

ORDINANCE NO. 0-2022-52

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 12, "AIRPORT AND TRANSIT", ARTICLE II, "AIRPORT REGULATIONS" OF THE CODE OF ORDINANCES THE CITY OF TYLER, TEXAS, BY UPDATING REGULATIONS PROHIBITING HUNTING ON AND OVER AIRPORT PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, it is the intent of the City Council to comply with all applicable Federal and State laws; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations not in conflict with Federal or State law to promote the health, safety and welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of local self-government; and

WHEREAS, the City of Tyler has adopted ordinances pursuant to Texas Local Government Code Sections 51.001 and 51.072, as well as Tyler City Charter Sections 1, 2 and 6; and

WHEREAS, Texas Transportation Code Section 22.011(a)(1) states that a local government may plan, establish, construct, improve, equip, maintain, operate, regulate, protect, and police an airport or air navigation facility in or outside of the territory of the local government; and

WHEREAS, Texas Local Government Code Section 241.011(a) provides that to prevent the creation of an airport hazard, a political subdivision in which an airport hazard area is located may adopt, administer, and enforce, under its police power, airport hazard area zoning regulations for the airport hazard area; and

WHEREAS, Texas Local Government Code Section 241.012(a)(1) states that a political subdivision may adopt, administer, and enforce, under its police power, airport compatible land use zoning regulations for the part of a controlled compatible land use area located within the political subdivision if the airport is used in the interest of the public to the benefit of the political subdivision; and

WHEREAS, the City of Tyler has established Airport regulations in Tyler City Code Chapter 12; and

WHEREAS, Wildlife presents a danger of a collision between the wildlife and an aircraft. As a Part 139 certificate holder, the City is required to take immediate action to alleviate identified wildlife hazards within the airport environment; and

WHEREAS, the Airport Advisory Board met on April 18, 2022, and voted to recommend amending the Ordinance where hunting on airport property is prohibited;

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

PART 1: That Tyler City Code Chapter 12, "Airport and Transit", Article II, "Airport Regulations", is hereby amended by amending Section 12-14 to read as follows:

Section 12-14 Conduct at Airport Generally.

a. No changes...

b. Hunting on any part of the Airport property is prohibited and no person may discharge any firearm or weapon capable of propelling a projectile into, across or over any part of the Airport without the permission of the Airport Manager and subject to the terms of the Airport Depredation Permit issued by the U.S. Fish & Wildlife Service. (Ord. No. 0-2022-52; 5/11/22)

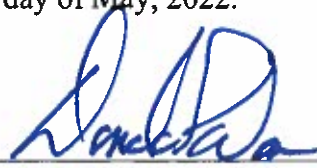
c. through g. No changes...

(Ord. No. 0-97-60; 11/26/97) (Ord. No. 0-2022-52; 5/11/22)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be May 13, 2022.

PASSED AND APPROVED this the 11th day of May, 2022.



DONALD P. WARREN, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


DEBORAH G. PULLUM, CITY ATTORNEY