

ORDINANCE NO. O-2024-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 8, "PARKS," ARTICLE V., "FEES," OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY UPDATING PROVISIONS RELATED TO THE RATES FOR FIELD LIGHT USAGE AT CITY-OPERATED ATHLETIC FIELDS, PROVIDING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to promote the public welfare; and

WHEREAS, it is the intent of the City Council to promote the economic development, growth, and quality of life; 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, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of local self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent, by implication or otherwise, the municipality from exercising the authority incident to local self-government; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter states that the City may regulate and control, for whatever purposes, public places; and

WHEREAS, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by the State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, the City of Tyler currently provides year-round opportunities for the public to participate in a variety of organized sports on City-owned athletic fields; and

WHEREAS, the City has adopted ordinances regulating Parks to allow fair and equitable access to and utilization of athletic fields in City Code Chapter 8; and

WHEREAS, the City Council has adopted City Code Section 8-78 related to the athletic maintenance fees and field lighting fees; and

WHEREAS, it is necessary that “Field Lighting Fees” be assessed to users for actual usage of field lights by leagues and individuals; and

WHEREAS, City Code Sec. 8-4.b. provides that the Parks Board acts in an advisory capacity with regard to the operation and maintenance of all public parks; and

WHEREAS, City Code Sec. 8-4.b. states that the Parks Board shall make recommendations to the City Manager and City Council with reference to the operation, improvement, regulation and maintenance of public parks, adequate funding for parks and recreation areas, entertainment and recreation in public parks and for extension of park areas and acquisition of new park sites; and

WHEREAS, the Tyler Parks Board on February 19, 2024 and the Quality of Life and Space Committee on March 7, 2024, have considered and recommended the implementation of the below-described effective dates for the City of Tyler field lighting usage rates; and

WHEREAS, field lighting fees can only be changed by City ordinance; and

WHEREAS, it is necessary to update and revise the effective dates of the Rates for Field Light Usage.

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

PART 1. That Tyler City Code Chapter 8, “Parks”, Article V. “Fees”, is hereby amended by amending subsection e. of Section 8-78 to read as follows, with no changes to subsections a., b., c., and d.:

Sec. 8-78. Athletic field maintenance fees.

- a. A maintenance fee of one-thousand dollars (\$1,000) per field per season shall be charged for Junior Football League games.
- b. A maintenance fee of seven-hundred dollars (\$700) per field per season shall be charged for youth sports organizations for soccer games at Lindsey Park or any other City owned facility. This rate will increase to one thousand dollars (\$1,000) per field per season beginning with the Fall 2018 season. A maintenance fee of one-thousand dollars (\$1,000) per field per season shall be charged for adult sports organizations for soccer games at Lindsey Park or any other City owned facility. (Ord. No. 0-2017-77; 9/13/17)
- c. Season rental fees for baseball and softball games. A season rental fee of one thousand dollars (\$1,000) per field per season shall be charged to youth sports organizations for baseball and softball games at Golden Road Park, Fun Forest Park, and Faulkner Park, or any other City owned facility. (Ord. No. 0-2017-77; 9/13/17)

d. Season rental fees for Adult City-Sponsored Recreation Softball Leagues. A season rental fee of one-thousand dollars (\$1,000) per field per season shall be charged. . (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2017-77; 9/13/17)

e. Field Lighting Fees

To allow fair and equitable access to, and utilization of, the athletic field lighting at City of Tyler operated athletic fields, "Field Lighting Fees" are assessed to users. The following fee schedule applies to actual usage of field lights by leagues and individuals. (Ord. No. 0-2022-108)

Rates for Field Light Usage:

\$5.00 per hour per field – Year One – beginning June 1, 2023

\$10.00 per hour per field – Year Two – Beginning June 1, 2024

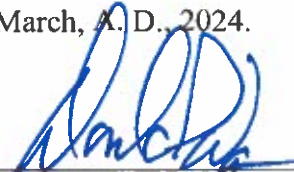
\$15.00 per hour per field – Year Three – Beginning June 1, 2026

\$20.00 per hour per field – Year Four – Beginning June 1, 2027
(Ord. No. 0-2022-108) (Ord. No.0-2024-39; 03/27/24)

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: This ordinance shall become effective upon approval.

PASSED AND APPROVED THIS the 27th day of March, A. D., 2024.



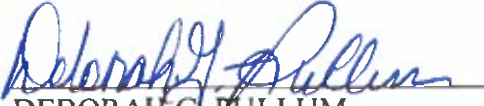
DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY