

ORDINANCE NO. 0-2015-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, TO AMEND REGULATIONS RELATED TO THE CITY'S NAMING AND RENAMING OF PARK LAND AND PARK FACILITIES, 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, Texas Local Government Code Sec. 51.072(a) states that a home-rule municipality has full power of self-government; 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, Chapter 8 of the Tyler City Code defines the procedure to follow when a request is made to name or rename park lands or park facilities; and

WHEREAS, The current guidelines for naming or renaming park facilities does not allow for naming in honor of an individual, group, or business that donates funding for a Park Facility; and

WHEREAS, The current procedure does not clearly explain the options the Park Facility Naming Committee and Parks Board have in reviewing requests for naming or renaming Parks Facilities; and

WHEREAS, Amendments to Sec. 8-3 will clarify the process and options available to the Parks Facilities Naming Committee and Parks Board in making recommendations to City Council for final approval; and

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

PART 1: That Tyler City Code Chapter 8, "Parks", Article I. "In General", is hereby amended by amending Section 8-3 to read as follows:

Sec. 8-3. Naming and renaming park lands and park facilities.

a. Procedure for naming and renaming park lands.

1. Park lands shall be named within sixty (60) days after acquisition. Any requests for anonymity will be respected. No park shall be given the same

name as an existing school site or public facility, except where sites abut one another. Names of park lands may be changed.

2. Each time a request for consideration of naming or renaming a park is received, the chair of the Board shall name a committee, hereinafter referred to as the Park Naming Committee, which will be responsible for recommending a name for that particular request.
3. The Park Naming Committee is responsible for research, study and recommendation of a proposed name to the Parks Board. Rationale for the selection of the recommended name shall be given to the Parks Board in a formal written report.
4. Prior to Parks Board review, the staff shall provide written notice to the area property owners and provide an opportunity for comments at the Parks Board meeting.
 - (a) Area property owners shall be defined as all owners of real property situated within 200 feet of the Park on which the proposed action would occur as recorded on the current Smith County Appraisal District tax roll.
 - (b) The written notice shall:
 - (1) be mailed not less than 15 days before the date set for the Parks Board Meeting where the Park Naming Committee will present their formal written report to the Parks Board,
 - (2) mailed notices must be sent by first class U.S. mail to all owners of real property situated within 200 feet of the Park on which the proposed action would occur as recorded on the current Smith County Appraisal District tax roll
 - (3) outline and/or summarize the committee's recommendations,
 - (4) list the date, time and location of the Parks Board Meeting,
 - (5) notify the property owner that they will be provided an opportunity to make comments at the Parks Board Meeting, and
 - (6) a statement informing the property owner that if the Parks Board approves of the name recommended by the Park Naming Committee the recommendation will be forwarded to the City Council for consideration; therefore, the written notice shall also contain the projected date, time and location of the public hearing to be held at City Council.
5. The Parks Board shall recommend approval, disapproval or modification of the name recommended by the Park Naming Committee to the City Council.
6. The Parks Board recommendation will be forwarded to the City Council for consideration where a public hearing on the recommendation will be held. The City Council shall make final approval, disapproval or modification of the recommendation of the Parks Board.
 - (a) Prior to City Council review, the staff shall provide written notice to the area property owners and provide an opportunity for comments, in the form of a public hearing, at the City Council meeting.

- (b) The written notice referenced above in Section 8-3 b(3)(b) sent to the property owners before the Parks Board Meeting, is sufficient notice of the City Council public hearing if the notice contains the correct date, time and location of the City Council Meeting.
- (c) The notification by mail of owners of property in the ETJ whose property is within 200 feet of the proposed action is provided as a courtesy to such owners and should not be construed as conferring standing to protest such action.

7. Guidelines for naming and renaming park lands.

Park lands shall be named:

- (1) In honor of individuals who donate land for park space; or
- (2) In honor of individuals who sell open space to the City at a value considerably below market value; or
- (3) In honor of national and state heroes; or
- (4) In honor of deceased community leaders; or
- (5) In relation to the predominant characteristics or physical features (lake, trees, stream, river) of the land; or
- (6) In relation to subdivisions within the City; or
- (7) In relation to streets adjacent to the park.

b. Procedure for naming and renaming park facilities.

- 1. Each time a request for consideration of naming or renaming a park facility is received, such as a game field, the chair of the Parks Board shall name a committee, hereinafter referred to as the Park Facility Naming Committee, which will be responsible for recommending a name for that particular request.

2. Guidelines for naming and renaming park facilities.

Park facilities shall be named:

- (1) In honor of individuals who donate land for park space; or
- (2) In honor of individuals who sell open space to the City at a value considerably below market value; or
- (3) In honor of national and state heroes; or
- (4) In honor of living or deceased community leaders; or
- (5) In relation to the predominant characteristics or physical features (lake, trees, stream, river) of the land; or
- (6) In relation to subdivisions within the City; or
- (7) In relation to streets adjacent to the park; or
- (8) In honor of an individual, group, or business that donates the total estimated funding for a Park facility, or contributes a minimum of 75% of the total estimated monetary funding required for a Park facility.

3. Park facilities shall not be given the same name as an existing school site or public facility, except where sites abut one another. Names of park facilities may be changed.
4. Park Facility Naming Committee is responsible for research, study and recommendation of a proposed name to the Parks Board. Rationale for the selection of the recommended name shall be given to the Parks Board in a formal written report.
5. The Parks Board shall recommend approval, disapproval or modification of the name recommended by the Park Facility Naming Committee to the City Council.
6. The City Council shall make final approval, disapproval or modification of the recommendation of the Parks Board.

(Ord. No. O-96-53, 6-26-96) (Ord. No. 0-2010-21) (Ord. No. 0-2015-32; 3/25/15)

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 this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 25th day of March, A.D., 2015.



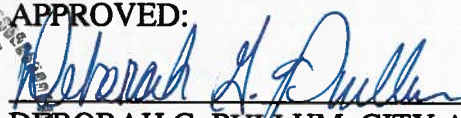
MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

APPROVED:



DEBORAH G. PULLUM, CITY ATTORNEY

