

ORDINANCE NO. O-2016-81

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 2, "FINANCE AND TAXATION", ARTICLE I, "IN GENERAL", SECTION 2-3 OF THE CODE OF ORDINANCES, CITY OF TYLER, TEXAS BY ADDING NEW "STREET IMPROVEMENT FUND" PROVISION; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; 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 51.001(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 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 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, the annual budget for the City of Tyler for the fiscal year beginning October 1, 2016 and ending September 30, 2017, is submitted to the City Council for adoption; and

WHEREAS, The Tyler City Council desires to adopt a policy that would allocate one-cent of the City's ad valorem tax rate towards annual street maintenance programming and create Fund 103, Street Improvement Fund, for such purposes.

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

PART 1: That Tyler City Code Chapter 2, "Finance and Taxation", Article I, "In General", section 2-3 is hereby amended to read as follows:


Sec. 2-3. Street Improvement Fund

It is the City of Tyler's policy to allocate one-cent of the City's ad valorem tax rate, towards annual street improvement and maintenance, and to create Fund 103, Street Improvement Fund, for such purposes. (Ord. No. 0-2009-103, 9/23/09) (Ord No. 0-2016-81; 9/14/16)

PART 2: 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 3: That this Ordinance shall become effective upon approval.

PASSED AND APPROVED this 14th day of September, 2016.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS


ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK





DEBORAH G. PULLUM,
CITY ATTORNEY