may appear necessary for the protection of life ~~and~~ or property.
- (b) Any violation of the ordinance adopting these minimum standards, rules and regulations shall be a misdemeanor and upon conviction, be punishable by a fine in any sum not exceeding \$500.00. This section is cumulative of all other penalties for violation of federal, state and local laws, rules, regulations and ordinances.

(Ord. No. 96-40, § I(Exh. A, pt. A, § 7), 8-12-96)

Secs. 10-106 – 10-120.- Reserved.

**ARTICLE VI. – NEW BRAUNFELS AIRPORT MINIMUM STANDARDS**

**Sec. 10-121. -Minimum Standards**

**The city council has adopted by ordinance the New Braunfels National ~~Municipal~~ Airport Minimum Standards which are not codified but are filed with the city secretary and airport director and may be reviewed during normal business hours. These adopted standards apply to commercial operators and commercial tenants of the airport. Any changes or amendments to the minimum standards shall be approved by the city council.**~~Secs. 10-108~~ 10-105~~—10-120~~. Reserved.

**SECTION 4**

**THAT** it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 5**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

**SECTION 6**



**THAT** all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

#### **SECTION 7**

**THAT** in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

#### **SECTION 8**

**THAT** this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

**PASSED AND APPROVED:** First reading this the 11th day of December, 2023.

**PASSED AND APPROVED:** Second reading this the 22 day of January, 2024.

**CITY OF NEW BRAUNFELS**

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**NEAL LINNARTZ, Mayor**

**ATTEST:**

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**Gayle Wilkinson**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney