

ORDINANCE NO. O-2025-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 1, "GENERAL PROVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY REMOVING UNNECESSARY WORDING RELATING TO CODE AMENDMENTS, CATEGORIZING THE NEIGHBORHOOD REVITALIZATION BOARD AS A REGULAR BOARD, LISTING THE TAX REINVESTMENT ZONE NUMBER FOUR BOARD AS A PERIODIC BOARD, UPDATING THE REVIEW PROCESS FOR CITY BOARD APPLICATIONS, AMENDING THE PROVISION RELATED TO CITY BOARD STATUS/ATTENDANCE REPORTS, CLARIFYING THE ADOPTION OF INTERNAL BOARD OPERATING RULES, UPDATING THE PENALTY CLAUSE TO INCLUDE AIRPORT ZONING AND HEIGHT HAZARD REGULATIONS, UPDATING THE ADVISORY GROUP MEMBERSHIP PROVISIONS IN THE APPEALS PROCESS TO THE CITY MANAGER OR DESIGNEE TO ALLOW FOR NON-CITY EMPLOYEES TO PROVIDE RECOMMENDATIONS IF CITY SO DESIRES; AND MAKING OTHER CLEAN-UP AND FORMATTING CHANGES; 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, 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 provides that the City may license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade; and

WHEREAS, Section 1 of the Tyler City Charter states that the City 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

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 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 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 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, due process traces its origins to the Magna Carta, first adopted in 1215; and

WHEREAS, during the reign of King Edward III., the British Parliament adopted six statutes to clarify the meaning and scope of the liberties that Magna Carta guarantees, including a law that first introduced the term “due process of law” to describe Magna Carta’s procedural regulations; and

WHEREAS, Magna Carta significantly influenced procedural guidelines and the American Constitution by laying the groundwork for the concepts of individual rights, due process and the rule of law; and

WHEREAS, the Fifth and Fourteenth Amendments to the United States Constitution guarantee that no person may be deprived of life, liberty or property without due process of law; and

WHEREAS, Article I., Section 19 of the Texas Constitution provides that no citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land; and

WHEREAS, Tyler City Code Chapter 1, Art. IV., establishes Administrative Appeals provisions that generally relate to a decision of a City employee regarding the granting or denial of any license, permit or privilege, or the administration of a City or Departmental policy that

relates to the administration of a City ordinance, State or Federal law, a State Administrative Rule, and/or an Administrative Rule of a Federal Agency or Executive Order; and

WHEREAS, the Administrative Appeals Process in City Code Chapter 1, Article IV., provides members of the public with basic due process and an opportunity to be heard in specified circumstances; and

WHEREAS, City Code Chapter 1 contains miscellaneous provisions related to City Boards, City Board application procedures, City Board status/attendance reports; City Board internal operating rules, and penalties for ordinance violations; and

WHEREAS, it is important to update certain provisions in City Code Chapter 1; and

WHEREAS, it is important to remove unnecessary wording from the Code amendment provisions; and

WHEREAS, it is necessary to make other clean-up and formatting changes;

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

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

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

- a. The maximum penalties for violation of City ordinances are limited by State law.
- b. The fine cannot exceed two thousand dollars (\$2,000.00) if the case involves fire safety, zoning, or public health and sanitation.

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. Chapter 6 governing buildings and structures, including any violation of the International Codes as adopted therein;

3. Chapter 7, Article III, governing and regulating minimum standards for occupancy of buildings and structures, including sanitary facilities and substandard buildings;

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. Chapter 14, Article II, governing and regulating noxious odors or substances and fierce or dangerous conduct of animals.

6. Chapter 16, governing the proper collection, removal, handling, or transporting of garbage, trash, or other types of solid waste

7. Chapter 17, Article I governing and regulating the use of public rights-of-way and Article VII, governing and regulating the operation of commercial vehicles in residential areas;

8. Chapter 18 governing littering, health and sanitation;

9. Chapter 10, Unified Development Code, governing and regulating the platting, subdivision and development of land, or governing zoning;

10. Chapter 12, Division B., governing and regulating Airport Zoning and Height Hazard Regulations. (Ord. No. 0-2025-45; 7/23/25)

11. Chapter 19, including:

(a) Article IV, disposal of industrial wastes,

(b) Article V, liquid waste transportation and disposal;

(c) Section 19-27 through 19-32, 19-36, 19-37, 19-39, and 19-40 which involve unauthorized tampering with the water system.

(d) Section 19-146, governing proper sanitation, garbage and sewage disposal on lake lots leased from the City;

(e) Section 19-190 discharge of weapons

(f) Section 19-233, declaring unlawful any discharge of wastewater or sewage from any vehicle, trailer, camper or house trailer within the Lake Bellwood Reservoir Area;

(g) Section 19-235, declaring unlawful any discharge of firearms within the Lake Bellwood Reservoir Area;

(h) Section 19-239, declaring unlawful the discharge of fireworks or explosives within the Lake Bellwood Reservoir.

(i) Article XI., governing illicit discharge and stormwater connection regulations. (Ord. No. 0-2010-93, 9/8/10)

(j) Article XII., governing private lateral sewer lines.

c. The fine cannot exceed four thousand dollars (\$4,000.00) if the case involves dumping of refuse

d. In all other cases, the maximum fine is not more than five hundred dollars (\$500.00), except where otherwise provided.

e. Each day or fractional part thereof that any violation of this Code or of any ordinance shall continue constitutes a separate offense. (Ord. No. O-98-45, 5/27/98) (Ord. No. O-2009-52, 4/22/09) (Ord. No. 0-2000-97, 12/20/2000) (Ord. No. O-2016-1, 1/13/16) (Ord. No. 0-2019-15; 01/22/20) (Ord. No. O-2020-72; 08/12/2020) (Ord. No. 0-2025-45; 7/23/25)

PART 2: That Tyler City Code Chapter 1, "General Provisions", Article I., "General" is hereby amended by amending Section 1-6 to read as follows:

Sec. 1-6. Amendments or additions to Code.

All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and

printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages.

Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the appropriate section number.

In the event a new section not heretofore existing in the Code is to be added, the new section shall then be set out in full as desired. (Ord. No. O-98-45, 5/27/98) (Ord. 0-2010-26, 3/24/10) (Ord. No. 0-2025-45; 7/23/25)

PART 3: 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

Keep Tyler Beautiful Board

Neighborhood Revitalization Board (Ord. No. 0-2025-45; 7/23/25)

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)

Board of Directors of Tax Increment Reinvestment Zone No. 4 (TIRZ No. 4) (Ord. No. 0-2025-45; 7/23/25)

Civil Service Commission

Construction Board of Adjustment & Appeals

Disability Issues Review Board

Industrial Development Corporation of Tyler Board

Main Street Board

Reinvestment Zone Committee

Redevelopment Authority Board

Tyler Health Facilities Development Corporation Board
Zoning Board of Adjustment

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

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

b. Eligibility. Except where otherwise authorized by ordinance, members of City Boards shall be City of Tyler residents. Except when otherwise authorized by ordinance, City employees may not serve as members of the City boards established in subsection a. above. (Ord. No. O-2020-44; 4/22/20) (Ord. No. O-2022-106; 11/9/22)

c. Appointment Process. The City Manager or designee will solicit applications from eligible citizens through the media and other means. Each appointee shall receive training regarding attendance and the duties and responsibilities of the position. Applications for appointment or re-appointment will be compiled and submitted to the Council. The City Clerk shall be responsible for the applications' completeness, and the City Attorney's Office shall conduct a review of applications for more than advisory boards for any potential conflicts of interest. The City Clerk shall check each nominee's qualifications and include the completed applications in information sent to the City Council. Upon request, the Council will be provided an attendance report detailing the number of absences of each current member and a status report on vacancies. All applicants will be considered at a City Council meeting in August or at any other time as designated by the City Council at its discretion, and the Council will jointly select the most qualified individuals for the available positions. (Ord. No. 0-2021-53; 6/9/21) (Ord. No. 0-2025-45; 7/23/25)

d. Orientation. The Board Liaison shall be responsible for ensuring that new members attend an orientation session to overview City government and the functions of the Board.

e. Vacancies. Vacancies occurring on the Board shall be filled for the unexpired term by appointment of the City Council from completed applications.

f. Terms of office; selection of presiding officer; other officers

1. The terms of office for all boards shall be for two (2) years staggered, and shall expire on the 31st day of August, unless otherwise provided. Members shall continue to serve until a replacement has been appointed and qualified.

2. The presiding officer of each board shall be appointed annually by the City Council from among the ranks of regular members of the board, unless otherwise provided. The Board shall select a vice-presiding officer annually to serve in the presiding officer's absence.

g. Boards may adopt such rules for their own internal procedures as considered appropriate, if consistent with State law, City ordinances and policies. (Ord. No. 0-2025-45; 7/23/25)

h. Maximum terms of office. No member of any Board shall be appointed to that same Board as a regular member for more than three (3) complete successive terms or six years, unless otherwise provided. This provision shall apply to all future appointments.

i. One membership. No member shall serve on more than one board at a time, except where the City Council determines otherwise that such dual membership is necessary or desirable.

j. Salary. All members, including ex officio members, shall serve without salary.

k. No financial liability. Neither any Board nor any member thereof shall incur any financial liability in the name of the City without proper authorization.

l. Attendance.

1. Active participation by all appointed members is necessary for proper functioning of boards. Once notice of a City Board meeting has been supplied, it shall be the responsibility of that member to either attend or, prior to the meeting, notify the City department originally providing the notice to the board member of his/her inability to attend.

2. For "Regular Boards" as defined herein, failure to attend at least two-thirds (2/3) of the meetings of the Board for which that person was appointed for any six-month period during which the appointee is a member of the board will be considered a voluntary resignation as shown below:

**Regular Board
Required Attendance Chart**

If the Board Meets: Required Attendance

One (1) time within a six month period*	1*
Two (2) times within a six month period	1*
Three (3) times within a six month period	2*
Four (4) times within a six month period	3*
Five (5) times within a six month period	3*
Six (6) times within a six month period	4*

* however, consideration will be given for illness or extenuating circumstances.

3. For "Periodic Boards" failure to attend two (2) meetings within any six month period will be considered a voluntary resignation. However, consideration will be given for illness or extenuating circumstances.

4. If an appointee fails to attend as required herein and thus voluntarily resigns, the City Council shall appoint a person to the unexpired term. The City Manager or designee is designated to develop a program whereby minutes are taken and distributed timely, attendance taken, and appropriate and necessary action taken.

m. Use of position. Appointed members shall not use or refer to their position in writing letters or taking public positions unless approved by a majority of the Board and approved by the City Council.

n. Removal of members. The City Council, by majority vote, may remove any member of a Board from office whenever, in its sole discretion, the best interests of the City shall be served thereby.

(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) (Ord. No. 0-2017-32; 4/12/17) (Ord. No. 0-2019-61; 7/24/19) (Ord. No. 0-2020-16; 2/12/20) (Ord. No. 0-2020-44; 4/22/20) (Ord. No. 0-2021-53; 6/9/21) (Ord. No. 0-2022-106; 11/9/22) (Ord. No. 0-2025-45; 7/23/25)

NOTE: The residency requirement amendment to subsection b. above shall not affect the current term of any person that is presently serving on a City Board or Commission at the time of adoption of this ordinance.

PART 4: That Tyler City Code Chapter 1, "General Provisions", Article IV., "Administrative Procedures, is hereby amended by amending Section 1-33 to read as follows:

Sec. 1-33. Procedure before City Manager or designee.

a. Any person aggrieved by the decision of a Department Leader or designee may appeal such decision to the City Manager or designee. Such appeal must be filed with the City Manager or designee within thirty (30) business days after the decision of the Department Leader or designee, otherwise the decision of the Department Leader or designee is final. (Ord. No. 0-2025-45; 7/23/25)

b. Such appeal shall be in writing and shall succinctly state the problem or objection of the aggrieved party and the aggrieved party's understanding of the decision of the Department Leader or designee. An appeal stays all proceedings in furtherance of the action that is appealed, until a final decision is reached.

c. The City Manager or designee shall not be the decision maker whose decision is being appealed. The City Manager (or acting City Manager in absence), or designee, shall render a written decision within ten (10) business days after receipt of the written appeal or the latest amended appeal. If, however, the City Manager or designee determines that there is not sufficient data upon which to base a decision, further written information may be requested from the aggrieved party, in which event the ten-business day time limit shall run from the date on which the completed information is received.

d. The City Manager or designee may refer the controversy to an appropriate advisory group or City board for recommendation, in which event the time limit of subpart c., above, shall not apply. For purposes of this section, the term "advisory group" shall mean a group of City employees, non-City employees, or a combination thereof, appointed by the City Manager or designee to provide advice regarding a specific appeal. No employee serving on the advisory group shall be the decision maker whose decision is being appealed. "Appropriate City board" shall mean one of the specific City Boards established by the City Council in Section 1-20, and having objectives or functions associated with the specific City Department to which the appeal was made. The advisory group or City board to which the matter is referred shall consider the matter within sixty (60) business days after the matter is referred to it, and shall provide a recommendation to the City Manager or designee. All considerations under this Article by a City board shall be in a public hearing. The City Manager or designee shall render a decision within ten (10) business days after the appropriate advisory group or City board gives its

recommendation. (Ord. No. O-98-45, 5/27/98) (Ord. No. 0-2012-71; 9/26/12) (Ord. No. 0-2016-44; 5/11/16) (Ord. No. 0-2025-45; 7/23/25)

e. At the conclusion of the review, the City Manager or designee shall either:

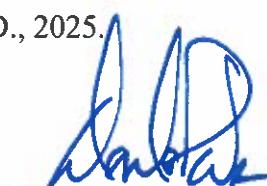
1. Sustain the decision of the Department Leader or designee, or
2. Render an appropriate decision.

f. The decision of the City Manager or designee regarding an appeal under this Article shall be final. (Ord. No. O-98-45, 5/27/98) (Ord. No. 0-2012-71; 9/26/12) (Ord. No. 0-2020-45; 5/13/20) (Ord. No. 0-2025-45; 7/23/25)

PART 5: 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 6: 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 Friday, July 25, 2025.

PASSED AND APPROVED this the 23rd day of July A.D., 2025.



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY