

ORDINANCE NO. 0-2022-110

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 12, "AIRPORT AND TRANSIT", ARTICLE III., "AIRPORT COMMERCIAL ACTIVITIES" OF THE CODE OF ORDINANCES THE CITY OF TYLER, TEXAS, BY AMENDING SECTION 12-31A FEES AND RENTALS TO INCREASE RENTAL RATE FOR OFFICE AND COUNTER SPACE USED BY ON-SITE-RENTAL CAR COMPANIES AND RENTAL CAR CONCESSION FEE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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 local self-government; and

WHEREAS, the City of Tyler has adopted ordinances pursuant to Texas Local Government Code Sections 51.001 and 51.072, as well as Tyler City Charter Sections 1, 2 and 6; and

WHEREAS, Texas Transportation Code Section 22.011(a)(1) states that a local government may plan, establish, construct, improve, equip, maintain, operate, regulate, protect, and police an airport or air navigation facility in or outside of the territory of the local government; and

WHEREAS, Texas Local Government Code Section 241.011(a) provides that to prevent the creation of an airport hazard, a political subdivision in which an airport hazard area is located may adopt, administer, and enforce, under its police power, airport hazard area zoning regulations for the airport hazard area; and

WHEREAS, Texas Local Government Code Section 241.012(a)(1) states that a political subdivision may adopt, administer, and enforce, under its police power, airport compatible land use zoning regulations for the part of a controlled compatible land use area located within the political subdivision if the airport is used in the interest of the public to the benefit of the political subdivision; and

WHEREAS, the City of Tyler has established Airport regulations in Tyler City Code Chapter 12; and

WHEREAS, miscellaneous Airport fees for service are set forth in City Code Chapter 12; and

WHEREAS, on June 19, 2002 the City Council amended the existing Westside Terminal building rental rates; and

WHEREAS, on May 28, 2003 the City Council amended the existing Westside Terminal building rental rates; and

WHEREAS, on December 14, 2005 the City Council amended the existing Westside Terminal Building rental rates; and

WHEREAS, on September 22, 2010 the City Council amended the existing Westside Terminal Building rental rates; and

WHEREAS, on December 14, 2005 the City Council amended the existing Westside Terminal Building rental rates; and

WHEREAS, on February 13, 2013 the City Council amended the existing Westside Terminal Building rental rates; and

WHEREAS, on June 8, 2016 the City Council amended the existing Westside Terminal Building rental rates; and

WHEREAS, on January 11, 2017 the City Council amended the existing Westside Terminal Building rental rates; and

WHEREAS, on September 25, 2019 the City Council amended the existing Westside Terminal Building rental rates; and

WHEREAS, it is important to amend the Westside Terminal building rental rates; and

WHEREAS, Tyler City Code Sec. 12-2.1 states that the Airport Advisory Board shall make recommendations to the City Council with respect to Airport operation; and

WHEREAS, City Code Sec. 12-2.5 provides that the Airport Advisory Board, in an advisory capacity, shall work toward the general improvement of the Airport and the advancement of the City as an air transportation center; and

WHEREAS, the Airport Advisory Board met on December 5, 2022, and voted to recommend increases in the Westside Terminal Building office and counter space rental rates used by On-site rental car company;

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

PART 1: That Tyler City Code Chapter 12, "Airport and Transit", Article III., "Airport Commercial Activities", is hereby amended by amending Section 12-31 to read as follows:

Sec. 12-31. Fees and rentals.

a. Westside Terminal building rates for exclusive office and counter areas for commercial airlines shall be twenty-nine dollars and fifty-two cents (\$29.52) per square foot per year. Terminal building common area fees for signatory commercial airlines shall be thirty-five cents (\$.35) per enplaned passenger and common area fees for non-signatory commercial airlines or charter flights shall be seventy-five cents (\$.75) per enplaned passenger. The rental rates for that portion of the terminal building used for restaurant purposes shall be based upon a percentage of gross receipts as set by the City Council. Rental rates for FAA use of terminal building space shall be set out in those leases and approved by the City Council. The rental rates for the conference room in the Westside Terminal Building shall be fifty dollars (\$50.00) per day, twenty-five dollars (\$25.00) for four (4) hours or less, and twenty dollars (\$20.00) for each additional furniture set up. Such rental rates for the conference room in the Westside Terminal Building shall not be charged to non-profit organizations, nor to City of Tyler employees or representatives that are conducting City-related business. Additionally, a damage deposit of fifty dollars (\$50.00) per rental shall be required from each user of the conference room in the Westside Terminal Building, except that such deposit shall not be required for City of Tyler employees or representatives that are conducting City-related business. The concession fee for the right to use the Airport and Airport Terminal by on-site rental car companies shall be no less than forty thousand dollars (\$40,000.00) per year, or ten percent (10%) of gross monthly revenue based on net time and mileage, whichever is greater amount. The rental rate for office and counter space used by on-site rental car companies shall be five hundred fifty dollars (\$550.00) per month. On-site car rental companies shall pay a fee of sixty dollars (\$60.00) per space per month for use of ready car and other parking spaces at the Westside Terminal Building. The rental car company leasing counter space will not be allowed to display dual brands from a single leased counter space. On-site car rental companies shall pay a minimum fee of three (\$3.00) per wash of a single vehicle and receive twelve minutes of wash bay operation with a fee of twenty-five cents (\$.25) per minute for each additional minute thereafter for use of the rental car wash bay. Users of the car wash rental bay shall not stack or stage vehicles for consecutive washes with a single swipe of the car wash payment card. Fees include use of vacuums at no additional charge. (Ord. No. 0-99-35, 4/28/99) (Ord. No. 0-2001-33, 8/15/01) (Ord. No. 02-2002-22, 6-19/02) (Ord. No. 0-2003-22, 5/28/03) (Ord. No. 0-2005-96, 12/14/05) (Ord. No. 0-2010-99, 9/22/10) (Ord. No. 0-2012-69, 9/12/12) (Ord. No. 0-2013-11, 2/13/13) (Ord. No. 0-2016-50, 6/08/16) (Ord. No. 0-2017-9, 1/11/17) (Ord. No. 0-2019-80, 9/25/19) (Ord. No. 0-2022-110, 12/13/2022)

b. through l. No changes...

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 December 16, 2022.

PASSED AND APPROVED this 14th day of December, A.D., 2022.



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

ATTEST:

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK

APPROVED:



DEBORAH G. PULLUM,
CITY ATTORNEY

