

**ORDINANCE NO. O-2019-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 7, "COMMUNITY DEVELOPMENT", ARTICLE III., "MINIMUM URBAN STANDARDS" AND AMENDING CHAPTER 18, "CODE ENFORCEMENT", ARTICLE II., "ASSESSMENT OF CITY'S EXPENSES; BILLING; LIEN", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, AMENDING REGULATIONS RELATED TO WAIVERS TO LIENS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

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

**WHEREAS**, municipalities may, under their police powers, enact reasonable regulations not in conflict with State law that promote the health, safety and welfare of citizens; and

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

**PART 1:** That Tyler City Code Chapter 7, "Community Development", Article III., "Minimum Urban Standards", is hereby amended by amending Section 7-79 to read as follows:

**Section 7-79. Waiver and/or Approve Release of Lien**

Under appropriate circumstances, the authority to waive and/or approve the release of lien/s is as follows:

- A. The City Manager is hereby authorized, to waive and/or approve the release of a lien/s up to the amount of ten thousand (\$10,000.00) dollars: or
- B. Under this subsection B, approval authority shall be designated to the Department Leader, the Key Leader or the City Manager depending on the amount of the lien/s and the full satisfaction of the following requirements:
  - a. When an applicant completes paperwork with the City Development Services Department verifying the following:
    1. Applicant shall improve the value of the tract upon which the lien/s are attached in an amount equal to or greater than the value of the liens; and
    2. The Applicant is not the same owner of the tract as when the lien/s was/were created; and
    3. Applicant has paid a \$50.00 City process fee along with the fee for filing the lien release/s; and
    4. Taxes on tract are current; and
    5. Applicant has complied with all City ordinances on required permits and has

completed the improvements which have been inspected and approved by the City Development Services Department. (Ord. No. 0-2011-99, 11/16/11)

b. Upon full satisfaction of the above requirements:

1. The Department Leader's signature is required to approve a waiver and/or release of any lien/s of up to the amount of four thousand nine hundred and ninety-nine (\$4,999) dollars;
2. The Key Leader's signature is required to approve a waiver and/or release of any lien/s from the amount of five (\$5,000) thousand dollars up to nine thousand nine hundred and ninety-nine (\$9,999) dollars; and
3. The City Manager's signature is required to approve a waiver and/or release of any lien/s for the amount of ten thousand (\$10,000) or higher. (Ord. No. 0-2011-99, 11/16/11) (Ord. 0-2019-11; 1/23/19)

**PART 2:** That Tyler City Code Chapter 18, "Code Enforcement", Article II., "Weeds and Debris", is hereby amended by amending Section 18-24 to read as follows:

**Section 18-24. Assessment of City's expenses; billing; lien.**

No Changes a. through e.

f. Under appropriate circumstances, the authority to waive and/or approve the release of lien/s is as follows:

- A. The City Manager is hereby authorized, to waive and/or approve the release of a lien/s up to the amount of ten thousand (\$10,000.00) dollars: or
- B. Under this subsection B, approval authority shall be designated to the Department Leader, the Key Leader or the City Manager depending on the amount of the lien/s and the full satisfaction of the following requirements:
  - a. When an applicant completes paperwork with the City Development Services Department verifying the following:
    1. Applicant shall improve the value of the tract upon which the lien/s are attached in an amount equal to or greater than the value of the liens; and
    2. The Applicant is not the same owner of the tract as when the lien/s was/were created; and
    3. Applicant has paid a \$50.00 City process fee along with the fee for filing the lien release/s; and
    4. Taxes on tract are current; and
    5. Applicant has complied with all City ordinances on required permits and has completed the improvements which have been inspected and approved by the City Development Services Department. (Ord. No. 0-2011-99, 11/16/11)

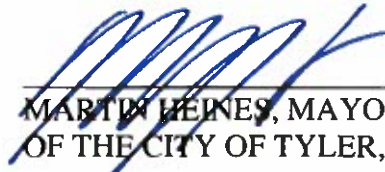
b. Upon full satisfaction of the above requirements:

1. The Department Leader's signature is required to approve a waiver and/or release of any lien/s of up to the amount of four thousand nine hundred and ninety-nine (\$4,999) dollars;
2. The Key Leader's signature is required to approve a waiver and/or release of any lien/s from the amount of five (\$5,000) thousand dollars up to nine thousand nine hundred and ninety-nine (\$9,999) dollars; and
3. The City Manager's signature is required to approve a waiver and/or release of any lien/s for the amount of ten thousand (\$10,000) or higher. (Ord. No. 0-2011-99, 11/16/11) (Ord. 0-2019-11; 1/23/19)

**PART 3:** 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 4:** 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 its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, or later. The effective date after publication shall be January 23, 2019.

**PASSED AND APPROVED** this 23rd day of January, A. D., 2019.

  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
CASSANDRA BRAGER, CITY CLERK



  
DEBORAH G. PULLUM,  
CITY ATTORNEY