

**ORDINANCE O-2023-27**

**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 AMENDING LAND LEASE RATES FOR AREAS SURROUNDING THE NORTH TERMINAL SITE AND FUEL FARM AT TYLER POUNDS REGIONAL AIRPORT; 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 May 11, 2022 the City Council amended the existing land rental rates; and

**WHEREAS**, it is important to amend the land rental rates for areas around the North Terminal Site and the Fuel Farm 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 March 27, 2023, and voted to recommend increases in the land rental rates for areas around the North Terminal Site;

**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 4.5 cents (\$.045) (per square foot) per year through May 31, 2023. Beginning June 1, 2023 land rental rates (Low Tier) shall be 5.5 cents (\$.055) (per square foot) per year. Land rental rates (Low Tier) will increase by \$.005 (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 the City Council by separate ordinance.

Land within the non-restricted areas outside of the building restriction line and prime areas surrounding the North Terminal Site (High Tier) as shown on the map is 7 cents (\$.07) through May 31, 2023. Beginning June 1, 2023 land rates (High Tier) shall be 8 cents (\$.08) (per square foot) per year. Land rental rates (High Tier) will increase by \$.005 (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 the 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)

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, up to year ten (10) of the current lease, if such increases are approved by City Council by separate ordinance.

fuel farm ..... land rental rates for fuel farm shall be 4.5 cents (\$.045) (per square foot) per year through May 31, 2023. Beginning June 1, 2023 fuel farm land rental rates will be 5.5 cents (\$.055) (per square foot) per year. Fuel Farm land rental rates will increase by \$0.005 increase 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. 0-2023-27; 4/12/23)

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. through l. No changes...

(Ord. No. 0-2017-108; 11/8/2017) (Ord. No. O-2021-34; 6/23/21) (Ord. No. 0-2022-16; 1/26/2022) (Ord. No. 0-2022-51; 5/11/22) (Ord. No. 0-2023-27; 4/12/23)

**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 April 14, 2023.

**PASSED AND APPROVED** this 12<sup>th</sup> day of April A.D., 2023.



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


ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



DEBORAH G. PULLUM,  
CITY ATTORNEY