

ORDINANCE NO. 0-2015-78

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 8, "PARKS", ARTICLE V., "FEES", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY AMENDING THE FEES TO INCLUDE ALL SPORTS TOURNAMENT FIELDS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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 Sec. 51.002(b) 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, Tyler City Charter Sec. 1 states that the City of Tyler may make any and all rules and regulations by ordinances or resolutions; and

WHEREAS, City Charter Sec. 1 provides that the City of Tyler may lease, hold, manage and control property for any municipal purpose; and

WHEREAS, the City of Tyler has established Park regulations in Tyler City Code Chapter 8; and

WHEREAS, the City of Tyler has established miscellaneous fees for use of City facilities in City Code Chapter 8; and

WHEREAS, it is important for the City Council to update the fees in City Code Chapter 8 to include all sports tournament fields; and

WHEREAS, City Code Section 8-1.b. provides that the Parks Board shall make recommendations to the City Manager and City Council with reference to the operation and maintenance of public parks in the City; and

WHEREAS, on 6/30/15, the Parks Board voted to recommend approval of these fee changes to the City Council;

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 V., "Fees", is hereby amended by amending Section 8-77 to read as follows:

Sec. 8-77. Sports tournament field usage fee.

A fee of one hundred twenty-five dollars (\$125.00) per field shall be charged as a field usage fee for sports tournaments, in addition to the thirty-five dollars (\$35.00) special event permit fee described in section 8-76 above. (Ord. No. O-96-53, 6-26-96) (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2015-78, 7/22/15)

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 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 July 24, 2015.


PASSED AND APPROVED this the 22nd day of July, A.D., 2015.



EDWARD MOORE, MAYOR PRO TEM
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM, CITY ATTORNEY

