

ORDINANCE NO. O-2024-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 1, "GENERAL PROVISIONS", ARTICLE IX., "DISABILITY ISSUES REVIEW BOARD", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY CLARIFYING THE PURPOSE, ROLES, AND RESPONSIBILITIES OF THE BOARD; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, Title II of the Americans with Disabilities Act (ADA), signed into law on July 26, 1990, requires States and local governments to make accommodations for people with disabilities; and

WHEREAS, the City of Tyler has established the Disabilities Issues Review Board to guide public improvements to increase access to City facilities by people with disabilities; 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, the City Council is acting under the authority of Texas Local Government Code Sections 51.001 and 51.072; and

WHEREAS, the City Council is acting under the authority of Tyler City Charter Sections 1, 2, and 6;

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 IX., "Disability Issues Review Board", is hereby amended by amending Sections 1-91 and 1-92 to read as follows:

Sec. 1-91. Creation; appointments and officers.

a. There is hereby established the Disability Issues Review Board. The Board shall be composed of seven (7) interested Tyler citizens appointed by the City Council and serving terms as set forth in Section 1-20 of this Code. Appointees should be interested in some phase of service to persons who have a physical, emotional or mental disability. (Ord. No. 0-2008-106, 8/27/08) (Ord. No. 0-2012-80; 9/26/12)

b. All cases to be heard by the board will always be heard by a minimum of four members. (Ord. No. 0-2024-11; 01/10/24)

c. The City's Americans With Disabilities Act (ADA) Coordinator will serve as the departmental liaison between the Board and the City Council. (Ord. No. O-98-45, 5/27/98) (Ord. No. 0-2009-127, 12/9/09)

Sec. 1-92. Objectives and functions.

- a. The objectives and functions of the Disability Issues Review Board include the following:
1. To promote better community understanding, and active cooperation and support for furthering opportunities for persons with disabilities;
 2. To promote the participation in City events and the usage of City amenities among citizens with disabilities;
 3. To review and make recommendations for prioritizing City efforts to:
 - i. remove all architectural barriers preventing access to or use of City facilities;
 - ii. address para-transit issues in conjunction with the City's para-transit plan; and
 - iii. evaluate the City's compliance with federal, state, and local laws relative to persons with disabilities and make recommendations to the City Council as required.


- b. The powers and duties of the Board are:
1. Act in an advisory capacity and make recommendations to the City Manager, City Council, and other City departments concerning accessibility and educational issues of importance to persons with disabilities and to the community.
 1. Conduct research to determine the feasibility of recommending to the City Manager, City Council, and other City departments improvements to address identified architectural barriers, amendments to the City's para-transit plan or other issues of importance to persons with disabilities.
 2. Review and discuss matters referred to the Board by the City Council and the City Manager.
 4. The authority of the Board shall be limited to making recommendations, and it shall in no way have authority to direct City staff to implement specific improvements or enforce ADA improvements on private property.

(Ord. No. 0-98-45, 5/27/98) (Ord. No. 0-2009-127, 12/9/09) (Ord. No. 0-2010-80, 8/11/10) (Ord. No. 0-2012-80; 9/26/12) (Ord. No. 0-2024-11; 01/10/24)

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 this ordinance shall take effect immediately upon its adoption.


PASSED AND APPROVED this the 10th day of January, A.D., 2024.


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

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:

DEBORAH G. PULLUM, CITY ATTORNEY