

**ORDINANCE NO. O-2022-108**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 8, "PARKS," ARTICLE V., "FEES," OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS BY AMENDING THE ATHLETIC FIELD MAINTENANCE FEES; ADDING A NEW PROVISION FOR THE IMPLEMENTATION OF RATES AND FEES FOR THE USE OF LIGHTING AT CITY OPERATED ATHLETIC FIELDS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to promote the economic development, growth, and quality of life; and

**WHEREAS**, the Quality of Life Board has considered and recommends the implementation of the below-described rates and charges for use of City of Tyler operated athletic field lighting; and

**WHEREAS**, park fees can only be changed by City ordinance; 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**, 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 local 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 states that the City may regulate and control, for whatever purposes, public places; 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**, the City Council finds, it is necessary to revise and adopt certain City of Tyler operated athletic fields fees and procedures to allow fair and equitable access to, and utilization of, the athletic field lighting; and

**WHEREAS**, the City Council finds, it is necessary that "Field Lighting Fees" be assessed to users for actual usage of field lights by leagues and individuals; and

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

**PART 1.** That the findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

**PART 2.** That Chapter 8 of the Code of Ordinances of the City of Tyler, Texas, "Parks", is hereby amended by amending Article V, Sec. 8-78 "Athletic Field Maintenance Fees," to add subsection "e. Field Lighting Fees," to read as follows:

#### **Article V. Fees**

##### **Sec. 8-78. Athletic field maintenance fees.**

- a. A maintenance fee of one-thousand dollars (\$1,000) per field per season shall be charged for Junior Football League games.
- b. A maintenance fee of seven-hundred dollars (\$700) per field per season shall be charged for youth sports organizations for soccer games at Lindsey Park or any other City owned facility. This rate will increase to one thousand dollars (\$1,000) per field per season beginning with the Fall 2018 season. A maintenance fee of one-thousand dollars (\$1,000) per field per season shall be charged for adult sports organizations for soccer games at Lindsey Park or any other City owned facility. (Ord. No. 0-2017-77; 9/13/17)
- c. Season rental fees for baseball and softball games. A season rental fee of one thousand dollars (\$1,000) per field per season shall be charged to youth sports organizations for baseball and softball games at Golden Road Park, Fun Forest Park, and Faulkner Park, or any other City owned facility. (Ord. No. 0-2017-77; 9/13/17)
- d. Season rental fees for Adult City-Sponsored Recreation Softball Leagues. A season rental fee of one-thousand dollars (\$1,000) per field per season shall be charged. . (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2017-77; 9/13/17)

##### **e. Field Lighting Fees**

To allow fair and equitable access to, and utilization of, the athletic field lighting at City of Tyler operated athletic fields, "Field Lighting Fees" are assessed to users. The following fee schedule applies to actual usage of field lights by leagues and individuals.

##### **Rates for Field Light Usage:**

**\$5.00 per hour per field – Year One – beginning June 1, 2023**

\$10.00 per hour per field – Year Two – Beginning June 1, 2024

\$15.00 per hour per field – Year Three – Beginning June 1, 2025

\$20.00 per hour per field – Year Four – Beginning June 1, 2026

**PART 3:** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

**PART 4:** The City Clerk is hereby directed to record and publish the above rules, regulations, and policies in the City of Tyler's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government.

**PART 5:** This ordinance shall become effective upon approval.

**PART 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED THIS** the 14<sup>th</sup> day of December, A. D., 2022.



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

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

APPROVED:

  
DEBORAH G. PULLUM,  
CITY ATTORNEY