

ORDINANCE NO. O-2022-106

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING AND UPDATING TYLER CITY CODE CHAPTER 1 RELATING TO RESIDENCY REQUIREMENTS OF CITY BOARD MEMBERS, SUNSET REVIEW OF CITY BOARDS, THE DEFINITION OF "CITY OFFICER" AND DUTIES OF THE MAIN STREET BOARD; CITY CODE CHAPTER 8 RELATING TO DUTIES OF THE PARKS BOARD; CITY CODE CHAPTER 9 RELATING TO DUTIES OF THE LIBRARY BOARD; AND CITY CODE CHAPTER 14 RELATING TO MEMBERSHIP REQUIREMENTS OF THE ANIMAL CARE ADVISORY BOARD; "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, municipalities may, under their police powers, enact reasonable regulations 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 self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent by implication or otherwise, the municipality from exercising the authority incident to self-government; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City of Tyler may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the City, and all nuisances and causes thereof; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether express or implied, shall be exercised and enforced, in the manner prescribed by the Charter, or when not prescribed by the Charter, in such manner as shall be provided by ordinances or resolutions of the City Council; and

WHEREAS, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by the State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend or repeal an ordinance, rule, or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, the Tyler City Council has established certain provisions related to City Boards by ordinance; and

WHEREAS, it is important to amend certain provisions related to City Boards;

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

PART 1: That Tyler City Code Chapter 1, "General Provisions", Article III, "Boards", is hereby amended by amending Sections 1-20 and 1-21 to read as follows:

Sec. 1-20. General Regulations

a. No changes...

b. Eligibility. Except where otherwise authorized by ordinance, members of City Boards shall be City of Tyler residents. Except when otherwise authorized by ordinance, City employees may not serve as members of the City boards established in subsection a. above. (Ord. No. O-2020-44; 4/22/20) (Ord. No. 0-2022-106; 11/9/22)

c. through n. No changes...

(Ord. No. O-98-45, 5/27/98) (Ord. No. 0-2004-33, 5/12/04) (0-2008-108, 8/27/08) (Ord. No. 0-2012-71; 9/26/12) (Ord. No. 0-2013-113; 12/11/13) (Ord. No. 0-2017-32; 4/12/17) (Ord. No. 0-2019-61; 7/24/19) (Ord. No. 0-2020-16; 2/12/20) (Ord. No. 0-2020-44; 4/22/20) (Ord. No. 0-2021-53; 6/9/21) (Ord. No. 0-2022-106; 11/9/22)

NOTE: The residency requirement amendment to subsection b. above shall not affect the current term of any person that is presently serving on a City Board or Commission at the time of adoption of this ordinance.

Sec. 1-21. Sunset review.

Periodically, the City Manager or designee may, in his/her discretion, review the need for all Boards and may make recommendations to the City Council as are deemed necessary. (Ord. No. O-98-45, 5/27/98) (Ord. No. 0-2012-71; 9/26/12) (Ord. No. 0-2017-20; 2/22/17) (Ord. No. 0-2022-106; 11/9/22)

PART 2: That Tyler City Code Chapter 1, "General Provisions", Article III, "Boards", is hereby amended by amending the definition of "City Officer" to read as follows, with no other changes to the Definitions in Section 1-26:

City Officer: means the Mayor, any elected City Council Member, the Municipal Court Judge, and any associate Municipal Court Judge(s). The term shall also include all appointed members of any City board, commission, committee, panel or other group that is more than advisory in nature, including, but not limited to, the Planning and Zoning Commission, Zoning Board of Adjustment, Construction Board of Adjustment and Appeals, Civil Service Commission, Neighborhood Revitalization Board, Historical Preservation Board and the One-Half Cent Sales Tax Corporation, Inc. Board. (Ord. No. 0-2019-61; 7/24/19) (Ord. No. 0-2022-106; 11/9/22)

PART 3: That Tyler City Code Chapter 1, "General Provisions", Article X., "Main Street Board", is hereby amended by amending Section 1-100 to read as follows:

ARTICLE X. MAIN STREET BOARD

Sec. 1-100. Tyler Main Street Board

- a. No changes...
- b. The main purposes of the Main Street Board are, but are not limited to, the following:

1. Review the Downtown Revitalization Grant applications and make recommendations to the City Council regarding selection of the recipients for the Grant. The City Council retains final authority regarding selection of all recipients for the Downtown Revitalization Grant. (Ord. No. 0-2022-106; 11/9/22)

2. through 9. No changes...

- c. No changes...

(Ord. No. 0-2019-61; 7/24/19) (Ord. No. 0-2022-106; 11/9/22)

PART 4: That Tyler City Code Chapter 8, "Parks", Article I., "In General", is hereby amended by amending Section 8-4 to read as follows:

Sec. 8-4. Parks Board Created; membership; responsibility.

- a. There is hereby created a board to be known as the "Tyler Parks Board,"

hereinafter the "Board," composed of nine (9) members to be appointed in accordance with Chapter 1 of this Code. (Ord. No. 0-2012-46, 6/13/2012) (Ord. No. 0-2020-63; 7/8/20)

b. The Board acts in an advisory capacity with regard to the operation and maintenance of all the public parks and cemeteries belonging to the City. The Parks Board shall make recommendations to the City Manager and City Council with reference to the operation, improvement, regulation and maintenance of public parks, adequate funding for parks and recreation areas, entertainment and recreation in public parks and for extension of park areas and acquisition of new park sites. (0-2006-17, 2/8/06) (Ord. No. 0-2012-46, 6/13/2012) (Ord. No. 0-2022-106; 11/9/22)

c. The Board shall adopt such rules of procedure for the conduct of its meetings including fixing the time of meeting, etc., as it may deem necessary. (Ord. No. O-96-53, 6-26-96) (Ord. No. 0-2020-63; 7/8/20) (Ord. No. 0-2022-106; 11/9/22)

PART 5: That Tyler City Code Chapter 9, "Library", is hereby amended by amending Section 9-2 to read as follows:

Sec. 9-2. Tyler Public Library Board.

There is hereby created a Tyler Public Library Board, which shall be composed of seven (7) members to be appointed by the City Council and has the following powers and duties:

a. Advise the City Council and City Manager
1. on present and future needs of the library;
2. on adequate funding for library services
3. on matters relating to library policies;
4. on other matters relating to library services. (Ord. No. 0-2022-106; 11/9/22)

b. Maintain a familiarity with state and federal regulations and grant programs pertaining to library services and, at the direction of the City Council, act as representative of the City before various governmental and citizen groups;

c. Establish time, place, and procedures for board meetings to be held at least four (4) times per year;

d. Select a vice chairperson from among its members. (Ord. No. O-96-22, 4-3-96) (Ord. No. 0-2022-106; 11/9/22)

PART 6: That Tyler City Code Chapter 14, "Animals", Article V., "Animal Care Advisory Board", is hereby amending by amending Section 14-50 to read as follows:

Sec. 14-50. Animal Care Advisory Board

a. Establishment, membership.

1. Regular, voting board members. There is hereby created in and for the City a board to be known as the "Tyler Animal Care Advisory Board," which shall be composed of

seven (7) regular voting members who shall serve without compensation and who shall be appointed by the City Council. Members, presiding officer and other officers shall serve as set forth in Section 1-20. Pursuant to State law, membership shall include at least 1) one licensed veterinarian, who shall be a resident of either the City of Tyler or of Smith County, Texas; 2) one municipal official; 3) one person whose duties include the daily operation of an animal shelter; and 4) one representative from an animal welfare organization. (Ord. No. 0-2014-27; 3/26/14) (Ord. No. 0-2022-106; 11/9/22)

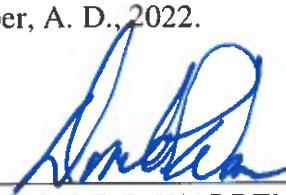
2. Purpose and authority. The Animal Care Advisory Board shall serve in an advisory capacity, and shall make recommendations to the City Council and City Staff in complying with Texas Health and Safety Code Chapter 823 or successor, as amended. The Board shall also make recommendations to the City Council and City Staff in connection with the operation of the animal shelter, as well as such other animal welfare matters as may be required by the City Council or City Staff. For purposes of this Article, the term "animal shelter" shall mean the animal shelter owned and operated by the City of Tyler.

b. Meetings. The Animal Care Advisory Board shall meet at least three (3) times annually. (Ord. No. 0-2013-113; 12/11/13) (Ord. No. 0-2022-106; 11/9/22)

PART 7: 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 8: 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 November 11, 2022.

PASSED AND APPROVED this 9th day of November, A. D., 2022.



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

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



DEBORAH G. PULLUM,
CITY ATTORNEY