

ORDINANCE O-2025-46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 12, "AIRPORT", ARTICLE III., "AIRPORT COMMERCIAL ACTIVITIES", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY UPDATING CERTAIN FEES RELATED TO TYLER POUNDS REGIONAL AIRPORT, INCLUDING LAND LEASE RATES FOR AREAS SURROUNDING THE NORTH TERMINAL SITE; FUEL FARM LAND RENTAL FEES; FUEL FLOWAGE FEES AND THE MAXIMUM DAILY PARKING FEE FOR LONG-TERM PARKING; AND MAKING OTHER CLEAN-UP AND FORMATING CHANGES; 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 February 24, 2016, the City Council amended the existing land rental rates; and

WHEREAS, on September 25, 2019, the City Council amended the existing land rental rates; and

WHEREAS, on April 28, 2021, the City Council amended the existing land rental rates;
and

WHEREAS, on January 26, 2022, the City Council amended the existing parking fees;
and

WHEREAS, on May 11, 2022, the City Council amended the existing land rental rates;
and

WHEREAS, on April 12, 2023, the City Council amended the existing land rental rates;
and

WHEREAS, on April 24, 2024, the City Council amended the existing land rental rates;
and

WHEREAS, it is important to amend the land rental rates, fuel farm rates, and fuel flowage fee for areas around the North Terminal Site, and the Fuel Farm rates and parking fees, at Tyler Pounds Regional Airport; and

WHEREAS, Tyler City Code Sec. 12-2.3 states that the Airport Advisory Board shall make recommendations to the City Council with respect to Airport construction, expansion, improvements, maintenance and 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 May 19, 2025, and voted to recommend increases in the land rental rates, fuel flowage rates for areas around the North Terminal Site, and parking fees, at Tyler Pounds Regional Airport;

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. through b. No changes...

c. Land rental rates:

Land as shown on a map, a copy of which shall be kept on file in the offices of the City Clerk and Airport Manager.

Land within the restricted area inside the building restriction line of the North Terminal Site (Low Tier) is 6.5 cents (\$.065) (per square foot) per year through September 30, 2025. Beginning October 1, 2025, land rental rates (Low Tier) shall be 7.5 cents (\$.075) (per square foot) per year. Land rental rates (Low Tier) will increase by \$.010 (per square foot) per year or rate following review/recommendation by the Airport Advisory Board through June 1, 2027, if such increases are approved by City Council by separate ordinance. (Ord. No. 0-2024-48; 4/24/24) (Ord. No. 0-2025-46; 8/13/25)

Land within the non-restricted areas outside the building restriction line and prime areas surrounding the North Terminal Site (High Tier), as shown on the map, is 9 cents (\$.09) through September 30, 2025. Beginning October 1, 2025, land rates (High Tier) shall be 10 cents (\$.10) (per square foot) per year. Land rental rates (High Tier) will increase by \$.010 (per square foot) per year or rate following review/recommendation by the Airport Advisory Board through June 1, 2027 if such increases are approved by City Council by separate ordinance. Ord. No. 0-2016-14; 2/24/16) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2021-34; 6/23/21) (Ord. No. 0-2022-51; 5/11/22) (Ord. No. 0-2023-27; 4/12/23) (Ord. No. 0-2024-48; 4/24/24) (Ord. No. 0-2025-46; 8/13/25)

West Side General Aviation area \$0.10 per square foot for the first three (3) years of the land lease for the new West Side General Aviation Area, with a \$.0005 increase per year thereafter beginning June 1, 2020, through June 1, 2027, if such increases are approved by City Council by separate ordinance. (Ord. No. 0-2016-14; 2/24/16) (Ord. No. 0-2023-27; 4/12/23)

fuel farm land rental rates for fuel farm shall be 6.5 cents (\$.065) (per square foot) per year through September 30, 2025. Beginning October 1, 2025 fuel farm land rental rates will be 7.5 cents (\$.075) (per square foot) per year. Fuel farm land rental rates will increase by \$.010 per year thereafter or rate following review/recommendation by the Airport Advisory Board through June 1, 2027 if such increases are approved by City Council by separate ordinance. (Ord. No. 0-2016-14; 2/24/16) (Ord. No. 0-2023-27; 4/12/23) (Ord. No. 0-2024-48; 4/24/24) (Ord. No. 0-2025-46; 8/13/25)

agricultural use minimum of seven dollars and fifty cents (\$7.50) per acre per year or equivalent in improvements to be made. (Ord. No. 0-2005-96; 12/14/05) (Ord. No. 0-2013-11; 2/13/13) (Ord. No. 0-2016-10; 1/13/16) (Ord. No. 0-2019-80; 9/25/19)

d. Fuel flowage fee. A fuel flowage fee of *six cents (\$0.06) (effective November 1, 2009)* per gallon of delivered fuel minus one (1) percent for shrinkage shall be levied upon all fuel delivered to

anyone at the Airport. Beginning October 1, 2025, the fuel flowage fee rate will be 8.0 cents (\$.08) per gallon. Anyone receiving such delivery must provide the Airport Manager a copy of the delivery ticket for all fuel and oil obtained at the time of such delivery. A report of fuel sales is required on a form provided by the Airport, which report will be due on or before the fourth (4th) working day, with payment due on or before the tenth (10th) working day of each month. This report will be for the preceding month. (Ord. No. 0-2025-46; 8/13/25)

This City flowage fee shall not be charged to the fuel used by the government of the United States, State of Texas, and certified scheduled passenger airlines operating by contract with the City. To claim this exemption, the fuel seller must supply to the Airport Manager a copy of the delivery tickets for such users. These tickets must be provided by the tenth (10th) of the month for the preceding month, or will be waived. (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2025-46; 8/13/25)

e. No changes....

f. Parking Fees. A parking fee of one dollar (\$1.00) per hour with a maximum daily rate of ten dollars (\$10.00) per day shall be collected from all vehicles using the City-provided parking lot for short term parking. A parking fee of one dollar (\$1.00) per hour with a maximum daily rate of seven dollars (\$7.00) per day shall be collected from all vehicles using the City-provided parking lot for long term parking. Beginning October 1, 2025 maximum daily rate of eight dollars (\$8.00) for long term parking. Patrons using the restaurant located at Tyler Pounds Regional Airport may park free for the first ninety (90) minutes in either the short-term or long-term parking lot. Air transportation service crews may pay ten dollars (\$10.00) per month for a parking pass to park in the long-term parking lot. Terminal and Federal Aviation Administration employees shall park free in the designated employee parking lot. Vehicles displaying a Purple Heart Recipient, Disabled Veteran, Medal of Honor Recipient, or Prisoner of War license plate shall park free in the City-provided short-term or long-term parking lot. A lost ticket fee of \$75.00 shall be collected from customers that are unable to present their parking ticket at the exit points of the paid parking lots at Tyler Pounds Regional Airport. Parking customers may contact the Airport Administration Office or as directed by the Airport to request a partial refund of the lost ticket fee if such a refund is in order by providing an airline itinerary, rental car receipt or other evidence acceptable to Airport administration as evidence of the time the vehicle was left in the Airport parking lot. (Ord. No. 0-2002-22; 6-19-2002) (0-2008-128; 9/24/2008) (Ord. No. 0-2010-75; 7/28/2010) (Ord. No. 0-2014-86; 9/24/2014) (Ord. No. 0-2017-108; 11/8/2017) (Ord. No. 0-2019-80; 9/25/2019) (Ord. No. 0-2022-16; 1/26/2022) (Ord. No. 0-2025-46; 8/13/25)

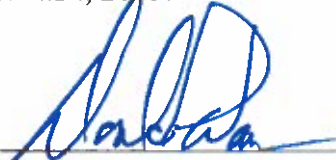
g. through k. No changes....

(Ord. No. 0-2017-108; 11/8/2017) (Ord. No. 0-2021-34; 6/23/21) Ord. No. (Ord. No. 0-2019-80; (Ord. No. 0-2022-16; 1/26/2022) (Ord. No. 0-2023-17; 4/12/23) (Ord. No. 0-2023-102; 10/25/23) (Ord. No.0-2024-48; 4/24/24) (Ord. No. 0-2025-46; 8/13/25)

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 August 15, 2025.


PASSED AND APPROVED this 13th day of August A.D., 2025.


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

ATTEST:

CASSANDRA BRAGER, CITY CLERK



APPROVED:

DEBORAH G. PULLUM,
CITY ATTORNEY