

## ORDINANCE 17-07

**AN ORDINANCE ADDING SECTIONS 44.4 AND 44.5 TO CHAPTER 44, ARTICLE I, AND AMENDING SECTION 44.44, CHAPTER 44, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF WILLS POINT, TEXAS, PERMITTING THE CITY OF WILLS POINT, ACTING BY AND THROUGH ITS OPERATOR, WILLS POINT ECONOMIC DEVELOPMENT CORPORATION, TO PERMIT AIRCRAFT HANGAR RENTALS AT THE VAN ZANDT COUNTY REGIONAL AIRPORT AND AMENDING THE DEFINITION OF AIRPORT AS SET FORTH BELOW, AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE.**

**WHEREAS**, the Texas Transportation Code section 22.021 permits a local government in operating an airport or air navigation facility that it owns, leases or controls to enter into a contract, lease or other arrangement for a term not exceeding forty (40) years with a "person," defined as any individual, firm, partnership, corporation, association, joint stock association or body politic, and includes any trustee, receiver, assignee, agent or authorized representation thereof;

**WHEREAS**, in entering into a contract, lease, or other arrangement, the City of Wills Point, by and through its Operator, the Wills Point Economic Development Corporation, may establish the terms and fix the charges, rentals, or fees which shall be reasonable and uniform;

**WHEREAS**, the City of Wills Point, Texas, by and through its Operator, the Wills Point Economic Development Corporation, desires to make use of available facilities at the airport or air navigation facility by and through aircraft hangar rentals which lease agreements terms shall not exceed one (1) year;

**WHEREAS**, pursuant to Texas Local Government Code section 51.001, the City Council may adopt an ordinance, rule or police regulation that is for the good government, peace or order of the City or the trade and commerce of the City;

**WHEREAS**, the City is responsible for the good government, peace, or order of the municipality or for the trade and commerce of the municipality;

**WHEREAS**, pursuant to Texas Local Government Code section 51.012, the City Council may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that the City Council considers necessary for the government, interest, welfare, good order, or for the trade and commerce of the municipality of the City as a body politic;

**WHEREAS**, the City Council has determined that it is in its interest to add certain provisions to Chapter 44-Van Zandt County Regional Airport, Article I-General, Section 44.4 "Aircraft Hangar Rentals" and 44.5 "Aircraft Hangar Rental Fees", and to amend

the definition of "Airport" in Article III-Operations, Section 44-44 "Definitions" as contained in the City of Wills Point Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLS POINT, TEXAS:**

**SECTION 1.** The Code of Ordinances of the City of Wills Point, Texas, shall be amended by adding certain provisions to Chapter 44-Van Zandt County Regional Airport, Article I-General, Section 44.4 "Aircraft Hangar Rentals" and 44.5 "Aircraft Hangar Rental Fees", and to amend the definition of "Airport" in Article III-Operations, Section 44-44 "Definitions" as contained in the City of Wills Point Code of Ordinances. The changes shall read as follows:

**Section 44-4. -Aircraft Hangar Rentals**

Aircraft Hangar Rentals shall be permitted under the terms and conditions of the Hangar Lease Agreement (the "Agreement"), along with the Van Zandt County Regional Airport Rules and Regulations, which both shall govern aircraft hangar rental or termination thereof by the City of Wills Point, Texas, acting by and through its authorized Operator, Wills Point Economic Development Corporation, hereinafter referred to as "Lessor."

The Agreement shall be in effect for a minimum period of one (1) year, at the discretion of the Lessor, but in no event or under any circumstances shall the Agreement exceed forty (40) years.

**WAIVER OF LIABILITY.** Lessee shall expressly waive any liability and agrees to hold Lessor, together with Lessor's employees, officers, agents and assigns, harmless from any damage to Lessor's property, including stored aircraft and/or other stored property, whether arising from Lessee's negligence, including but not limited to, unauthorized activities in the hangar, the storage of flammable materials in the hangar, and/or other aircraft other than fuel and oil in the aircraft tanks. Neither the City of Wills Point nor its Operator, the Wills Point Economic Development Corporation, shall be liable to a Lessor or Lessor's employees, agents, servants, customers, invitees, or to any other person whomsoever, for any injury to persons or damages to property on or about the leased premises or any adjacent area owned by the City of Wills Point or its Operator, the Wills Point Economic Development Corporation.

**Section 44-5. -Aircraft Hanger Rental fees**

The aircraft hangar rental fee shall be as currently established in the Hangar Lease Agreement or as hereafter adopted by resolution of the City Council from time to time.

(Code 2017 § 17.7; Ord. No. 17-07)

**Sec. 44-44. -Definitions**

*Airport* means Van Zandt County Regional Airport.

(Code 2017 § 17.7; Ord. No. 17-07)

Section 2. All penalty provisions adopted by the City, as amended, shall remain applicable to the regulations adopted by this Ordinance. Specifically, any person violating any provisions of this Ordinance shall be subject to a fine not to exceed two-thousand dollars (\$2,000.00) for each offense, and each and every day that such offense shall continue shall be deemed to constitute a separate offense.

Section 3. All ordinances, orders or resolutions passed and adopted by the City Council of the City of Wills Point, Texas, are hereby repealed to the extent that these ordinances, orders or resolutions, or parts thereof, are in conflict with this Ordinance.

Section 4. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 5. This Ordinance shall become effective immediately upon its passage and publication according to state law, and it is accordingly so ordained.

Section 6. The City Secretary of the City of Wills Point, Texas is hereby directed to publish this Ordinance in the local newspaper as soon as practicable and as according to law.

PASSED AND APPROVED THIS THE \_\_\_\_\_ DAY OF May, 2017.

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Mark Turner, Mayor

ATTEST:

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Carla Oldacre, City Secretary

APPROVED AS TO FORM:

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Tracy Lowe, City Attorney