



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: O-4

Date: December 13, 2006

Subject: Request that the City Council consider adopting an ordinance amending the Airport regulations in Tyler City Code Chapter 12 to add a specific reference to applicability of the International Building Code, and to add a specific reference to late fees for delinquent rentals associated with leases, permits and agreements.

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Item Reference: Tyler City Code Chapter 12; Article III., Sections 12-30 and 12-31

CONSTRUCTION AT AIRPORT; INTERNATIONAL BUILDING CODE

Tyler City Code Section 12-30.b. provides that all new construction or renovation by the lessee of any hangar, office space, store, restaurant, service establishment, warehouse, building or other facility shall be made in accordance with Airport plans and specifications, and all City ordinances at locations on the Airport property as approved by the Airport Manager. The City of Tyler has traditionally applied its Building Code regulations to construction at Tyler Pounds Regional Airport. It is now recommended that a specific reference to the International Building Code be added to Section 12-30.b. This change will clarify that the Building Code applies to the Airport. At the time of adoption of the 2006 International Building Code with amendments, an express provision will be added to that Ordinance to indicate that the Building Code applies to construction at the Airport. This change will reflect the City's current practice and will promote health and safety at the Airport.

LATE FEES FOR DELINQUENT RENTALS

Tyler City Code Section 12-31 establishes various fees for leases, permits and agreements for various commercial activities at Tyler Pounds Regional Airport. Late fees for delinquent rentals are routinely contained in agreements approved by the City Council and Airport Manager. Some late fees are normally calculated as an interest charge on the unpaid rental balance of one and one-half percent (1½%) per month, while other late fees have a daily rate of no more than twenty dollars (\$20.00) per day. Although late fees are normally approved as part of individual Airport contracts, there currently is not a general reference to late fees in the City Code.

Attached is a "clean-up" ordinance that amends Section 12-31 by adding a specific reference to late fees for delinquent rentals associated with Airport-related leases, permits and agreements.

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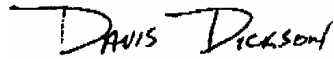
This amendment will reflect current City practices regarding late fees in Airport contracts, and is consistent with other City ordinances establishing and authorizing all fees.

On December 5, 2006, the Airport Advisory Board voted to recommend approval of the above amendments to Tyler City Code Chapter 12.

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending the Airport regulations in Tyler City Code Chapter 12 by adding a specific reference to the applicability of the Building Code, and by also adding a specific reference to late fees for delinquent rentals associated with leases, permits and agreements.

Drafted/Recommended By:
Department Leader

A handwritten signature in black ink that reads "DAVIS DICKSON". The signature is written in a cursive, slightly slanted style.

Edited/Submitted By:
City Manager

ORDINANCE NO. O-2006-103

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 ADDING A SPECIFIC REFERENCE TO APPLICABILITY OF THE INTERNATIONAL BUILDING CODE TO TYLER POUNDS REGIONAL AIRPORT, AND BY ALSO ADDING A SPECIFIC REFERENCE TO LATE FEES FOR DELINQUENT RENTALS ASSOCIATED WITH LEASES, PERMITS AND AGREEMENTS FOR COMMERCIAL ACTIVITIES AT TYLER POUNDS REGIONAL AIRPORT; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING 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, Texas Transportation Code Section 22.011(a) states that a local government may plan, establish, construct, improve, equip, maintain, operate, regulate, protect and police an airport or air navigation facility in or outside the territory of the local government, or the territory of the State; and

WHEREAS, Texas Transportation Code Section 22.014(a) states that a local government may adopt ordinances, resolutions, rules, and orders necessary to manage, govern and use an airport or air navigation facility under its control or an airport hazard area relating to the airport, and that such authority applies to an airport, air navigation facility, or airport hazard area in or outside the territory of the local government; and

WHEREAS, Texas Government Code Section 29.003(a)(1)(A) provides that a municipal court, including a municipal court of record, shall have exclusive original jurisdiction within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction, in all criminal cases the arise under the ordinances of the municipality; and

WHEREAS, Tyler City Code Section 12-30.b. requires that all new construction or renovation by a lessee at the Airport shall be made in accordance with Airport plans and specifications and all City ordinances; and

WHEREAS, it is important to add a specific reference to the applicability of the International Building Code to the Airport; and

WHEREAS, Tyler City Code Section 12-31 sets forth various Airport-related fees; and

WHEREAS, although certain Airport leases, permits and agreements approved by the City Council and Airport Manager provide for late fees associated with delinquent rentals, there is not a specific reference to late fees contained in the Airport rental rates in Tyler City Code Section 12-31; and

WHEREAS, on December 5, 2006, the Airport Advisory Board voted to recommend these amendments to the City Council;

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 12-30 to read as follows:

Sec. 12-30. City approval required.

a. No changes...

b. All new construction or renovation by the lessee of any hangar, office space, store, restaurant, service establishment, warehouse, building or other facility shall be made in accordance with Airport plans and specifications and all City ordinances, including the International Building Code as adopted in Section 6-1 and as amended in Section 6-2, and at locations on Airport property as approved by the Airport Manager. (Ord. No. 0-2006-103; 12/13/06).

c. No changes...

d. No changes...

e. No changes...

PART 2: 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.

Subsections a through h. No changes...

i. Late fees. A late fee may be assessed for delinquent rentals, as approved in individual leases, permits and agreements for commercial activities at the Airport. Such late fee shall be calculated as an interest charge on the unpaid balance of one and one-half percent (1½%) per month, or as a daily rate not to exceed *twenty dollars (\$20.00)* per day. (Ord. No. 0-97-60; 11/26/97) (Ord. No. 0-2003-22, 5/28/03) (Ord. No. 0-2006-103; 12/13/06)

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 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 become effective upon 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 December 20, 2006.

PASSED AND APPROVED this 13th day of December, A. D., 2006.

JOSEPH O. SEEBER, MAYOR
CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY