

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2024-05**

**AN ORDINANCE DELETING CHAPTER 22,
“AVIATION”, OF THE CODE OF ORDINANCES OF
THE CITY OF KERRVILLE, TEXAS; CONTAINING A
CUMULATIVE CLAUSE; CONTAINING A SAVINGS
AND SEVERABILITY CLAUSE; AND PROVIDING
OTHER MATTERS RELATING TO THIS SUBJECT**

WHEREAS, the City of Kerrville, Texas (“City”), and Kerr County, Texas (“County”) jointly own the Kerrville/Kerr County Airport, sometimes referred to as Louis Schreiner Field (“Airport”); and

WHEREAS, for over 50 years, the City and County have jointly managed the Airport under state law and continue to do so by virtue of the *Restated Interlocal Agreement for the Continued Existence of a Joint Airport Board to Provide Management of Kerrville/Kerr County Airport*, which was adopted by the City and County on or about May 21, 2021 (the “Agreement”); and

WHEREAS, the Agreement, like the others before it, sets out the authority, power, and duties for the Joint Airport Board; and

WHEREAS, City Council finds Chapter 22 of the City’s Code of Ordinances, titled “Aviation”, sets out various rules and regulations for the operation of the Airport which applied more appropriately in past years when City employees enforced such rules and regulations as part of their job responsibilities; and

WHEREAS, City Council finds that the Joint Airport Board possesses authority to adopt its own rules and regulations, which are enforced by its employees; and

WHEREAS, the City Council finds Chapter 22 of the City’s Code of Ordinances is not enforceable by employees of the Joint Airport Board and could inadvertently conflict with rules and regulations of the Joint Airport Board; and

WHEREAS, based upon the Airport’s joint ownership, the Agreement, and for clarity, efficiency, and to avoid confusion and conflict between the Agreement and state law, the City Attorney recommends that City Council delete Chapter 22 from the Code of Ordinances, as it is unnecessary to the continued existence or operation of the Airport; and

WHEREAS, deleting Chapter 22 will have no effect on the Agreement; and

WHEREAS, City Council finds it to be in the public interest to delete Chapter 22 from the City's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. Chapter 22, "Aviation", of the Code of Ordinances of the City of Kerrville, Texas, is deleted in its entirety.

SECTION TWO. The City Secretary is authorized and directed to submit this amendment to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code as appropriate.

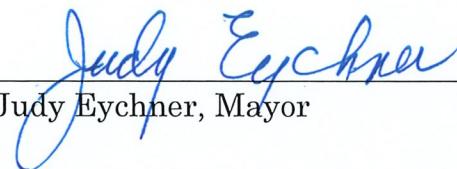
SECTION THREE. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

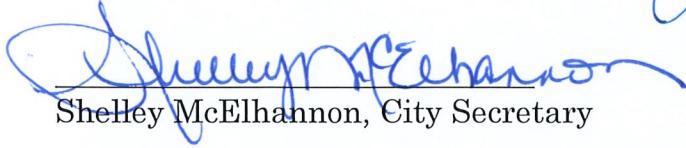
SECTION FOUR. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

PASSED AND APPROVED ON FIRST READING, this the 13 day of FEBRUARY, A.D., 2024.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 27 day of FEBRUARY, A.D., 2024.

ATTEST:


Judy Eychner, Mayor


Shelley McElhannon

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes

Michael C. Hayes, City Attorney