

30842

4/10/18

ORDINANCE NO. _____

An ordinance amending Chapter 5, "Aircraft and Airports," of the Dallas City Code by adding Sections 5-31.1 and 5-64; adding landing fees at Dallas Love Field for general aviation aircraft; adding definitions; providing for a customer facility charge ("CFC"); providing for the administration and use of the CFC; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing effective and expiration dates.

WHEREAS, Dallas Love Field continues to serve more and more air carrier passengers and as a result, there is increased roadway and terminal congestion at the airport, including from air carrier passengers utilizing rental car services;

WHEREAS, consistent with its statement of policy in Section 5-57 of Chapter 5 of the Dallas City Code, the city seeks to study and implement ideas that will 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;

WHEREAS, the customer facility charge will enable the city to study and implement those ideas at the airport; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article I, "In General," of Chapter 5, "Aircraft and Airports," of the Dallas City Code is amended by adding a new Section 5-31.1, "Landing Fees Charged for General Aviation Aircraft at Dallas Love Field," to read as follows:

**"SEC. 5-31.1 LANDING FEES CHARGED FOR GENERAL AVIATION
AIRCRAFT AT DALLAS LOVE FIELD.**

(a) In this chapter, GENERAL AVIATION AIRCRAFT means an aircraft that is not a commercial aircraft, as defined in this chapter, on scheduled or non-scheduled flights.

(b) Fees in this section must be paid by owners or operators of all general aviation aircraft landing at Dallas Love Field or using Dallas Love Field's facilities for landing aircraft.

(c) An owner or operator of a general aviation aircraft that has executed an airport use and lease agreement shall pay fees, including landing fees, to the city in accordance with that agreement.

(d) For each scheduled or non-scheduled landing, an owner or operator of a general aviation aircraft who has not executed an airport use and lease agreement shall pay to the city a fee per 1,000 pounds of certified gross landing weight. The director of aviation shall determine the fee using an 80/20 formula, with 80% of the fee comprised of Dallas Love Field's operation and maintenance costs attributable to general aviation aircraft landings and 20% of the fee attributable to the general aviation aircraft's landed weight. The director of aviation shall, on an annual basis, review the fee and make a recommendation to the city council if the director of aviation determines the fee formula should be amended.

(e) An owner or operator of a general aviation aircraft shall transmit the fees required by this section to the director of aviation in a timely manner."

SECTION 2. That Article II, "Ground Transportation Services at Love Field Airport," of Chapter 5, "Aircraft and Airports," of the Dallas City Code is amended by adding a new Section 5-64 to read as follows:

"SEC. 5-64. CUSTOMER FACILITY CHARGE.

(a) Definitions. In this section:

(1) AIRPORT CUSTOMER means a person who arrives at the airport and who enters into an agreement either (A) directly with an airport rental car company; or (B) with a third party, if that agreement with the third party was facilitated, arranged, or otherwise coordinated by an airport rental car company. A person qualifies as an airport customer regardless of whether the person receives the car at the airport, future ConRAC location, or at an off-airport location.

(2) AIRPORT RENTAL CAR COMPANY means both an off-airport rental car company and an on-airport rental car company.

(3) CFC means customer facility charge and is a user fee imposed on a transactional basis. The CFC does not constitute income, revenue, or assets of the airport rental car company, and is, at all times, property of the city.

(4) COMMON TRANSPORTATION SYSTEM means a shared shuttle system dedicated solely to the transportation of airport customers between the passenger terminals and the ConRAC.

(5) ConRAC means a consolidated rental car facility.

(6) OFF-AIRPORT RENTAL CAR COMPANY means a person who provides

car rental services, including, but not limited to, peer-to-peer car rental services, and picks up, arranges, coordinates, or is an intermediary for the pick-up of the customer from the airport. An off-airport rental car company does not include an on-airport rental car company.

(7) ON-AIRPORT RENTAL CAR COMPANY means a person who is a party to a concession contract with city to provide car rental services.

(8) TRANSACTION DAY means a 24-hour period, or fraction thereof, that is subject to an agreement to which an airport customer is a party.

(b) CFC amount. An airport customer shall pay a CFC of \$3.00 per transaction day.

(c) Director's power and duties.

(1) The director is authorized to implement and administer the CFC consistent with the policy of this article.

(2) The director may deem an airport rental car company that fails to comply with this section in default, and recommend termination to the city council, of any agreement related to car rental services that the airport rental car company has with the city, regardless of whether the agreement incorporates this section.

(d) Airport rental car company's duties. The airport rental car company shall:

(1) charge and collect from each airport customer the total amount of the CFC due under the airport rental car company contract at the time the final number of transaction days are determined and shall list the CFC separately on the invoice, describing it as a "Customer Facility Charge";

(2) remit the total amount of the CFC along with supporting documentation in a format acceptable to the director by the following deadlines:

(A) for an off-airport rental car company, the CFC shall be remitted directly to the city monthly, and not later than the 15th day of the month following the month in which the CFC was invoiced to the airport customer;

(B) for an on-airport rental car company, the CFC shall be remitted pursuant to the terms of its concession contract with the city; and

(3) maintain adequate records that account for the CFC charged to its customers and collected for the city, in accordance with generally accepted accounting principles, and make the records available to the city upon request of the director.

(e) Use of CFC. The city may use the CFC to pay costs associated with studying, planning, designing, managing projects, and purchasing and improving property related to the development of a ConRAC and other rental car facilities for airport rental car companies. The

CFC may also be used to analyze the operational, physical, and financial feasibility of developing the ConRAC and other rental car facilities for airport rental car companies as well as for leasing property, construction costs, and common use transportation systems.

(f) Expiration. This section expires on July 1, 2020.”

SECTION 3. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 4. That Chapter 5 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

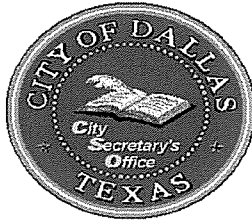
SECTION 7. That this ordinance shall take effect on July 1, 2018, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By 
Assistant City Attorney

Passed APR 25 2018



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL APR 25 2018

ORDINANCE NUMBER 30842

DATE PUBLISHED APR 28 2018

ATTESTED BY: