

ORDINANCE NO. O-2013-113

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING TYLER CITY CODE CHAPTER 14 TO CREATE AN ANIMAL CARE ADVISORY BOARD, AMENDING TYLER CITY CODE CHAPTER 1 TO ESTABLISH THE ANIMAL CARE ADVISORY BOARD AS A PERIODIC BOARD, AND AMENDING TYLER CITY CODE CHAPTER 1 TO CHANGE THE NEIGHBORHOOD REVITALIZATION BOARD FROM A REGULAR BOARD TO A PERIODIC BOARD; 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, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general 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 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 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 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 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 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by 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 Health and Safety Code Chapter 823 establishes regulations related to animal shelters; and

WHEREAS, Texas Health and Safety Code Section 823.005(a) generally provides that the governing body of a county or municipality in which an animal shelter is located shall appoint an advisory committee to assist in complying with the animal shelter provisions in Texas Local Government Code Chapter 823; and

WHEREAS, it is important to establish an Animal Care Advisory Board by amending Tyler City Code Chapter 14; and

WHEREAS, it is important to establish the Animal Care Advisory Board as a "Periodic" Board by amending Tyler City Code Chapter 1; and

WHEREAS, it is important to clarify the status of the Neighborhood Revitalization Board as a Periodic Board by amending Tyler City Code Chapter 1;

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

PART 1: That Tyler City Code Chapter 14, "Animals", is hereby amended by adding a new Article V. to read as follows:

ARTICLE V. Animal Care Advisory Board

Sec. 14-50. Animal Care Advisory Board

a. Establishment, membership.

1. Regular, voting board members. There is hereby created in and for the City a board to be known as the "Tyler Animal Care Advisory Board," which shall be composed of seven (7) regular voting members who shall serve without compensation and who shall be appointed by the City Council. Members shall serve for terms as set forth in Section 1-20. Pursuant to State law, membership shall include at least 1) one licensed veterinarian; 2) one municipal official; 3) one person whose duties include the daily operation of an animal shelter; and 4) one representative from an animal welfare organization.

2. Purpose and authority. The Animal Care Advisory Board shall serve in an advisory capacity, and shall make recommendations to the City Council and City Staff in complying with Texas Health and Safety Code Chapter 823 or successor, as amended. The Board shall also make recommendations to the City Council and City Staff in connection with the operation of the animal shelter, as well as such other animal welfare matters as may be required by the City Council or City Staff. For purposes of this Article, the term "animal shelter" shall mean the animal shelter owned and operated by the City of Tyler.

b. Meetings. The Animal Care Advisory Board shall meet at least three (3) times annually. (Ord. No. 0-2013-113; 12/11/13)

PART 2: That Tyler City Code Chapter 1, "General Provisions", Article III., "Boards", is hereby amended by amending Section 1-20 to read as follows:

Sec. 1-20. General Regulations

a. Definitions.

1. Board: A group created by the City Council to serve a particular purpose and with a membership set by the City Council, sometimes referred to as a Commission or Committee.

2. Regular Board: Boards that have regularly scheduled monthly or bi-monthly meetings, including the following:

Airport Advisory Board
Board of Adjustment (Zoning)
Keep Tyler Beautiful Board
One-Half Cent Sales Tax Corp, Inc. Board
Park Board
Planning and Zoning Commission
Traffic Safety Board
Tyler Historical Preservation Board
Tyler Public Library Board

3. Periodic Board: Boards that either meet quarterly, less often, or only "as needed," including the following:

Animal Care Advisory Board
Audit Firm Review Committee
Board of Directors of Tax Increment Reinvestment Zone No. 1 (TIRZ No. 1)
Board of Directors of Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2)
Board of Directors of Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3)
Civil Service Commission
Construction Board of Adjustment & Appeals
Disability Issues Review Board
Industrial Development Corporation of Tyler Board
Medical Control Board
Neighborhood Revitalization Board
Reinvestment Zone Committee
Redevelopment Authority Board
Tyler Health Facilities Development Corporation Board

4. Members: All appointees to a board described herein who have voting authority.

5. Quorum: A majority of a board's members.

b. through o. No changes... (Ord. No. O-98-45, 5/27/98) (Ord. No. 0-2004-33, 5/12/04) (0-2008-108, 8/27/08) (Ord. No. 0-2012-71; 9/26/12) (Ord. No. 0-2013-113; 12/11/13)

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

PASSED AND APPROVED this the 11th day of December, A.D., 2013.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

APPROVED:



Deborah G. Pullum
DEBORAH G. PULLUM, CITY ATTORNEY

