

**ORDINANCE NO. 2019-22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, AMENDING SECTION 18-45, AIRPORT SIGN OF THE CITY OF BURNET CODE OF ORDINANCES; 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**, 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 sign 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 18-45 Airport Signs (6) of the City of Burnet Code of Ordinances is hereby amended in its entirety with the following language is adopted 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) 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.
- (5) Fee. Tenants shall pay to the City, a rental fee of two hundred and fifty dollars (\$250.00) per year. (12 months). Terms and conditions of said payment shall be as adopted by the city manager from time to time.
- (6) Review and Approval. All sign panel artwork shall be reviewed and approved by the City. In addition, the installation contractor shall be approved by the City prior to installation of the sign panel.
- (7) Responsibility. Tenant is responsible for any and all costs associated with the purchase and installation of the sign panel. Tenant is responsible for all maintenance and repair of the sign panel. The display surface of the sign panel shall always be kept in good repair so that the entire sign panel is clearly legible and free of damage, deterioration and/or defacement.

**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 10<sup>th</sup> day of September 2019.

**FINALLY PASSED AND APPROVED** on this the 24<sup>th</sup>, day of September 2019.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:



Kelly Dix, City Secretary

