

ORDINANCE NO. O-2017-90

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING TYLER CITY CODE CHAPTER 17, "STREETS AND TRAFFIC", ARTICLE V., "STOPPING, STANDING, OR PARKING", BY AMENDING AND UPDATING PARKING PROVISIONS RELATED TO THE FAIR PLAZA PARKING GARAGE, AND ESTABLISHING FEES FOR ADVERTISING THEREIN; 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 general 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, 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 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, 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 may license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade; and

WHEREAS, Section 1 of the Tyler City Charter states that the City 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

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, and when not prescribed by the Charter, in such manner as shall be provided by ordinances and 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 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 has established regulations related to stopping, standing and parking in City Code Chapter 17, Article V.; and

WHEREAS, it is important to update provisions related to the Fair Plaza Parking Garage;

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

PART 1: That Tyler City Code Chapter 17, "Streets and Traffic", Article V., "Stopping, Standing, or Parking", is hereby amended by amending Section 17-89 to read as follows:

Sec. 17-89. Fair Plaza Parking Garage parking; charges.

- a. Vehicle to be parked within designated spaces/limit lines. In addition to complying with other parking regulations in this Chapter, the driver of a vehicle parking in the Fair Plaza Parking Garage shall park the vehicle within an area designated as a parking space, and shall park the vehicle within the limit lines marked on the ground designating such parking space.
- b. Daily free parking on Second, Third, and Fourth Levels. For parking spaces not otherwise designated pursuant to subsection c. d. or e. herein, no parking fee shall be charged for daily parking (parking for 24 continuous hours) in spaces on the Second, Third, and Fourth level of the Fair Plaza Parking Garage. Except as otherwise provided herein, daily parking in said spaces shall be allowed at all hours, seven days a week.

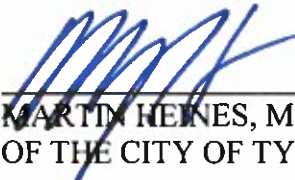
- c. Designated free parking for persons with disabilities and veterans with disabilities on all levels. Daily parking (parking for 24 continuous hours) on the First, Second, Third, and Fourth levels of the Parking Garage shall be allowed at no cost, at all hours, seven days a week, including when other parking spaces are reserved for Special Events, for:
 - 1. a vehicle properly displaying special license plates issued under Texas Transportation Code Section 504.201 or successor, or properly displaying a disabled parking placard issued under Texas Transportation Code Section 681.002 or successor, if the vehicle is being operated by or is being used for the transportation of a person with a disability.
 - 2. a vehicle properly displaying disabled veteran license plates issued under Texas Transportation Code Section 504.202 or successor, if the vehicle is being operated by the person who registered the vehicle or by an organization transporting veterans with disabilities without charge.
- d. Monthly parking rates for Reserved Tier Parking. A monthly parking fee for reserved parking in the Fair Plaza Parking Garage is hereby established:
 - 1. \$60.00 per month per space for Reserved Tier 1, Premium Reserved Parking Spots.
 - 2. \$30.00 per month per space for Reserved Tier 2, Regular Reserved Parking Spots.
- e. Special Event reserved parking. The City Manager or designee is hereby authorized to negotiate and execute short-term contracts for reserving designated parking spaces in the Fair Plaza Parking Garage for special events. Parking reserved for special events shall be governed by the specific requirements of individual contracts executed by the City and the parties reserving the Garage, including event clean-up.

Advertising. An advertising fee of \$250.00 for a 90-day period, billed on a quarterly cycle, shall be charged for advertising within the Fair Plaza Parking Garage. Charges for advertising fall in between billing cycles would be prorated. The City shall establish guidelines and standards for approval of such advertising, and such advertising shall be subject to the fee established herein and to the specific requirements of individual contracts executed by the City and the parties for advertising within the Garage. (Ord. No. 0-2017-90; 10/11/17)

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 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 Friday, October 13, 2017.

PASSED AND APPROVED this 11th day of October, A.D, 2017.

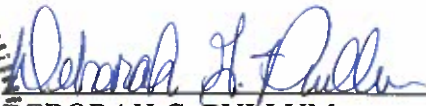

MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY