

**ORDINANCE NO. O-2016-15**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, CHAPTER 4, "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE VI, "MISCELLANEOUS PROVISIONS", BY UPDATING AND CLARIFYING REGULATIONS RELATED TO FIREARMS, LAWFULLY LICENSED HANDGUNS AND AIR GUNS; AND THE EXCEPTIONS THERETO, RE-NUMBERING AND REORGANIZING CERTAIN SECTIONS, PROVIDING FOR DEFINITIONS, CLARIFYING PENALTIES, AND PROVIDING FOR APPROPRIATE SIGNAGE OR NOTICE; AND AMENDING CHAPTER 1, "GENERAL PROVISIONS", ARTICLE I., "CITY CODE", BY UPDATING THE FIREARMS SECTIONS IN THE GENERAL PENALTY PROVISIONS; 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 the Second Amendment to the United States Constitution, and all other applicable Federal and State laws regulating firearms; and

**WHEREAS**, the Second Amendment to the United States Constitution protects the right of the people to keep and bear arms; and

**WHEREAS**, Texas Constitution Article 1, Section 23, provides that every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State, but the Legislature shall have power by law to regulate the wearing of arms with a view to prevent crime; 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**, 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 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 expressed or implied, shall be exercised and enforced, in the manner prescribed by the Charter, or when not prescribed in 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**, Texas Local Government Code Section 229.001(a) provides the general rule that a municipality may not adopt regulations relating to the transfer, private ownership, keeping, transportation, licensing or registration of firearms, air guns, knives, ammunition, or firearms or air gun supplies; and

**WHEREAS**, Texas Local Government Code Section 229.001(b)(6) states that Texas Local Government Code Section 229.001(a) does not affect the authority that a municipality has under another law to regulate the carrying of a firearm or air gun by a person, other than a person licensed to carry a handgun under Texas Government Code Chapter 411, Subchapter H., at a public park; public meeting of a municipality, county, or other governmental body; a political rally, parade or official political meeting; or a nonfirearms-related school, college or professional athletic event; and

**WHEREAS**, per Texas Local Government Code Section 229.001(c), the authorization allowed by Texas Local Government Code Section 229.001(b)(6) does not apply if the firearm is in or carried to or from an area designated for use in a lawful hunting, fishing, or other sporting event and the firearm is of the type commonly used in the activity; and

**WHEREAS**, Texas Local Government Code Section 229.001(b)(2) states that Texas Local Government Code Section 229.001(a) does not affect the authority that a municipality has under another law to regulate the discharge of firearms or air guns within the limits of the municipality, other than at a sport shooting range; and

**WHEREAS**, Texas Local Government Code Section 342.003(a)(8) provides that the governing body of the municipality may prohibit or otherwise regulate the use of fireworks and firearms; and

**WHEREAS**, Texas Local Government Code Section 342.003(b) provides that Texas Local Government Code Section 342.003(a)(8) does not authorize a municipality to adopt any prohibition or other regulation in violation of Texas Local Government Code Section 229.001; and

**WHEREAS**, Texas Penal Code Section 30.05 [Criminal Trespass] provides the general rule that a person commits an offense if he enters/remains on the property or building of another without effective consent and the person either had notice that entry was forbidden, or received notice to depart but failed to do so; and

**WHEREAS**, Texas Penal Code Section 30.05(f) states that it is a defense to prosecution under Texas Penal Code Section 30.05 that the basis on which entry on the property or land or in the building was forbidden is that entry with a handgun was forbidden, and the person was carrying a license issued under Subchapter H., Chapter 411, Government Code, to carry a handgun, and a handgun in a concealed manner or in a shoulder or belt holster; and

**WHEREAS**, Texas Penal Code Section 30.06 [Trespass by Holder of License to Carry Concealed Handgun], subsection a., provides that a license holder commits an offense if the license holder carries a handgun under the authority of Subchapter H., Chapter 411, Government Code, and received notice that entry on the property by a license holder with a concealed handgun was forbidden, or that remaining on the property with a concealed handgun was forbidden and failed to depart; and

**WHEREAS**, Texas Penal Code Section 30.06(e) states that it is an exception to application of Section 30.06 that the property on which the license holder carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 or 46.035; and

**WHEREAS**, Texas Penal Code Section 30.07 [Trespass by License Holder with an Openly Carried Handgun], subsection a., provides that a license holder commits an offense if the license holder openly carries a handgun under the authority of Subchapter H., Chapter 411, Government Code, on property of another without effective consent, and received notice that entry on the property by a license holder openly carrying a handgun was forbidden; and

**WHEREAS**, Texas Penal Code Section 30.07(e) states that it is an exception to application of Section 30.07 that the property on which the license holder openly carries the

handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 or 46.035; and

**WHEREAS**, Texas Penal Code Section 46.035(c) provides that a license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Texas Local Government Code Chapter 411, Subchapter H., regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided the notice as required by Chapter 551, Government Code; and

**WHEREAS**, as amended in 2007, Texas Penal Code Section 46.035(h-1) states that it is a defense to prosecution under subsection (c) that the actor, at the time of the offense, was a judicial officer as defined in State law, or a bailiff designated by the active judicial officer and escorting the officer; and

**WHEREAS**, Texas Penal Code Section 45.035(h-1) states that it is a defense to prosecution under subsection (c) that the actor, at the time of the commission of the offense, was a judge or justice of a federal court; an active judicial officer as defined in State law, or a district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney; and

**WHEREAS**, Texas Penal Code Sec. 46.035(i) provides that subsection (c) above does not apply if the actor was not given effective notice under Sec. 30.06 or 30.07; and

**WHEREAS**, Texas Penal Code Section 46.03(a)(1) states that person commits an offense if the person intentionally, knowingly or recklessly possesses or goes with a firearm on any grounds or building on which an activity sponsored by a school or educational institution is being conducted; and

**WHEREAS**, Texas Penal Code Section 46.03(a)(2) provides that a person commits an offense if the person intentionally, knowingly or recklessly possesses or goes with a firearm on the premises of a polling place on the day of an election or while early voting is in progress; and

**WHEREAS**, Texas Penal Code Section 46.03(a)(3) provides that a person commits an offense if the person intentionally, knowingly or recklessly possesses or goes with a firearm on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court; and

**WHEREAS**, Texas Penal Code Section 46.03(b) provides that it is a defense to prosecution under Texas Penal Code Section 46.03(a)(1) – (4) that the actor possessed a firearm while in the actual discharge of official duties as a member of the armed forces or national guard or a guard employed by a penal institution, or an officer of the court; and

**WHEREAS**, Texas Penal Code Section 46.03(a)(5) provides that a person commits an offense if the person intentionally, knowingly or recklessly possesses or goes with a firearm in or onto a secured area of an airport; and

**WHEREAS**, Texas Penal Code Section 46.03(e) states that it a defense to prosecution under Texas Penal Code Section 46.03(a)(5) that the actor checked all firearms as baggage in accordance with federal or state law or regulations before entering a secured area; and

**WHEREAS**, Texas Penal Code Section 46.03(f) states that it is not a defense to prosecution under Section 46.03 that the actor possessed a handgun and was licensed to carry a concealed handgun under Subchapter H., Chapter 411, Government Code; and

**WHEREAS**, Texas Government Code Chapter 411, Subchapter H., governs licensing of handguns; and

**WHEREAS**, Texas Government Code Section 411.203 [Rights of Employers] provides that Subchapter H. of Texas Government Code Chapter 411 does not prevent or otherwise limit the right of a public or private employer to prohibit persons who are licensed under Subchapter H. from carrying a handgun on the premises of the business; and

**WHEREAS**, Texas Government Code Section 411.207 [Authority of Peace Officer to Disarm] contains provisions related to the authority of a peace officer to disarm a license holder under Texas Government Code Chapter 411; and

**WHEREAS**, Texas Government Code Section 411.207(b) states that a peace officer who is acting in the lawful discharge of the officer's official duties may temporarily disarm a license holder when a license holder enters a nonpublic, secure portion of a law enforcement facility, if the law enforcement agency provides a gun locker where the peace officer can secure the license holder's handgun; and

**WHEREAS**, Texas Labor Code Chapter 52, Subchapter G., contains miscellaneous provisions related to firearms; and

**WHEREAS**, Texas Labor Code Section 52.061 provides that a public or private employer may not prohibit an employee who holds a license to carry a handgun under Subchapter H., Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking, garage, or other parking area the employer provides for employees; and

**WHEREAS**, Texas Labor Code Section 52.062(a) states that Texas Labor Code Section 52.061 does not authorize a person who holds a license to carry a handgun under Subchapter H., Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possess ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is prohibited by state or federal law; and

**WHEREAS**, Texas Labor Code Section 52.062(a)(2)(A) states that Texas Labor Code Section 52.061 does not apply to a vehicle owned or leased by a public or private employer and used by an employee in the course and scope of the employee's employment, unless the employee is required to transport or store a firearm in the official discharge of the employee's duties; and

**WHEREAS**, the federal Law Enforcement Officer Safety Act of 2004, U.S.C. Chapter 44, Title 18, Section 926, was signed into law and became effective July 22, 2004; and

**WHEREAS**, the federal Law Enforcement Officer's Safety Act Improvements Act was signed into law and became effective October 12, 2010; and

**WHEREAS**, the National Defense Authorization Act was signed into law and became effective January 2, 2010; and

**WHEREAS**, the federal Law Enforcement Officer Safety Act of 2004 authorizes qualified law enforcement officers and qualified retired law enforcement officers to carry concealed handguns, regardless of most State or local laws prohibiting the carrying of concealed firearms; and

**WHEREAS**, the federal law Enforcement Officer Safety Act of 2004 does not supersede or limit the laws of any State that prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park;

**WHEREAS**, it is necessary to update current firearms regulations and the exceptions thereto in Tyler City Code Chapter 4; and

**WHEREAS**, Texas Government Code Section 411.171 contains definitions; and

**WHEREAS**, Texas Local Government Code Section 250.001 contains definitions; and

**WHEREAS**, Texas Penal Code Section 46.01 contains definitions; and

**WHEREAS**, Tyler City Code Chapter 10, Article VIII., Division A., contains definitions; and

**WHEREAS**, it is important to provide definitions in the firearms regulations in Tyler City Code Chapter 4 that are consistent with State law definitions and other definitions in the City Code; and

**WHEREAS**, Tyler City Code Chapter 8 has certain regulations related to carrying of, and discharge of, firearms in City parks and recreation areas; and

**WHEREAS**, it is necessary to amend the penalty provisions in Tyler City Code Section 1-4 to update the code sections related to firearms; and

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

**PART 1:** That Tyler City Code Chapter 4, "Offenses and Miscellaneous Provisions", Article VI., "Miscellaneous Provisions", is hereby amended by re-numbering and amending current Sections 4-93, 4-94 and 4-95, and adopting a new Article VII., to read as follows:

**Sections 4-93 – 4-96. Reserved.**

**ARTICLE VII. Firearms and Air Guns**

#### **Sec. 4-100. Definitions.**

For purposes of this Article, the following definitions shall apply:

***Air gun*** means any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or a spring.

***Firearm*** means any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

***Firearms range*** means a recreational facility designed and constructed for the practice of and teaching of marksmanship with handguns, rifles and shotguns, and operated by a public agency, quasi-public agency or private corporation approved by the City.

***Sport shooting range*** means a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting. (Ord. No. 0-2016-15; 2/24/16)

#### **Sec. 4-101. Political events; firearms other than lawfully licensed handguns prohibited; exceptions.**

- a. It is unlawful to carry a firearm within the City limits at a political rally, parade, or official political meeting.
- b. Subsection a. shall not apply:
  1. to the carrying of a handgun lawfully licensed under State law and otherwise in compliance with State law.
  2. to the carrying of a concealed handgun by a qualified law enforcement officer or a qualified retired law enforcement officer, as defined in Federal law, in compliance with Federal and State law.
  3. to the carrying of a firearm by a certified peace officer lawfully engaged in the actual discharge of an official duty while carrying the weapon, by a commissioned security officer lawfully engaged in official duties while in uniform and with the firearm in plain view, or by a member of the U.S. or State armed forces engaged in official duties.
  4. if the firearm is in or is carried to or from an area designated for use in a lawful hunting, fishing, or sporting event and the firearm is of the type commonly used in the activity.
  5. if the carrying of the firearm is otherwise allowed by applicable state or federal law, and is in accordance with such applicable state or federal law.



c. Violation of this section is unlawful and shall subject the violator to the penalties set forth in Section 1-4. (Ord. No. 0-98-52, 6/24/98) (Ord. No. 0-2007-32; 3/28/07) (Ord. No. 0-2016-15; 2/24/16)

**Sec. 4-102. City premises; prohibition against firearms; general exception for lawfully licensed handguns; other exceptions.**

a. It is unlawful to carry any firearm, other than a handgun lawfully licensed under State law and in compliance with State law, onto any City premises properly marked as provided in Subsection b.

b. The City Manager or designee is hereby authorized and directed to place signs to be printed in both English and Spanish, on City premises to indicate that the carrying of a firearm, other than a handgun lawfully licensed under State law, is prohibited.

c. Subsection (a) shall not apply to:

1. The carrying of a handgun lawfully licensed under State law and in compliance with State law. However, pursuant to State law, a peace officer who is acting in the official discharge of the officer's official duties may temporarily disarm a handgun license holder when a license holder enters a nonpublic, secure area of a building used by the Tyler Police Department for official business, if there has been provided a gun locker where the peace officer can secure the license holder's handgun, and if proper signage has been provided pursuant to State law.

2. The lawful carrying of a firearm by a certified peace officer, including a commissioned peace officer of a recognized state, or a special investigator under State law, regardless of whether the peace officer or special investigator was engaged in the actual discharge of an official duty while carrying the weapon.

3. A commissioned security officer lawfully engaged in official duties while in uniform and with the firearm in plain view, or member of the U. S. or State armed forces, engaged in official duties. Also, Subsection (a) shall not apply to a fire fighter, or emergency personnel as defined in State law, if acting in the lawful discharge of an official duty under exigent circumstances.

d. This section shall not apply to the carrying of a lawfully licensed handgun into a meeting of a governmental entity, which shall be governed by Section 4-103.

e. This section shall not apply to the carrying of a firearm onto any grounds or building on which an activity sponsored by a school or educational institution is being conducted, into any City building being used as a polling place, on the premises of the Tyler Municipal Court or into any City building or offices being utilized by the Tyler Municipal Court, or into the secured areas of Tyler Pounds Regional Airport. The carrying of a firearm at such locations, and the exceptions thereto, shall be governed by applicable State and Federal laws.



f. The carrying of any firearm prohibited by this section onto City premises is hereby declared to be an act of criminal trespass and is prohibited, and any person so carrying a prohibited firearm is subject to immediate removal and is subject to the penalties set forth in State law. (Ord. 0-98-27, 3/25/98) (Ord. No. 0-98-52, 6/24/98) (Ord. No. 0-2007-32; 3/28/07) (Ord. No. 0-2016-15; 2/24/16)

**Sec. 4-103. Lawfully licensed handguns prohibited at certain meetings of governmental entity; notice; exceptions.**

a. It is unlawful to carry a handgun lawfully licensed under State law, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, at any meeting of the City Council, or at any other meeting of a City board or commission, if such meeting is an open meeting subject to Texas Government Code Chapter 551 or successor, if notice was provided for such meeting as required by Texas Government Code Chapter 551 or successor, and if proper notice has been provided to license holders with a lawfully licensed handgun as required by either Texas Penal Code Section 30.06 or 30.07, or successors, as applicable. When proper notice has been provided, such carrying of a handgun at any meeting of the City Council, or at any meeting of a City board or commission, is hereby declared to be an act of criminal trespass and is prohibited, and any person so carrying a handgun is subject to immediate removal and is subject to the penalties set forth in State law.

b. The City Manager or designee is hereby authorized and directed to place signs or other notice consistent with State law to indicate that the carrying of a lawfully licensed handgun, is prohibited in a meeting of the City Council or City board or commission.

c. Subsection a. shall not apply to:

1. the carrying of a handgun by a certified peace officer lawfully engaged in official duties, a commissioned security officer lawfully engaged in official duties while in uniform and with the firearm in plain view, a member of the U S. or State armed forces engaged in official duties, or a firefighter or emergency personnel as defined in State law if acting in the lawful discharge of an official duty under exigent circumstances. (Ord. No. 0-98-52, 6/24/98) (Ord. No. 0-2007-32; 3/28/07)

2. the carrying of a handgun by a judge or justice of a federal court.

3. an active judicial officer, as defined in State law.

4. a bailiff designated by a active judicial officer and engaged in escorting the officer.

5. the carrying of a handgun by a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.

(Ord. No. 0-2016-15; 2/24/16)

**Sec. 4-104. Discharge of firearms and air guns in city prohibited; exceptions.**

- a. Except as otherwise provided herein, it is unlawful to discharge any firearm or air gun within the City limits.
- b. Subsection a. shall not apply to the discharge of:
  1. a firearm or air gun at a sport shooting range, firearms range, firing range or other area designated for target practice;
  2. a firearm by a certified peace officer, certified security guard or member of the U. S. or State armed forces, engaged in official duties at the time of such discharge;
  3. a person lawfully defending person or property or the person or property of another in accordance with State law;
  4. a firearm utilizing blank cartridges or other means of nonprojectile discharge as part of a military funeral, reception for a visiting head of state or dignitary, or other athletic, ceremonial, or commemorative event; if performed safely and directed away from persons, animals, equipment, or structures so as to prevent personal injury or property damage;
  5. a firearm by a gunsmith for test purposes when conducted in accordance with test precautions for same established from time to time by the Police Chief.
  6. air guns within an enclosed shooting gallery or fair booth constructed so as to allow such discharge to be made without injury to other persons or property and so as to prevent any projectile from escaping such enclosure and provided, further that such pellet or projectile is reasonably aimed at or intended to strike a target or other object provided for that purpose;
  7. a firearm or air gun in an area designated for use in lawful hunting, fishing, or other sporting event and the firearm or air gun is of the type commonly used in the activity.
- c. The Police Department shall send a letter to the parent(s) or guardian(s) of any person under the age of eighteen (18) charged under this section advising of the charge and asking for their cooperation in better supervising the child. (Ord. 0-98-27, 3/25/98) (Ord. No. 0-98-52, 6/24/98)
- d. Violation of this section is unlawful and shall subject the violator to the penalties set forth in Section 1-4. (Ord. No. 0-2016-15; 2/24/16)

**PART 2:** That Tyler City Code Chapter 1, "General Provisions", Article I., "City Code", is hereby amended by amending Section 1-4 to read as follows:

**Sec. 1-4. General penalties for violation of Code; continuing violations.**

- a. No changes...

b. The fine cannot exceed two thousand dollars (\$2000.00) if the case involves fire safety, zoning, or public health and sanitation. The fine cannot exceed four thousand dollars (\$4,000.00) if the case involves dumping of refuse. These should include but not be limited to the following:

1. Chapter 4, sections 4-101 and 4-104, governing firearms within the City;

2. through 3. No changes...

4. Chapter 8, Section 8-23 governing firearms in parks and recreation areas, and Section 8-50 governing the operation of concessions in parks or recreation areas;

5. through 10. No changes...

c. through e. No changes, and no changes to Chart.  
(Ord. No. 0-2000-97, 12/20/2000) (Ord. No. 0-2016-1; 1/13/16) (Ord. No. 0-2016-15; 2/24/16)

**PART 3:** 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 4:** 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 February 26, 2016.

**PASSED AND APPROVED** this 24th day of February, A. D., 2016.

  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
CASSANDRA BRAGER, CITY CLERK

  
DEBORAH G. PULLUM,  
CITY ATTORNEY

