



**CITY OF TYLER, TEXAS
CITY COUNCIL COMMUNICATION**

Agenda Number: O-1

Date: March 22, 2006

Subject: Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 6, "Buildings and Structures", VIII., "Fire Prevention", to change the boundaries of the Fire District in downtown Tyler, and also to promote the public safety by adopting the 2003 International Fire Code with amendments.

Page: 1 of 5

Item Reference: Tyler City Code Section 6-120; Sections 6-122 through 6-123

In the late 1990's, Tyler City Code Section 6-210 established the boundaries of the First Fire District (downtown area) and the Second Fire District. By an ordinance dated July 21, 1999, the City Council re-named the First Fire District, "Fire District" and eliminated the Second Fire District. This change resulted in the very restrictive provisions in the various technical codes that relate to fire districts being reserved for the heavily congested downtown area only, which was consistent with the national building standards and with general fire safety practice.

The Fire Department recommends that the boundaries of the Fire District be amended, as shown on the attached map. Under the current fire district boundaries as adopted by the City of Tyler, the northernmost portion of the Fire District is no longer congested, as many buildings have been demolished. The change to the boundaries of the Fire District in the attached ordinance will eliminate non-congested areas and will allow the properties to be utilized following current ordinances. The Tyler Transit System has expressed interest in developing one of the properties in the area, which under current fire district regulations the proposed use may be prohibited. The Legal Department recommends that the map be officially adopted as part of the Ordinance, similar to the Master Street Plan and Extraterritorial Jurisdiction ordinances for the City.

ADOPTION OF 2003 INTERNATIONAL FIRE CODE AND AMENDMENTS

On 12/5/01, the City Council adopted the 2000 Edition of the International Fire Prevention Code. This was one of the standard technical codes that was used nationwide.

The Fire Department has reviewed, and recommends adoption of, the 2003 Edition of the International Fire Code, along with the amendments described below. Adoption of the 2003 International Fire Code will facilitate proper inspection activities by the City of Tyler relating to fire hazards.

Agenda Number: O-1

Page: 2 of 5

On 3/8/06, the Construction Board of Adjustment and Appeals voted to recommend adoption of the 2003 International Fire Code plus amendments. Many of the amendments being recommended to the 2003 International Fire Code are similar to the amendments that were made to the 2000 International Fire Code when it was adopted in 2001, as well as amendments made in 2004. The changes include the following:

Section 102.5. Requirements and design standards related to historic buildings and the Existing Building Code are deleted, as the City has not adopted the Existing Building Code.

Section 102.6. When provisions of the 2003 International Fire Code don't apply to specific situations, then compliance with nationally recognized standards or publications listed in the 2003 International Fire Code shall be evidence of compliance with the Code, when not in conflict with the 2003 International Building Code and City Code Chapter 6.

Section 103. Appoints the Fire Chief or designee as the "Fire Code Official" primarily responsible for enforcing the 2003 International Fire Code [Section 103.2]. References to removal from office are deleted, as this is already governed by City Charter, City Code, and City Policy. References to appointment of "deputies" in Section 103.3 are deleted. Deletes the liability provisions in Section 103.4 and the legal defense wording in Section 103.4.1.1, as liability of City officials, City employees, and members of City boards is already governed by City Code Section 2-62.

Section 108. This section on the "Board of Appeals" is deleted and is replaced with the current ordinance language relating to the "Construction Board of Adjustment and Appeals".

New Section 110.5. Adopts current ordinance language. Requires the owner or person in control of burned premises to remove debris, or all/portions of a partially burned building within 10 days after written notice from the Fire Code Official. The Fire Code Official may extend the 10-day period for removal when the insurance adjustment, if any, is still pending, but not to exceed 180 days.

Sections 307.1 through 307.4. Outdoor Burning. These sections are deleted and replaced with the City's current outdoor burning ordinance language.

New Section 310.9. Smoking. Adds a reference to the City's current Smoking Ordinance in City Code Chapter 4, Article II.

Section 508.5.1. Fire Hydrant Spacing. Section 508.5.1 currently states that where a portion of a facility or building constructed or moved within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official. The current exceptions are for 1) Group R-3 and U occupancies, in which the distance requirement shall be 600 feet; and 2) the distance shall be 600 feet for buildings equipped without an automatic sprinkler system.

Agenda Number: O-1

Page: 3 of 5

As with the amendment to the 2001 International Fire Code, the Fire Department again recommends that Section 508.5.1 be amended to provide that where a portion of a facility or building constructed or moved within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official. Maximum spacing along fire access roads shall be 500 feet in residential areas and 300 feet in commercial areas. For buildings equipped with an approved automatic sprinkler system, the distance requirement shall be 600 feet. The above changes are needed to reconcile differences between the Water Department requirements and the International Fire Code.

New Section 2206.2.3.1. Adopts current amendment language. The storage of flammable or combustible liquids in above ground tanks outside of buildings is prohibited within the Fire District.

New Section 2211.9. Adopts current amendment language. Fuel tanks of motor vehicles must be filled directly through approved hose from approved pumps attached to approved portable tanks or drawing from approved storage tanks. Storage and handling of combustible liquids shall be governed by Chapter 34 of the 2003 International Fire Code. No transfer of gasoline in any garage shall be made in any open container, and if the fuel tank of a vehicle is drained then it shall be drained outside of any building.

Chapter 45. Chapter 45 relating to “Referenced Standards” is deleted, and Standards are instead mentioned in Section 102.6.

Appendices. Section 101.2.1 of the 2003 International Fire Code states that the provisions in the appendices shall not apply unless specifically adopted. The attached draft specifically states that Appendices A (Board of Appeals), B (Fire-Flow Requirements for Buildings), and C (Fire Hydrant Locations and Distribution) are expressly deleted. Appendices E (Hazard Categories), F (Hazard Ranking), and G (Cryogenic Fluids – Weight and Volume Equivalents) are expressly adopted.

Appendix D. Fire Apparatus Roads/Fire Apparatus Road Gates. Similar to the 2001 Fire Code, the Fire Department recommends adoption of Appendix D relating to fire apparatus access roads, with certain amendments. Drawings related to access road width with a hydrant are deleted. Provisions relating to dead end access turnaround are also deleted. The minimum gate width of fire apparatus access road gates shall be 20 feet, unless otherwise approved by the Fire Code Official. The Fire Department previously determined that in many instances, 14 feet is sufficient for Fire Department access. Also, manual-opening gates shall not be locked with a padlock or chain and padlock unless of a type approved by the Fire Code Official. Per the recommendation of the Fire Department, the attached ordinance deletes Section D104 relating to commercial developments, Section D105 relating to aerial fire apparatus access roads. Section D106 relating to multiple-family residential developments, and Section D107 relating to one- or two-family residential developments.

The Construction Board of Adjustment and Appeals has reviewed these changes and recommends adoption.

Agenda Number: O-1

Page: 4 of 5

SIGNIFICANT CHANGES FROM THE 2001 INTERNATIONAL FIRE CODE

Section 107.6. Overcrowding. When overcrowding or admittance beyond the approved capacity of a building occurs, the fire code official is authorized to stop the performance or activity until life safety violations are corrected.

Section 313. Fueled Equipment. Section 313.1 clearly states that vehicles powered by flammable liquids, Class II combustibles, or compressed flammable gases shall not be stored within the living space of Group R buildings and shall be separated from other uses in accordance with the International Building Code.

Section 403.1. Public Assemblages and Events. Specifically authorizes the fire code official to provide for fire watch personnel when it is necessary to protect public safety in a place of assembly or other place where people congregate.

Section 903.3.1.2.1. Balconies. Requires sprinkler protection for exterior balconies and ground floor patios of dwelling units in Type V. Construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located so that their deflectors are within 1 to 6 inches below the structural members, and a maximum distance of 14 inches below the deck of the exterior balconies constructed of open wood joist construction. This is an important change, but not one of major impact.

Section 903.2.7. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. Residential Group R includes the use of a building or structure, or portion thereof, for sleeping purposes when not classed as Institutional Group I.

Section 912.3.1. Locking fire department connection caps. The fire code official is authorized to require locking caps on fire department connections for water-based fire protection systems where the responding fire department carries appropriate key wrenches for removal.

Section 3406.5.4.5. Mobile refueling. Requirements for mobile refueling in commercial, industrial, or manufacturing areas.

Section 3406.6.2.1. Parking tank vehicles near residential, educational and institutional occupancies and other high-risk areas. The previous local amendment deleting hotel complexes is omitted.

Section 3811.2.1. Liquefied petroleum gas tank vehicles near residential, educational and institutional occupancies and other high-risk areas. The previous local amendment that reduced the required distance to 200 feet from hotels is omitted.

Agenda Number: O-1

Page: 5 of 5

RECOMMENDATION:

It is recommended that the City Council adopt an ordinance amending Tyler City Code Chapter 6, "Buildings and Structures", Article VIII., "Fire Prevention", to change the boundaries of the Fire District in downtown Tyler, and also to promote the public safety by adopting the 2003 International Fire Code with amendments.

**Drafted/Recommended By:
Department Leader**

Neal Franklin, Fire Chief

**Edited/Submitted By:
City Manager**

ORDINANCE NO. O-2006-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 6, "BUILDINGS AND STRUCTURES", ARTICLE VIII., "FIRE PREVENTION", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, CHANGING THE BOUNDARIES OF THE FIRE DISTRICT; AND ALSO RELATING TO ADOPTION OF THE 2003 INTERNATIONAL FIRE CODE WITH AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY 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, it is important to amend the current boundaries of the Fire District; and

WHEREAS, the 2001 International Fire Code with local amendments is currently in effect; and

WHEREAS, the Fire Department has reviewed the 2003 International Fire Code and recommends its adoption with some local amendments; and

WHEREAS, the 2003 International Fire Code with amendments as recommended by the Construction Board of Adjustment and Appeals should be adopted;

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

PART 1: That Tyler City Code Chapter 6, "Buildings and Structures", Article VIII., "Fire Prevention", is hereby amended by amending the Fire District boundaries in Section 6-120 to read as follows:

Sec. 6-120. Fire Districts-Established; adding territory.

1. There shall be in the City an area to be known as the Fire District, and described as follows:

Beginning at the intersection of the International Great Northern Railway Company's main line and the main line of the St. Louis Southwestern Railway Company; thence in an easterly direction with the main line of the St. Louis Southwestern Railway to the centerline of the Poplar-Beckham Bypass; thence southeast with the center line of the Poplar Beckham Bypass to a point 175 feet south of the center of East Erwin Street; thence in a westerly direction, parallel with and 175 feet from the center of East Erwin Street, to its intersection with the main line of the I.G.N. Railway Company; thence in a southerly direction with the main line of the I.G.N. Railway to center of Elm Street; thence west with center of Elm Street to center of South Fannin Avenue; thence south 203 feet; thence west parallel with south boundary line of East Elm Street 150 feet; thence south parallel with and 150 feet east of the east line of South Spring Avenue to the center line of East Front Street; thence west to center of Bonner Avenue; thence

north 197 feet to the south line of Lot 27; thence east 205 feet with south line of Lot 27; thence north 300 feet; thence east 24 feet; thence north to the center of Woldert Street; thence east with the center of Woldert Street to a point 66 feet west of the west line of Bois d'Arc Avenue; thence north 239 feet to the center of a 20 foot alley; thence west 16½ feet; thence north 225 feet to the center of Elm Street; thence west with center line of Elm Street to the center of an alley running north and south in Block 25; thence north with said alley to a point 226 feet south of the center line of West Erwin Street; thence west to a point in alley running north and south through New City Block 51, which is 220 feet south of center line of West Erwin Street; thence north to center of West Erwin Street; thence east to west boundary line of New City Block 26; thence north to Ferguson Street continuing north to alley running east and west in New City Block 27; thence east to center of City Block 27; thence north to center line of Locust Street; thence east to east boundary line of North Bois d'Arc Avenue; thence north to south boundary line of Union Pacific RR; then northeast along RR to centerline of Oakwood Street; thence to east boundary line of North Spring Avenue; then south 113 feet (113'); then east to centerline of I.G.N. Railway Main Line; then north with main line of I.G.N. Railway Company to the place of beginning. A map labeled "Fire District Change" showing the boundaries of the Fire District is hereby adopted and is made a part of this ordinance. A copy of the map is on file and is available for review in the City Clerk's Office and Fire Department.

2. The Fire District does not include any Residential or Restricted Professional and Office (RPO) districts. (Ord. No. O-96-5, 1-24-96) (Ord. No. O-99-51, 7/21/99) (Ord. No. 0-2006-33; 3/22/06)

PART 2: That Tyler City Code Chapter 6, "Buildings and Structures", Article VIII., "Fire Prevention", is hereby amended by amending Section 6-122 to read as follows:

Sec. 6-122. Fire Prevention Code-Adoption.

The International Fire Prevention Code, 2003 edition, with amendments as set out in Section 6-123, is hereby adopted. (Ord. No. O-96-5, 1-24-96) (Ord. No. O-2001-64, 12/5/2001) (Ord. No. 0-2006-33; 3/22/06)

PART 3: That Tyler City Code Chapter 6, "Buildings and Structures", Article VIII., "Fire Prevention", is hereby amended by deleting current Section 6-123 in its entirety and adopting a new Section 6-123 to read as follows:

Sec. 6-123. Fire Code-Amendments.

- a. Section 102.5 is deleted in its entirety.
- b. Section 102.6 is deleted in its entirety and a new Section 102.6 is adopted as follows:

102.6. General. Where provisions of this Code do not apply to specific situations involving the protection of life and property from the hazards of fire, smoke and explosion, compliance with the most current editions of nationally recognized standards or publications listed in Code, when not in conflict with the provisions of the International Building Code or City Code Chapter 6, shall be evidence of compliance with this Code.

- c. Section 103 is amended by deleting Sections 103.3, 103.4, and 103.4.1 in their entirety, and amending Section 103.2 to read as follows:

103.2. Appointment and liability. The Fire Chief or designee is hereby designated as the fire code official. Indemnification of City officials, City employees, and members of City appointed boards is governed by City Code Section 2-62.

d. Section 108 is deleted in its entirety and new Section 108 is adopted as follows:

108. Construction Board of Adjustment and Appeals

108.1. Appointment.

There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The Board shall be appointed by the applicable governing body.

108.2. Membership and Terms.

108.2.1. Membership. The Construction Board of Adjustment and Appeals should consist of seven members. Such board members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. At least one regular member shall have either a Master Electrician's license or be a licensed electrical engineer. In addition to the regular members, there should be two alternate members, one member at large from the building industry and one member at large from the public. A board member shall not act in a case in which the member has a personal or financial interest. Terms shall be as set forth in City Code Section 1-20

108.2.2. Quorum and Voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the fire code official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

108.2.3. Secretary of Board. The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

108.3. Powers.

The Construction Board of Adjustment and Appeals shall have the power, as further defined in 108.4, to hear appeals of decisions and interpretations of the fire code official and consider variances of the technical codes.

108.4. Appeals

108.4.1. Decision of the fire code official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the fire code official one of the following conditions are claimed to exist:

1. The fire code official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

108.4.2. Variances. The Construction Board of Adjustment and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and welfare.

108.4.2.1. Conditions of the Variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

108.4.3. Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the fire code official. Appeals shall be in a form acceptable to the fire code official.

108.4.4. Unsafe or Dangerous Buildings or Service Systems. In the case of a building, structure or service system which, in the opinion of the fire code official, is

unsafe, unsanitary or dangerous, the fire code official may, in the order, limit the time for such appeals to a shorter period.

108.5. Procedures of the Board.

108.5.1. Rules and Regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairperson. The board shall meet within 30 calendar days after notice of appeal has been received.

108.5.2. Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the fire code official or varies the application of any provision of this code, the fire code official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

e. Section 110 is amended by adding a new Section 110.5 to read as follows:

Section 110.5. Removal of debris or partially burned building after fire.

The owner or person in control of or in possession of any premises in the City upon which any material substances have been rendered useless or unmerchantable by reason of any fire on such premises, or any debris resulting from such fire, shall remove the same from such premises after written notice to do so has been served by the fire code official.

Whenever any building or other structure in the City is partially burned, the owner thereof, or the person in charge or control thereof, shall within ten (10) days after written notice from the fire code official to do so, remove all refuse, debris, charred and partially burned lumber and material from the ground. If said building or other structure shall be burned to such an extent that it is rendered incapable of being repaired as required by this Code or any other ordinance, the owner of the property upon which same is located or any person in charge or control thereof, shall within ten (10) days after notice from the fire code official to do so, remove all of the remaining portion of the building or structure from the ground.

The fire code official may extend the ten-day period for removal of such burned or partially burned building when the insurance adjustment, if any, is still pending, but not to exceed one hundred eighty (180) days.

f. Sections 307.1 through 307.4 are deleted in their entirety and are replaced with a new Section 307.1 to read as follows:

307.1. Outdoor burning. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained by upon any premises within the City limits.

Exceptions:

1. Owners of individual, residentially zoned lots two (2) acres or larger may burn trees, brush and other plant growth on said lots if for purposes of maintenance or land clearing only and not for purposes of residential or commercial development, and if no practical alternative to burning exists, and if materials to be burned are generated solely on such property. No other materials, including household garbage, leaves, grass, and commercial wastes, shall be burned.

2. If a violent weather condition destroys buildings, trees or other vegetation, and clean-up is of the essence, burning of storm debris in residentially zoned areas may be allowed if it can be shown that burning would substantially expedite the clean-up; and if no practical alternative exists.

3. Any burning carried out pursuant to subsections 1. or 2 above must conform to State law and to TCEQ or successor Rules.

4. Any burning carried out pursuant to subsection 1. or 2. above shall not be conducted on any Ozone Action Day designated by the TCEQ or successor, and such burning shall not be conducted on any day in which there is in effect an order issued by Smith County that prohibits outdoor burning in unincorporated areas of Smith County due to drought conditions.

g. Section 310 is amended by adding a new Section 310.9 to read as follows:

310.9. Smoking. In addition to this Section, smoking regulations are located in City Code Chapter 4, Article II.

h. Section 508.5.1 is hereby amended to read as follows:

508.5.1. Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Maximum spacing along fire apparatus roads shall be 500 feet in residential areas and 300 feet in commercial areas.

Exceptions:

For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 mm).

i. Section 2206 is amended by adding a new Section 2206.2.3.1 to read as follows:

2206.2.3.1. Flammable or combustible liquids in above ground tanks outside of buildings prohibited in Fire District. The storage of flammable or combustible liquids in above ground tanks outside of buildings is prohibited within the Fire District as defined in City Code Section 6-120.

j. Section 2211 is amended by adding a new Section 2211.9 to read as follows:

2211.9. Fuel tanks, storage and handling of flammable or combustible materials, and transfer of gasoline in garages. The fuel tanks of motor vehicles shall be filled directly through approved hose from approved pumps attached to approved portable tanks or drawing from approved storage tanks. Storage and handling of flammable or combustible liquids shall conform to Chapter 34 of this Code. No transfer of gasoline in any garage shall be made in any open container and if the fuel tank of a vehicle is drained for any purpose, it shall be drained outside of any building.

k. Chapter 45 is deleted in its entirety.

l. Appendices A, B and C are deleted in their entirety. Appendices E, F and G are hereby adopted. Appendix D is hereby adopted, and is amended as set forth herein.

m. Section D103.1 is hereby amended to read as follows:

D103.1. Access road with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). Delete Figure D103.1 in its entirety.

n. Section D103.4 and Table D103.4 are deleted in their entirety.

o. Section D103.5 is amended to read as follows:

D.103.5. Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm), unless otherwise approved by the fire code official.

2. Gates shall be the swinging or sliding type.

3. Construction of gates shall be of materials that allow manual operation by one person.

4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices are subject to approval by the fire code official.

6. Manual opening gates shall not be locked with a padlock or chain and padlock unless approved by the fire code official.

7. Locking device specifications shall be submitted for approval by the fire code official.

p. Sections D104, D105, D106 and D107 are deleted in their entirety.

(Ord. No. O-96-5, 1-24-96; Ord. No. O-96-47, 6-5-96) (Ord. No. 0-2001-64, 12/5/2001) (Ord. No. 0-2006-33; 3/22/06)

PART 4: 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 5: 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 March 24, 2006.

PASSED AND APPROVED this 22nd Day of March, A. D., 2006.

JOSEPH O. SEEBER, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY