

## ORDINANCE O-2013-11

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 12, "AIRPORT", ARTICLE III, "COMMERCIAL ACTIVITIES", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY ADJUSTING RENTAL CAR WASH BAY RATES; ADDING RENTAL CAR WASH BAY LAND RATE; AND ADJUSTING CUSTOMER FACILITY CHARGE RATE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

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

**WHEREAS**, it is important to amend certain fees for services;

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

**PART 1:** That Tyler City Code Chapter 12, "Airport", Article III, "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 *twenty-five cents (\$.25)* 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 as set out in those leases and as 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 rental rate for terminal space used by on-site rental car companies shall be no less than *thirty thousand dollars \$30,000.00 per year*, or ten percent (10%) of gross monthly revenue based on net time and mileage, whichever is the greater amount. The rental rate for office and counter space used by on-site rental car companies shall be *five hundred dollars (\$500.00)* per month. On-site car rental companies shall pay a fee of *fifteen dollars (\$15.00)* per space per month for use of ready car and other parking spaces at the Westside Terminal Building and Northside Terminal Site. The rental car company leasing counter space will be allowed to display dual brands from its leased counter space provided that the on-site car rental company proposed to do so in its bid. On-site car rental companies shall pay a minimum fee of three dollars (\$3.00) per wash 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. Off-site car rental companies shall pay a minimum fee of \$6.00 and receive twelve minutes of wash bay operation

with a fee of \$1.00 per minute for each additional minute thereafter for use of the rental *car wash bay*. 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. 0-2002-22, 6-19-2002) (Ord. 0-2003-22, 5/28/03) (Ord. No. 0-2005-96; 12/14/05) (Ord. 0-2010-99, 9/22/10) (Ord. No. 0-2012-69, 9/12/12) (Ord. No. 0-2013-11; 2/13/13)

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

2.4 cents (\$.024) (per square foot) per year for land within the restricted area inside the building restriction line. 4.8 cents (\$.048) (per square foot) per year for land in the non restricted areas outside of the building restriction line and prime areas surrounding the North Terminal Site as shown on the map. 10 cents (\$.10)(per square foot) per year for rental car wash bay facility.

fuel farm ..... 4.8 cents (\$.048) (per square foot) per year

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)

d. No changes...

e. No changes...

f. No changes...

g. No changes...

h. No changes...


i. No changes...

j. Customer Facility Charge. Until April 1, 2013, there is imposed at Tyler Pounds Regional Airport, a Customer Facility Charge (CFC) of two dollars (\$2.00) per rental car contract per day on any rental of a car at the Airport. Commencing April 1, 2013, there is imposed at Tyler Pounds Regional Airport, a Customer Facility Charge (CFC) of three dollars (\$3.00) per rental car contract per day on any rental of a rental car at the Airport. Each twenty-four hour period or fraction thereof within the rental period constitutes a separate day for which the CFC will be levied and collected. The rental car companies will account for all CFCs collected and remit those payments to the City monthly, separate from other rental car remittances and reports. The City will create a separate account for CFCs and hold such funds for the benefit of maintenance and improvements for future rental car operations on the Airport. Rental Car Companies and their agents hold only a possessory interest in the CFC and no legal or equitable interest. (Ord. No. 0-2010-99; 9/22/10) (Ord. No. 0-2013-11; 2/13/13)

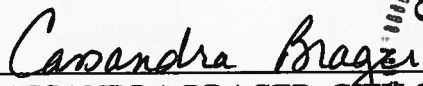
**PART 2:** That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

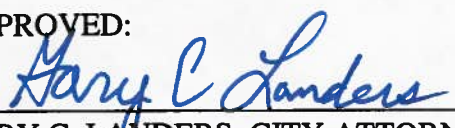
**PART 3:** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to 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 February 15, 2013.

**PASSED AND APPROVED** this 13th day of February, A.D., 2013.

  
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BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK

APPROVED:  
  
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GARY C. LANDERS, CITY ATTORNEY

