

ORDINANCE NO. 2013-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, AMENDING SECTIONS 18-41 (10), AND ADDING SECTIONS 18-42 (9) AND 18-45 OF THE CITY OF BURNET CODE OF ORDINANCES, ESTABLISHING RULES FOR WRECKED OR DISABLED AIRCRAFT, ESTABLISHING VEHICLE PARKING REGULATIONS AND ESTABLISHING PROVISIONS FOR LEASE OF THE AIRPORT SIGN TENANT PANELS; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE, PROVIDING OPEN MEETINGS CLAUSE(S); AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Burnet (City) is the owner of the airport located in Burnet, Texas known as the Kate Craddock Field (Airport); and

WHEREAS, aircraft are parked and/or stored from time to time on Airport property; and

WHEREAS, the City leases space for the use of tenants on the airport sign; and

WHEREAS, the City establishes and collects fees for use of said space; and

WHEREAS, the City is permitted to regulate airport facilities and determines it is advantageous to itself and to the operation to establish rules and regulations and to set fees for services provided; and

WHEREAS, the City has determined that revisions to the regulations related to the Airport are necessary to benefit both the City and its citizens.

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

Section 1. Findings: The preceding recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Repeal, Amendments and Additions.

Section 18-41 (10) of the City of Burnet Code of Ordinances is hereby repealed in its entirety with the following language is adopted as follows:

(10) *Rule 10.*

Wrecked or disabled aircraft. Every aircraft owner, pilot or agent shall be responsible for ensuring that all aircraft parked or stored on airport property is in flight worthy condition, save and except the following:

- Aircraft undergoing short term maintenance or repairs of not more than sixty (60) days. In the event an aircraft requires extensive repairs requiring more than sixty (60) days, the aircraft owner, pilot or agent shall request, from the City, an extension for the completion of such repairs.
- Static displays under the responsibility of the City of Burnet
- Vintage aircraft sponsored by the Commemorative Air Force (CAF), except that such aircraft shall be sheltered within the CAF hangar except during special events where the aircraft is placed on display for a period not to exceed five days

Aircraft owners, pilots or agents shall be responsible for notifying the Federal Aviation Administration of wrecked aircraft, for prompt removal of wrecked or disabled aircraft from the operational areas of the airport, and for any cost incurred for aircraft removal and for damages to the airport facilities. Aircraft owners, pilots or their agents shall promptly repair or remove wrecked or disabled aircraft from the Airport. Aircraft not repaired or removed within thirty (30) days of notification by the City may subject the aircraft to disposal by the City. Any notices to the aircraft owner, pilot or agents shall be sufficient if sent by certified mail at the last known address, by personal delivery, or by posting on the aircraft for not less than 10 days if deemed undeliverable by other means.

Section 18-42 (9) shall be added as follows:

(9) **Vehicle parking and traffic.**

- a. Definition: For purposes of this section "vehicle" shall include, but not be limited to, cars, trucks, and/or motorcycles.
- b. Vehicle traffic: When inside Airport property, vehicles shall only travel on routes designated for vehicular traffic.
- c. Vehicles shall be parked in designated Airport parking areas only and shall be compliant with this section.
- d. Short term vehicle parking: For purposes of this section, "short term" shall mean less than seven (7) consecutive days or less than any fifteen (15) non-consecutive days in any given month.
- e. Long term vehicle parking: Any vehicle parked at the Airport in excess of the "short term" limitations contained in this section shall be deemed as a long term vehicle. Owners of such vehicles shall be required to own or operate an aircraft and shall provide the N number of said aircraft to the airport. Owners of vehicles shall obtain a parking permit from the Airport, shall park such vehicle in areas designated for long term parking, and shall pay an annual fee of one-hundred-twenty dollars (\$120) per year due and payable on January 1st of each year. The annual fee shall be prorated for the initial parking permit when said permit is for less than one full year. No refunds shall be issued for payments made for parking permits.

- f. Hangar tenant vehicles: Current hangar tenants may temporarily place vehicle(s) in their hangar when their aircraft is in use. Nothing herein shall be construed as to mean that any hangar or space designated for aircraft may be used as storage for vehicles on an ongoing basis.
- g. Condition: All vehicles parked at the Airport must be kept in road worthy condition, must be currently licensed, and where applicable, inspected.
- h. Penalty: Violations of this section, notwithstanding other remedies provided for herein, will subject the vehicle to removal from the Airport property at the owner's expense.

Section 18-45 of the City of Burnet Code of Ordinances is hereby added as follows:

Sec. 18-45. Airport Sign.

- (1) **Administration.** The city manager is authorized to develop administrative rules to facilitate the efficient implementation of this subsection and protect the best interest of the city.
- (2) **Compliance with laws and regulations.** Tenant shall, at its own expense, comply with all laws, orders, and requirements of all governmental entities with reference to the use of the sign. Tenant and tenant's agents, employees and invitees shall fully comply with any rules and regulations governing the use of the sign as required by Airport. Airport may make reasonable changes in such rules and regulations from time to time as deemed advisable for the safety, care and cleanliness of the Airport.
- (3) **Indemnity.** Airport and its employees and agents shall not be liable to tenant or to tenant's employees, patrons, visitors, invitees, or any other persons for an injury to any such persons or for any damage caused by an act, omission, or neglect of tenant or tenant's agents or of any other tenant of the premises of which the sign is a part.
- (4) **Force Majeure.** The City shall not be responsible for replacement of tenant panels in the event of force majeure. Tenant shall have the option of replacing the panels in accordance with the requirements set forth herein, or terminating the rental of the space. In the event the sign structure is damaged, the City shall have the option of repairing the sign or removing the sign and terminating the leases. Subject only to this subsection on force majeure, in the event a lease is terminated, the remainder of the pre-paid lease shall be refunded to the renter from the date of the termination notice.
- (5) **Tenant Bankruptcy.** If tenant becomes bankrupt or makes voluntary assignment for the benefit of creditors or if a receiver is appointed for tenant, City may terminate the panel rental by giving five (5) days written notice to tenant of City's intention to do so and subject to compliance with all applicable laws regarding bankruptcy, assignments or receivership.
- (6) **Fee.** Tenants shall pay to the City, a rental fee of seventy-five dollars (\$75) per month to be paid to the City no later than the 1st day of any month. Terms and conditions of said payment shall be as adopted by the city manager from time to time. Except as provided for herein in the event of force majeure, no refunds shall be issued for payments made for tenant panel rental fees.

Section 3. Severability. If any of the provisions of these regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application and to this end, the provisions of these regulations are declared to be severable.

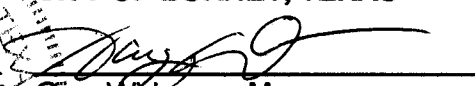
Section 4. Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the provisions of this ordinance control.

Section 5. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting(s) where this ordinance was considered and passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

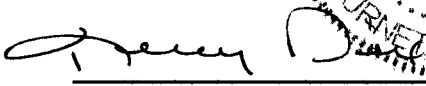
PASSED AND APPROVED on First Reading this 12th day of February, 2013.

FINALLY PASSED AND APPROVED on this the 26th day of February, 2013.

CITY OF BURNET, TEXAS


Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary