

TEXAS DEPARTMENT OF AVIATION
AIRPORT ZONING

The attached are procedural forms for enacting Airport Zoning in accordance with the provisions of the Airport Zoning Act, Tex. Local Gov't. Code Ann., §§241.001 et seq. (Vernon 1988).

The forms are designed to be used by a County acting unilaterally as the Zoning Authority, where said County has more than 50,000 inhabitants as of the last Federal Census, where the airport(s) to be zoned is utilized in the interest of the public to the benefit of the County and such airport(s) to be zoned is located within the territorial limits of such County and any hazard area appertaining to said airport(s) is located outside the territorial limits of said County receiving the benefits of the airport's utilization, as specified in Tex. Local Gov't. Code Ann., §241.013 (Vernon 1988).

A RESOLUTION BY THE COMMISSIONERS COURT OF THE
COUNTY OF ORANGE, TEXAS, CREATING AN
AIRPORT ZONING COMMISSION

WHEREAS, on this the 2ND day of APRIL, 1990, the Commissioners Court of the County of Orange, Texas, at a regular meeting of such Commissioners Court took under consideration the need of protecting the safety of the public in using the Orange County Airport; that such protection may be accomplished by adopting reasonable and necessary rules to regulate and restrict future height of structures and objects of natural growth on and around such airport as provided in the Airport Zoning Act, Tex. Local Gov't. Code Ann., §241.001 et seq (Vernon 1988); and

WHEREAS, the Orange County Airport is utilized in the interest of the public to the benefit of the County of Orange, Texas, and fulfills an essential community purpose; and

WHEREAS, the County of Orange, Texas, has more than 50,000 inhabitants according to the last Federal Census; and

WHEREAS, the Orange County Airport is located within the territorial limits of the County of Orange, Texas, with certain hazard areas appertaining to said airport located outside the territorial limits of the County of Orange, Texas; and

WHEREAS, the power to carry out the necessary zoning of Orange County Airport is granted to the Commissioners Court of the County of Orange, Texas, under the provisions of Tex. Local Gov't. Code Ann., §241.013 (Vernon 1988); and

WHEREAS, that in carrying out such zoning the Commissioners Court of the County of Orange, Texas, must appoint an Airport Zoning Commission to recommend the boundaries of various zones to be established and other matters as required under Tex. Local Gov't. Code Ann., §241.016 (Vernon 1988).

IT IS THEREFORE RESOLVED, and there is hereby created an Airport Zoning Commission composed of the following members, to wit: ALBERT GRAY, Chairman; ROY ALBA, Secretary; and CURT JEANIS, JOE ROMANO, JOE CORMIER, N.J. ROBICHAUX, MEMBERS.

IT IS FURTHER RESOLVED that said Airport Zoning Commission shall make a preliminary report and hold public hearing thereon before submitting its final report to the Commissioners Court of the County of Orange, Texas; thereafter, said Airport Zoning Commission shall submit its final report to this Council recommending boundaries of the various zones of airport hazard areas and the regulations to be adopted therefor, pursuant to the provisions of Tex. Local Gov't. Code Ann., §241.016 (b) and (c) (Vernon 1988).

RESOLVED AND PASSED THIS 2ND day of APRIL, 1990, at a regular meeting of the Commissioners Court of the County of Orange, Texas, by the following vote:

ALL Members voting Aye, _____ Members voting Nay.

County Judge, Orange County,
Texas

Joe Ware
County Commissioner, Precinct #1

Marcelle Adams
County Commissioner, Precinct #2

James L. Burns
County Commissioner, Precinct #3

Charles D. Smith
County Commissioner, Precinct #4

ATTEST:

Molly Sheriot
County Clerk, Orange County, Texas

AIRPORT ZONING COMMISSION

OATH OF OFFICE

WE DO SOLEMNLY SWEAR THAT WE WILL FAITHFULLY EXECUTE THE DUTIES OF THE OFFICE OF MEMBER OF THE AIRPORT ZONING COMMISSION APPOINTED BY THE COMMISSIONERS COURT OF THE COUNTY OF ORANGE, TEXAS, STATE OF TEXAS, AND WILL TO THE BEST OF OUR ABILITY PRESERVE, PROTECT, AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES AND OF THIS STATE; AND WE FURTHERMORE, SOLEMNLY SWEAR THAT WE HAVE NOT DIRECTLY NOR INDIRECTLY PAID, OFFERED, OR PROMISED TO PAY, CONTRIBUTED, NOT PROMISED TO CONTRIBUTE ANY MONEY, OR VALUABLE THING, OR PROMISED ANY PUBLIC OFFICE OR EMPLOYMENT, AS A REWARD FOR THE GIVING OR WITHHOLDING A VOTE AT THE TIME OF OUR APPOINTMENT. SO HELP US GOD.

Albert J. Gray
Chairman

R. S. Alba
Secretary

Romano Luis Jimenez
Member
W. S. ...
Member

Subscribed and sworn to before me this 4TH day of APRIL, 1990.

Molly Theriot
County Clerk Orange County,
Texas

I, MOLLY THERIOT, County Clerk of Orange, County, Texas, hereby certify that this is a true and correct copy of the oath of office of the above as executed before me.

Molly Theriot
County Clerk
County of Orange,
Texas

PRELIMINARY REPORT OF ORANGE COUNTY AIRPORT ZONING COMMISSION

The Orange County Airport Zoning Commission, having heretofore been appointed by the Commissioners Court of the County of Orange, Texas, on APRIL 9, 1990, does hereby make a preliminary report of such Commission to the Commissioners Court of Orange County, Texas.

The Commission has considered a zoning map and accompanying documents of the Texas Department of Aviation, Austin, Texas, such map dated March 13, 1990, and after examining such documents, does hereby adopt the plan of zoning as set out in these documents. The Commission will publish a notice in the Orange Leader, Orange, Texas, in the issue of APRIL 11, 1990, advising all interested parties that a public hearing will be held at 4:00 P.M. on APRIL 26, 1990, in the Commissioners Court Room in the County Courthouse in Orange, Texas, to consider the proposed zoning plan.

The Commission will conduct such hearing and make a final report thereafter to the Commissioners Court of the County of Orange, Texas.

Signed at Orange, Texas, this 4TH day of APRIL, 1990.

Albert J. Gray
Chairman

R. L. Alba
Secretary

Romero Leal
Member
W. Richard J. Cormier

Orange County
Airport Zoning Commission

NOTICE OF HEARING ON AIRPORT ZONING
ON AREA SURROUNDING
ORANGE COUNTY AIRPORT

Notice is hereby given that the Orange County Airport Zoning Commission, previously appointed by the Commissioners Court of the County of Orange, Texas, will conduct a public hearing relative to the adoption of airport zoning regulations in the area surrounding the Orange County Airport, Orange, Texas. Details regarding the proposed regulations may be obtained by contacting the office of the County Clerk, Orange County, Texas. The proposed regulations are those set out in that certain map dated March 13, 1990, and accompanying documents prepared by The Texas Department Aviation, Austin, Texas, which documents may be examined at the office of the County Clerk.

This notice is being published in the Orange Leader, Orange, Texas, in the issue of APRIL 11, 1990, and is a length of time of more than fifteen (15) days prior to the date set for the public hearing.

The public hearing will be held at 4:00 P.M. on the 26TH day of APRIL, 1990, in the Commissioners Court Room in the County Courthouse in Orange, Texas. All interested parties should be present to bring up any questions or objections they may have to such proposed regulations.

Signed at Orange, Texas, this the 9TH day of APRIL, 1990.

ORANGE COUNTY AIRPORT ZONING COMMISSION

Albert J. Gray Chairman

Roy Alba Clerk

Richard J. ... Member
Roy Alba
Romero

"A copy of this notice should be posted in the Orange County Courthouse, the Orange City Hall, and the West Orange City Hall, the Pinehurst City Hall and the Bridge City City Hall at least 15 days prior to the public hearing, the first day being the day after all the notices are posted."

SUGGESTED PUBLICATION IN THE ORANGE LEADER, ORANGE, TEXAS

THE STATE OF TEXAS
COUNTY OF ORANGE

NOTICE OF HEARING ON PRELIMINARY REPORT OF AIRPORT ZONING
COMMISSION OF THE ORANGE COUNTY AIRPORT,
ORANGE, TEXAS

Notice is hereby given that the Airport Zoning Commission of the Orange County Airport at Orange, Texas, has filed with the Commissioners Court of the County of Orange, Texas, a preliminary report and recommendations of the boundaries of the hazard areas and the various zones to be established and the regulations to be adopted therefor appertaining to Orange County Airport as provided by provisions of Tex. Local Gov't. Code Ann., §241.016 (b) and (c) (Vernon 1988).

Notice is further given that a public hearing will be held thereon at the hour of 4:00 P.M. on the 26TH day of APRIL, 1990, in the County Commissioners Courtroom in the Orange County Courthouse in the City of Orange, Texas. At such time and place, parties in interest and citizens shall have the opportunity to be present and to be heard.

Notice is further given that the preliminary report, together with all maps, plats and regulations recommended for adoption may be examined in the office of the County Clerk of the County of Orange, Texas.

ORANGE COUNTY AIRPORT ZONING COMMISSION

BY: Albert J. Gray
Chairman

ATTEST:

Roy Alba
Clerk *Sec*

"This notice should be published in a newspaper with a wide distribution throughout Orange County, Texas, at least 15 days prior to the public hearing, the first day being the day after the notice is published."

HEARING RESCHEDULED
DUE TO MIX-UP IN
PUBLICATION @
ORANGE LEADER

NOTICE OF HEARING ON AIRPORT ZONING
ON AREA SURROUNDING
ORANGE COUNTY AIRPORT

Notice is hereby given that the Orange County Airport Zoning Commission, previously appointed by the Commissioners' Court of the County of Orange, Texas, will conduct a public hearing relative to the adoption of airport zoning regulations in the area surrounding the Orange County Airport, Orange, Texas. Details regarding the proposed regulations may be obtained by contacting the office of the County Clerk, Orange County, Texas. The proposed regulations are those set out in that certain map dated March 13, 1990, and accompanying documents prepared by The Texas Department Aviation, Austin, Texas, which documents may be examined at the office of the County Clerk.

This notice is being published in the Orange Leader, Orange, Texas, in the issue of APRIL 16, 1990, and is a length of time of more than fifteen (15) days prior to the date set for the public hearing.

The public hearing will be held at 4:00PM on the 3RD day of MAY, 1990, in the Commissioners' Court Room in the County Courthouse in Orange, Texas. All interested parties should be present to bring up questions or objections they may have to such proposed regulations.

Signed at Orange, Texas, this the 12TH day of APRIL, 1990.

ORANGE COUNTY AIRPORT ZONING COMMISSION

Albert J. Gray Chairman

R. L. Altha Secretary

J. Romano Auto Spence Members

J. Comier Members

"A copy of this notice should be posted in the Orange County Courthouse, the Orange City Hall, and the West Orange City Hall, the Pinehurst City Hall and the Bridge City City Hall at least 15 days prior to the public hearing, the first day being the day after all the notices are posted."

SUGGESTED PUBLICATION IN THE ORANGE LEADER, ORANGE, TEXAS

THE STATE OF TEXAS
COUNTY OF ORANGE

NOTICE OF HEARING ON PRELIMINARY REPORT OF AIRPORT
ZONING COMMISSION OF THE ORANGE COUNTY AIRPORT,
ORANGE, TEXAS

Notice is hereby given that the Airport Zoning Commission of the Orange County Airport at Orange, Texas, has filed with the Commissioners' Court of the County of Orange, Texas, a preliminary report and recommendations of the boundaries of the hazard areas and the various zones to be established and the regulations to be adopted therefor appertaining to Orange County Airport as provided by provisions of Tex. Local Gov't. Code Ann., § 241.016 (b) and (c) (Vernon 1988).

Notice is further given that a public hearing will be held thereon at the hour of 4:00 PM on the 3RD day of MAY 1990, in the County Commissioners' Courtroom in the Orange County Courthouse in the City of Orange, Texas. At such time and place, parties in interest and citizens shall have the opportunity to be present and to be heard.

Notice is further given that the preliminary report, together with all maps, plats and regulations recommended for adoption may be examined in the office of the County Clerk of the County of Orange, Texas.

ORANGE COUNTY AIRPORT ZONING COMMISSION

BY: Albert J. Gray
Chairman

ATTEST:

R. L. Alba
Secretary

"This notice should be published in a newspaper with a wide distribution throughout Orange County, Texas, at least 15 days prior to the public hearing, the first day being the day after the notice is published."

PROOF OF PUBLICATION OF NOTICE OF HEARING ON PRELIMINARY REPORT OF AIRPORT ZONING COMMISSION OF THE ORANGE COUNTY AIRPORT, ORANGE, TEXAS

THE STATE OF TEXAS
COUNTY OF ORANGE

BEFORE ME, the undersigned authority, on this day personally appeared Gwendolyn Beckme, known to me to be this person and being duly sworn, stated to me on his oath that the attached copy or printed notice is a true and correct copy of an original notice which was published in the issue of the newspaper known as the Orange Leader, bearing as its date the 16th 23rd day of April, 1990; that such newspaper was on such date and all during the preceding twelve months prior to such date a newspaper of general circulation in the county in which the proceedings mentioned in such notice were, and still are, pending; that a copy of such notice as so published on such date is attached hereto; that such issue of such newspaper was so published in Orange County, Texas, and that the affiant is the publisher of such newspaper and knows that what is stated in this affidavit is true; that such notice was published as provided in Tex. Local Gov't. Code Ann., §241.016 (c), for the service of notice of publication; that such newspaper was and is one printed in the County where the proceedings mentioned in such notice is pending; and further that the proper charge of such publisher for such publication is \$ 60.59.

Belinda Gaudet
Publisher

SUBSCRIBED AND SWORN TO BEFORE ME by the said Gwendolyn Beckme this 16th day of May, 1990. to certify which witness my hand and seal of office.

Georgia J Taylor
Notary Public in and for Orange
Orange County, Texas.

THE STATE OF TEXAS
COUNTY OF ORANGE
NOTICE OF HEARING ON
PRELIMINARY REPORT OF
AIRPORT ZONING COMMISSION OF THE ORANGE COUNTY AIRPORT, ORANGE, TEXAS
Notice is hereby given that the Airport Zoning Commission of the Orange County Airport, Orange, Texas, has filed with the Commission a preliminary report and recommendations of the board of the hazard areas and the various zones to be established and the regulations to be adopted in relation thereto. The notice of such report and recommendations is provided by provisions of Texas Local Gov't Code Ann. §241.016 (1) and (c) (Vernon 1988).
Notice is further given that a public hearing will be held thereon at the hour of 10:00 a.m. on the 3rd day of May, 1990, in the County Commissioners' Courtroom in the Orange County Courthouse in the City of Orange, Texas. A number of interested parties and citizens will have the opportunity to be present and to be heard.
Notice is further given that the preliminary report together with all maps, plans and regulations recommended for adoption may be examined in the office of the County Clerk of the County of Orange, Texas.
ORANGE COUNTY AIRPORT ZONING COMMISSION
BY: Albert G. Gray
Chairman
ATTEST
S. R. Alb
Secretary

"A clipping of the legal notice published in the newspaper should be attached to this form."

FINAL REPORT OF ORANGE COUNTY AIRPORT
ZONING COMMISSION TO THE COMMISSIONERS COURT OF
THE COUNTY OF ORANGE, TEXAS

The Orange County Airport Zoning Commission, heretofore appointed by the Commissioners Court of the County of Orange, Texas, on APRIL 2, 1990, submits to said Commissioners Court of the County of Orange, Texas, a final report of activities after having completed the following details.

The Orange County Airport Zoning Commission submitted a preliminary report to the Orange County Commissioners Court on APRIL 9, 1990, issued a notice on APRIL 16, 1990, to all interested persons of plans for airport zoning, published such notice in the Orange Leader, Orange, Texas, in the issue of APRIL 16, 23, 1990, and held a public hearing in compliance with such notices on MAY 3, 1990.

The following Airport Zoning Commission members were present:

ALBERT GRAY
ROY ALBA
CURT JEANIS
JOE ROMANO

N.J. ROBICHAUX
JOE CORNER

After having heard all evidence offered in favor of adopting the zoning plan as set out in the map dated March 13, 1990, prepared by the Texas Department of Aviation, Austin, Texas, and after having heard all others present in support of and against the adoption of the zoning plan as set out, the Orange County Airport Zoning Commission finds that the plan as set out on the map of March 13, 1990, prepared by the Texas Department of Aviation, Austin, Texas, is necessary to the proper use of the Orange County Airport and is practical for such purpose. It is, therefore, recommended to the Commissioners Court of the County of Orange, Texas, that such plan be adopted.

Signed at Orange, Texas, this 3RD day of MAY, 1990.

ORANGE COUNTY AIRPORT ZONING COMMISSION

Albert J. Gray
Chairman

Roy Alba
Clerk

Curt Jeanis
Member
N.J. Robichaux
Joe Corner
Joe Romano

NOTICE OF A PUBLIC HEARING
BY THE
COMMISSIONERS COURT OF THE COUNTY OF ORANGE, TEXAS

WHEREAS, pursuant to the resolution of the Commissioners Court of the County of Orange, Texas, dated APRIL 2, 1990, there was created an Airport Zoning Commission for the County of Orange, Texas, the City of Orange, Texas, the City of West Orange, Texas, the City of Pinehurst, Texas, and the City of Bridge City, Texas, which said Airport Zoning Commission did on the 9TH day of APRIL, 1990, make its preliminary report relative to the adoption of airport zoning regulations by the Commissioners Court of the County of Orange, Texas, and on the 7TH day of MAY, 1990, said Airport Zoning Commission made its final report to the Commissioners Court of the County of Orange, Texas, for the purpose authorized by Tex. Local Gov't. Code Ann., §241.017 (a) (Vernon 1988); and

WHEREAS, it appears to the Orange County Commissioners Court that Tex. Local Gov't. Code Ann., §241.017 (b) and (c) (Vernon 1988), requires that the Commissioners Court of the County of Orange, Texas, hold a public hearing on said final report of the Airport Zoning Commission at which hearing parties in interest and citizens shall have an opportunity to be heard regarding the airport zoning regulations proposed to be adopted for airport hazard areas in the County of Orange, Texas, the City of Orange, Texas, the City of West Orange, Texas, the City of Pinehurst, Texas, and the City of Bridge City, Texas.

NOW THEREFORE, pursuant to the provisions of Tex. Local Gov't. Code Ann., §241.017 (b) and (c) (Vernon 1988), notice is hereby given that a public hearing will be held before the Commissioners Court of the County of Orange, Texas, on JUNE 4, 1990, in the County Commissioners Courtroom at the Orange County Courthouse in Orange, Texas, at 9:00 A.M., for the purpose of hearing all parties in interest and citizens who desire to be heard on the final report of the Airport Zoning Commission proposing airport zoning regulations to be adopted by the Commissioners Court of the County of Orange, Texas, prescribing regulations covering airport hazard areas in the County of Orange, Texas, the City of Orange, Texas, the City of West Orange, Texas, the City of Pinehurst, Texas, and in the City of Bridge City, Texas.

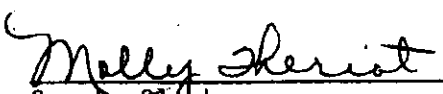
IT IS FURTHER ORDERED that this notice be published in the Orange Leader, Orange, Texas, a newspaper of general circulation in Orange County, Texas.

DATED this 14TH day of MAY, 1990.



County Judge,
Orange County, Texas

ATTEST:



County Clerk,
Orange County, Texas

"A copy of this notice should be posted in the Orange County Courthouse, the Orange City Hall, the West Orange City Hall, the Pinehurst City Hall, and the Bridge City City Hall at least 15 days prior to the public hearing, the first day being the day after all the notices are posted."

SUGGESTED PUBLICATION IN THE ORANGE LEADER
ORANGE, TEXAS

NOTICE OF HEARING BY

THE COMMISSIONERS COURT OF THE COUNTY OF ORANGE, TEXAS

WHEREAS, pursuant to the resolution of the Commissioners Court of the County of Orange, Texas, dated APRIL 2, 1990, there was created an Airport Zoning Commission for the County of Orange, Texas, the City of Orange, Texas, the City of West Orange, Texas, the City of Pinehurst, Texas, and the City of Bridge City, Texas, which said Airport Zoning Commission did on the 9TH day of APRIL, 1990, make its preliminary report relative to the adoption of airport zoning regulations by the Commissioners Court of the County of Orange, Texas, and on the 7TH day of MAY, 1990 said Airport Zoning Commission made its final report to said Orange County Commissioners for the purpose authorized by Tex. Local Gov't. Code Ann., §241.017 (a) (Vernon 1988).

Pursuant to the provisions of Tex. Local Gov't. Code Ann., (b) and (c) (Vernon 1988), notice is hereby given that a public hearing will be held before the Commissioners Court of the County of Orange, Texas, on JUNE 4, 1990, in the County Commissioners Courtroom in the County Courthouse in Orange, Texas, at the hour of 9:00 A.M., for the purpose of hearing all parties in interest and citizens who desire to be heard on the final report of the Airport Zoning Commission proposing airport zoning regulations to be adopted by the Commissioners Court of the County of Orange, Texas, prescribing regulations covering airport hazard areas in the County of Orange, Texas, the City of Orange, Texas, the City of West Orange, Texas, the City of Pinehurst, Texas and in the City of Bridge City, Texas.

DATED this 14TH day of MAY, 1990.



County Judge
Orange County, Texas

ATTEST:



County Clerk
Orange County, Texas

"This notice should be published in a newspaper with a wide distribution throughout Orange County, Texas, at least 15 days prior to the public hearing, the first day being the day after the notice is published."

PROOF OF PUBLICATION OF NOTICE OF HEARING BY
THE COMMISSIONERS COURT OF THE COUNTY OF ORANGE, TEXAS

THE STATE OF TEXAS

COUNTY OF ORANGE

BEFORE ME, the undersigned authority, on this day personally appeared BELINDA GAUDET, known to me to be this person, and being by me duly sworn, stated to me on his oath that the attached copy of printed notice is a true and correct copy of an original notice which was published in the issue of the newspaper known as the Orange Leader, bearing as its date the 16th 12/30/90 day of MAY 1990; that such newspaper was on such date and all during and exceeding twelve months prior to such date a newspaper of general circulation in the county in which the proceedings mentioned in such notice were, and still are, pending; that a copy of such notice as so published on such date is attached hereto; that such issue of such newspaper was so published in Orange County, Texas, and that the affiant is the publisher of such newspaper and knows that what is stated in this affidavit is true; that such notice was published as provided in Tex. Local Gov't. Code Ann., §241.017 (c) (Vernon 1988), for the service of notice by publication; that such newspaper was and is one printed in the county where the proceedings mentioned in such notice is pending; and further that the proper charge of such publisher for such publication is \$ 115.64.

Belinda Gaudet
Publisher

SUBSCRIBED AND SWORN TO BEFORE ME by the said _____,
this 1st day of June, 1990, to certify which witness my hand
and seal of office.

George J. Taylor
Notary Public in and for
Orange County, Texas

"A newspaper clipping of the notice
published in the newspaper should be
attached to this form."

AFFIDAVIT OF PUBLICATION

COUNTY OF ORANGE }
 STATE OF TEXAS } SS:

Before me, the undersigned authority, on this day personally appeared

Gwendolyn Boehme, known to me, who, being by me

duly sworn, on his oath deposes and says he is the Accounting Clerk of the Orange Leader Publishing Co., publishers of The Orange Leader, a daily newspaper published in said county of Orange; that a copy of the attached notice was published in the English language, such publication being the following regular edition and on the following dates:

Date May 16, 1990

Date May 23, 1990

Date _____, 19____

Date _____, 19____

Date _____, 19____

Gwendolyn Boehme
 Authorized Representative

The Orange Leader Publishing Co.

and subscribed before me, this _____ day of _____

_____ A. D., 19____

Georgia J. Taylor
 Notary Public, Orange Co., Texas

3rd, 1990

Commission expires _____

Publication fee ... \$ 115.64

NOTICE OF PUBLIC HEARING BY THE COMMISSIONERS COURT OF THE COUNTY OF ORANGE TEXAS

WHEREAS pursuant to the action of the Commissioners Court of the County of Orange, Texas, dated April 1, 1990, there was created an Airport Zoning Commission of the County of Orange, Texas; the City of Orange, Texas; the City of West Orange, Texas; the City of Pinehurst, Texas; and the City of Bridge City, Texas; which said Airport Zoning Commission did on the 15th day of April, 1990, make its preliminary report relative to the adoption of airport zoning regulations by the Commissioners Court of the County of Orange, Texas; and on the 17th day of May, 1990, said Airport Zoning Commission made its final report to the Commissioners Court of the County of Orange, Texas; for the purpose authorized by Texas Local Gov't Code Ann. § 211.017(a) (Vernon 1990) and Texas Local Gov't Code Ann. § 211.017(b) and (c) (Vernon 1990) requires that the Commissioners Court of the County of Orange, Texas, hold a public hearing on the said final report and accompanying Commission's recommendations; and that said Commission's recommendations shall be heard in accordance with the provisions of Texas Local Gov't Code Ann. § 211.017(b) and (c) (Vernon 1990) and it is hereby given that a public hearing will be held before the Commissioners Court of the County of Orange, Texas, on May 16, 1990, in the County Commissioners' Courtroom, of the Orange County Courthouse, Orange, Texas, at 9:00 A.M.; and that the public hearing shall be held in accordance with the provisions of the Airport Zoning Commission's proposed regulations covering the airport zoning in the County of Orange, Texas; the City of Orange, Texas; the City of West Orange, Texas; the City of Pinehurst, Texas; and the City of Bridge City, Texas;

IT IS FURTHER ORDERED that the notice be published in the English language in the regular edition of the Orange Leader, a newspaper of general circulation in Orange County, Texas, on this 15th day of May, 1990.

ADOPTION BY THE COMMISSIONERS COURT OF THE COUNTY OF ORANGE,
TEXAS, OF FINAL REPORT OF AIRPORT ZONING COMMISSION

WHEREAS, the Airport Zoning Commission heretofore appointed by the Orange County Commissioners Court did submit its Final Report on the 7TH day of MAY, 1990; and

WHEREAS, the Orange County Commissioners Court did issue notices in Orange County, Texas, in the City of Orange, Texas, the City of West Orange, Texas, the City of Pinehurst, Texas, and in the City of Bridge City, Texas, advising of a public hearing to be held before the Commissioners Court of the County of Orange, Texas, on JUNE 4, 1990, at the County Courthouse in Orange, Texas, at 9:00 AM, for the purpose of hearing all parties in interest and citizens who desire to be heard on the Final Report of said Airport Zoning Commission; and

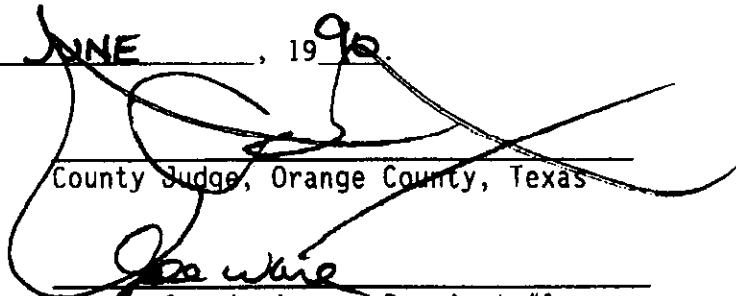
WHEREAS, the Orange County Commissioners Court assembled at the appointed time and place to hear all parties in interest desiring to be heard on the Final Report of said Airport Zoning Commission and considered all statements for and against the Final Report;

NOW, THEREFORE, on a motion by J.R. BURNS, seconded by MARCELLE ADAMS, and a majority vote of the Orange County Commissioners Court, 4 members voting aye, 0 members voting nay, it is ordered that the Final Report of the Airport Zoning Commission be adopted.

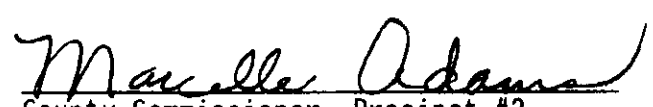
IT IS FURTHER ORDERED by the Commissioners Court of Orange County, Texas, that STEPHEN C. HOWARD, Attorney, prepare the proper order to carry out the zoning regulations being considered, and that the order carry provisions for injunctive relief according to the State Law of Texas. That such ordinance shall be in harmony and alike to a map prepared by the Texas Department of Aviation, Austin, Texas, on March 13, 1990, as to technical requirements of the various zones and heights as set out on such zoning map.

IT IS FURTHER ORDERED that the adoption of the Final Report of the Orange County Airport Zoning Commission by the Orange County Commissioners Court be entered in the minutes of the Commissioners Court of the County of Orange, Texas, for this date.

PASSED this 4TH day of JUNE, 1990.


County Judge, Orange County, Texas


County Commissioner, Precinct #1


County Commissioner, Precinct #2


County Commissioner, Precinct #3


County Commissioner, Precinct #4

ATTEST: Mally Sherist
County Clerk,
Orange County, Texas

ATTORNEY'S CERTIFICATE
AIRPORT ZONING ORDER

DATE June 28, 1990
ORANGE COUNTY AIRPORT

I hereby certify that I have examined the Airport Zoning Order adopted by the Commissioners Court of the County of Orange, Texas, on JUNE 4, 1990, relating to Orange County Airport and said order together with all legal notices and hearings were had and enacted pursuant to applicable State and local laws, orders and ordinances, and that in my opinion said order complies with the conditions set out in the Grant Agreement between the County of Orange, Texas, and the Texas Department of Aviation, Austin, Texas, together with all State and local laws, ordinances and orders and is valid, binding, and enforceable.

Stephens Howard
County Attorney, Orange County Texas

ORANGE COUNTY
AIRPORT HAZARD ZONING ORDER

NO. _____

AN ORDER REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE ORANGE COUNTY AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE ORANGE COUNTY AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDER; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

This Order is adopted pursuant to the authority conferred by the Airport Zoning Act, Tex. Local Gov't. Code Ann., §§241.001 et seq (Vernon 1988).

It is hereby found that an obstruction has the potential for endangering the lives and property of users of Orange County Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Orange County Airport, and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Orange County Airport, and the public investment therein. Accordingly, it is declared:

- (1) that Orange County Airport is located within the territorial limits of Orange County, Texas, which has a population of more than 50,000; and
- (2) that hazard areas appertaining to Orange County Airport extend outside of the territorial limits of Orange County; and
- (3) that Tex. Local Gov't. Code Ann., §241.13 (a)(1)(Vernon 1988) provides that a territorial subdivision with a population more than 50,000 in which an airport used in the interest of the public to the benefit of the political subdivision is located may adopt, administer, and enforce airport hazard zoning regulations applicable to an airport hazard area relating to the airport and located outside the political subdivision; and
- (4) that Orange County Airport fulfills an essential community purpose; and
- (5) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Orange County Airport; and
- (6) that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (7) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

BE IT ORDERED BY THE COMMISSIONERS COURT OF ORANGE COUNTY, TEXAS:

Section 1. Short Title. This Order shall be known and may be cited as "Orange County Airport Zoning Order."

Section 2. Definitions. As used in this Order, unless the context otherwise requires:

- (1) AIRPORT - means Orange County Airport.
- (2) AIRPORT ELEVATION - means the established elevation of the highest point on the usable landing area measured in feet from mean sea level.
- (3) AIRPORT HAZARD - means any structure or tree or use of land which obstructs the air space required for the flights of aircraft or which obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of the flight craft; hazardous, interfering with or obstructing such landing, taking off or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.
- (4) AIRPORT HAZARD AREA - means any area of land or water upon which an airport hazard might be established if not prevented as provided in this Order.
- (5) AIRPORT REFERENCE POINT - means the point established as the approximate geographic center of the airport landing area and so designated.
- (6) APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 4 of this Order. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (7) APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section 3 of this Order.
- (8) BOARD OF ADJUSTMENT - A Board consisting of five (5) members appointed by the Commissioners Court of Orange County, Texas, as provided by Tex. Local Gov't. Code Ann., §241.032 (Vernon 1988).
- (9) CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.
- (10) HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (11) HEIGHT - For the purpose of determining the height limits in all zones set forth in this Order and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (12) HORIZONTAL SURFACE - A horizontal plane one-hundred-fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (13) LANDING AREA - means the surface area of the Airport used for the landing, take-off or taxiing of aircraft.
- (14) NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Order or an amendment thereto.
- (15) OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4 of this Order.
- (16) PERSON - means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- (17) PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two-hundred (200) feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

The width of a primary surface for other than utility runways is:

- (A) Five-hundred (500) feet for visual runways having only visual approaches.
 - (B) Five-hundred (500) feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.
- (18) RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.
 - (19) STRUCTURE - An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
 - (20) TRANSITIONAL SURFACES - These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to here they intersect the horizontal surface.
 - (21) TREE - Any object of natural growth.
 - (22) VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.
 - (23) NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

Section 3. Zones. In Order to carry out the provisions of this Order, there are hereby created and established certain zones which include all of the land lying beneath the Approach Surfaces, Transition Surface, Horizontal Surface and Conical Surface as they apply to Orange County Airport. Such zones are shown on Zoning Map consisting of one sheet, prepared by the Texas Department of Aviation, Austin, Texas, and dated March 13, 1990, which is attached to this Order and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) APPROACH ZONES

- (a) Runway 4 Approach zone is established beneath the approach surface at the end of Runway 4 on Orange County Airport for nonprecision instrument landings and take-offs with visibility minimums greater than three-fourths statute mile. The inner edge of the approach zone shall have a width of five-hundred (500) feet which coincides with the width of the primary surface at a distance of two-hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of three-thousand-five-hundred (3,500) feet at a horizontal distance of ten-thousand (10,000) feet beyond the end of the primary surface, its centerline being the continuation of the centerline of the runway.
- (b) Runway 22 Approach zone is established beneath the approach surface at the end of Runway 22 on Orange County Airport for visual landings and take-offs. The inner edge of the approach zone shall have a width of five-hundred (500) feet which coincides with the width of the primary surface at a distance of two-hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of one-thousand-five-hundred (1,500) feet at a horizontal distance of five-thousand (5,000) feet beyond the end of the primary surface, its centerline being the continuation of the centerline of the runway.
- (c) Runway 13/31 Approach zone is established beneath the approach surface at the end of runway 13/31 on Orange County Airport for visual landings and take-offs. The inner edge of the approach zone shall have a width of five-hundred (500) feet which coincides with the width of the primary surface at a distance of two-hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of one-thousand-five-hundred (1,500) feet at a horizontal

distance of five-thousand (5,000) feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.

- (2) **TRANSITION ZONES** - Transition zones are hereby established beneath the transition surface adjacent to each runway and approach surface as indicated on the zoning map. Transition surfaces, symmetrically located on either side of runways, have variable widths as shown on the zoning map. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of approach surfaces.
- (3) **HORIZONTAL ZONE** - The area beneath a horizontal plane one-hundred-fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten-thousand (10,000) feet radii from the center of each end of the primary surface of Runway 4/22 and connecting the adjacent arcs by lines tangent to those arcs.
- (4) **CONICAL ZONE** - The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four-thousand (4,000) feet.

Section 4. Height Limitations. Except as otherwise provided in this Order, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Order to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) **APPROACH ZONES**

- (a) Runway 4 One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point ten-thousand (10,000) feet from the end of the primary surface.
- (b) Runway 22 One (1) foot in height for each twenty (20) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point five-thousand (5,000) feet from the end of the primary surface.
- (c) Runway 13/31 One (1) foot in height for each twenty (20) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point five-thousand (5,000) feet from the end of the primary surface.

(2) **TRANSITION ZONES**

Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one-hundred-fifty (150) feet above the airport elevation which is twelve-decimal-nine (12.9) feet above mean sea level.

- (3) **HORIZONTAL ZONE** Established at one-hundred-fifty (150) feet above the airport elevation, or a height of one-hundred-sixty-two-decimal-nine (162.9) feet above mean sea level.
- (4) **CONICAL ZONE** - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one-hundred-fifty (150) feet above the airport elevation and extending to a height of three-hundred-fifty (350) feet above the airport elevation.
- (5) **EXCEPTED HEIGHT LIMITATIONS** - Nothing in this Order shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to fifty (50) feet above the surface of the land.

Section 5. Use Restrictions. Notwithstanding any other provisions of this Order, no use may be made of land or water within any zone established by this Order in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

Section 6. Nonconforming Uses.

(1) Regulations Not Retroactive. The regulations prescribed by this Order shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Order, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alternation of which was begun prior to the effective date of this Order, and is diligently prosecuted.

(2) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Commissioners Court of Orange County, Texas, to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of Orange County, Texas.

Section 7. Permits.

(1) Future Uses - Except as specifically provided in a and b, hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Order shall be granted unless a variance has been approved in accordance with Section 7, Par. (4).

(a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four-thousand two-hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Order except as set forth in Section 4, Par. (5).

(2) Existing Uses. No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Order or any amendments thereto or than it is when the application for a permit is made. Except as indicated; all applications for such a permit shall be granted.

(3) Nonconforming Uses Abandoned or Destroyed. Whenever the Commissioners Court of Orange County, Texas, determines that a nonconforming structure or tree has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(4) Variances. - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, in violation of the regulations prescribed in this Order, may apply to the Board of Adjustment for a variance from such regulations in question. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice, and be in accordance with the spirit of this Order. Additionally, no application for variance to the requirements of this Order may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Orange County Airport Advisory Board for advice as to the aeronautical effects of the variance. If the Orange County Airport Advisory Board does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

(5) Obstruction Marking and Lighting. - Any permit or variance granted may, if such action is deemed advisable by the Orange County Commissioners Court or the Board of Adjustment to effectuate the purpose of this Order and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to allow the Orange County Commissioners Court to install, operate, and maintain, at the expense of Orange County, Texas, such markings and lights as may be necessary.

Section 8. Enforcement. It shall be the duty of the Commissioners Court of Orange County, Texas, to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Orange County Commissioners Court upon a form published for that purpose. Applications required by this Order to be submitted to the Orange County Commissioners Court shall be promptly considered and granted or denied. Applications for variances shall be made to the Board of Adjustment by first filing said application for variance with the Orange County Commissioners Court who shall forthwith transmit said application to the Board of Adjustment for determination.

Section 9. Board of Adjustment.

(1) There is hereby created a Board of Adjustment to have and exercise the following powers:

(a) to hear and decide appeals from any Order, requirement, decision, or determination made by the Commissioners Court of Orange County, Texas, in the enforcement of this Order;

(b) to hear and decide special exceptions to the terms of this Order upon which such Board of Adjustment under such regulations may be required to pass;

(c) to hear and decide specific variances.

(2) The Board of Adjustment shall consist of five (5) members appointed by the Commissioners court of Orange County, Texas, and each shall serve for a term of two (2) years and removable for cause by the appointment authority upon written charges, after a public hearing.

(3) The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Order. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such times as the Board of Adjustment may determine. The Chairman, or in his

absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the County Clerk of Orange County, Texas, and shall be a public record.

(4) The Board of Adjustment shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming, or modifying any Order, requirement, decision, or determination which comes before it under the provisions of this Order.

(5) The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any Order, requirement, decision, or determination of the Orange County Commissioners Court or to decide in favor of the applicant on any matter upon which it is required to pass under this Order, or to effect any variation in this Order as provided in the Tex. Local Gov't. Code Ann., §241.032(d) (Vernon 1988).

Section 10. Appeals.

(1) Any person aggrieved, or any taxpayer affected, by any decision of the Commissioners Court of Orange County, Texas, made in their administration of this Order, if of the opinion that a decision of the Orange County Commissioners Court is an improper application of these regulations, may appeal to the Board of Adjustment.

(2) All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Orange County Commissioners Court a notice of appeal specifying the grounds thereof. The Orange County Commissioners Court shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Orange County Commissioners Court certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in the opinion of the Orange County Commissioners Court cause imminent peril to life or property. In such case, proceedings shall not be stayed except by Order of the Board of Adjustment on notice to the Orange County Commissioners Court and on due cause shown.

(4) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(5) The Board of Adjustment may in conformity with the provisions of this Order, reverse or affirm, in whole or in part, or modify the Order, requirement, decision or determination appealed from and may make such Order, requirement, decision or determination, as may be appropriate under the circumstances.

Section 11. Judicial Review. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to a court of competent jurisdiction, as provided by the Airport Zoning Act, Tex. Local Gov't. Code Ann., §241.041 (Vernon 1988).

Section 12. Enforcement and Remedies. The Commissioners Court of Orange County, Texas, may institute in any Court of competent jurisdiction, an action to prevent, restrain, correct, or abate any violation of this Order or of any Order or ruling made in connection with its administration or enforcement including, but not limited to, an action for injunctive relief as provided by the Airport Zoning Act, Tex. Local Gov't. Code Ann., §241.044 (Vernon 1988).

Section 13. Penalties. Each violation of this Order or of any regulation Order, or ruling promulgated hereunder shall constitute a misdemeanor and upon

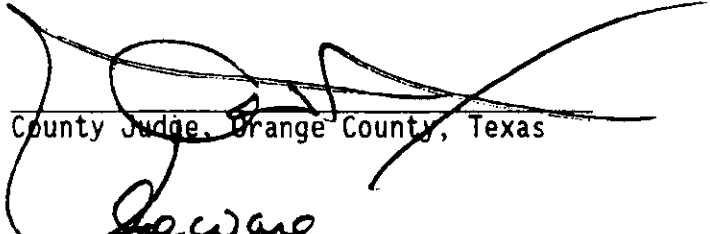
conviction shall be punishable by a fine of not more than \$200.00 and each day a violation continues to exist shall constitute a separate offense.

Section 14. Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Order and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail as provided by the Airport Zoning Act, Texas Local Gov't. Code Ann., §241.901 (Vernon 1988).

Section 15. Severability. If any of the provisions of this Order or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Order which can be given effect without the invalid provision or application, and to this end the provisions of this Order are declared to be severable.

Section 16. Repeal of Airport Zoning Order. The Orange County Airport Zoning Order, adopted by the Commissioners Court of Orange County, Texas, on November 22, 1976, is hereby repealed on the effective date of this Order.

Section 17. Effective Date. WHEREAS, the immediate operation of the provisions of this Order is necessary for the preservation of the public health, public safety, and general welfare an EMERGENCY is hereby declared to exist, and this Order shall be in full force and effect from and after its passage by the Commissioners Court of Orange County, Texas, and publication and posting as required by law. Adopted by the Commissioners Court of Orange County, Texas, this 4TH day of JUNE 1990.


County Judge, Orange County, Texas


County Commissioner, Precinct No. 1


County Commissioner, Precinct No. 2


County Commissioner, Precinct No. 3


County Commissioner, Precinct No. 4

ATTEST:


County Clerk, Orange County, Texas