

ORDINANCE NO. O-2017-108

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 12, "AIRPORT", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY AMENDING ARTICLE III., "COMMERCIAL ACTIVITIES", BY ESTABLISHING AN AIRPORT PARKING LOT LOST TICKET FEE; ESTABLISHING AIRPORT SECURITY IDENTIFICATION MEDIA FEES; ESTABLISHING A LOST SECURITY IDENTIFICATION MEDIA FEE; SECURITY GATE CARD FEE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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, miscellaneous Airport fees for service are set forth in City Code Chapter 12; and

WHEREAS, it is important to amend and update certain provisions in City Code Chapter 12;

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 III., "Airport Commercial Activities", is hereby amended by amending Section 12-31 to read as follows:

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 III., "Airport Commercial Activities", is hereby amended by amending Section 12-31 to read as follows:

Sec. 12-31. Fees and rentals.

a. through e. No changes...

f. **Parking fees.** A parking fee of one dollar (\$1.00) per hour with a maximum daily rate of ten dollars (\$10.00) per day shall be collected from all vehicles using the City-provided parking lot for short-term parking. A parking fee of seventy-five cents (\$0.75) per hour with a maximum daily rate of six dollars (\$6.00) per day shall be collected from all vehicles using the City-provided parking lot for long-term parking. Patrons using the restaurant located at Tyler Pounds Regional Airport may park free for the first ninety (90) minutes in either the short-term or long-term parking lot. Air transportation service crews may pay ten dollars (\$10.00) per month for a parking pass to park in the long-term parking lot. Terminal and Federal Aviation Administration employees shall park free in the designated employee parking lots. Vehicles displaying a Purple Heart Recipient, Disabled Veteran, Medal of Honor Recipient, or Prisoner of War license plate shall park free in the City-provided short-term or long-term parking lot. A lost ticket fee of \$75.00 shall be collected from customers that are unable to present their parking ticket at the exit points of the paid parking lots at Tyler Pounds Regional Airport. Parking customers may contact the Airport Administration Office or as directed by the Airport to request a partial refund of the lost ticket fee if such a refund is in order by providing an airline itinerary, rental car receipt or other evidence acceptable to Airport administration as evidence of the time the vehicle was left in the Airport parking lot. (Ord. No. 0-2017-108; 11/8/2017)

g. through k. No changes...

l. **Airport security badges/identification media and security gate card fees:**

Badge type	New Badge	Badge renewal	Replacement
Full access (Red Badge)	\$80.00 new	\$49.00 renewal	\$50.00 lost replacement
SIDA access (Blue Badge)	\$80.00 new	\$49.00 renewal	\$50.00 lost replacement
AOA access (Green Badge)	\$31.00 new	\$20.00 renewal	\$50.00 lost replacement

Security Gate Card fee shall be \$15.00

The badge holder, or the signatory for the badge holder, shall be assessed an amount equal to a lost badge fee for any badge unaccounted for at the time of any badge audit conducted by Airport administration. The lost badge replacement fee will also be charged in addition to the renewal fee if the expired badge is not returned to the Airport at the time of the badge renewal. (Ord. No. 0-2017-108; 11/8/2017)

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 November 10, 2017. However, the amendments to City Code Section 12-31.f. related to fees paid by airport parking customers shall become effective November 9, 2017.

PASSED AND APPROVED this the 8th day of November, A.D., 2017.


MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY