



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

**Agenda Number:** O-2

**Date:** January 24, 2007

**Subject:** Request that the City Council consider adoption of an ordinance amending Chapter 4, "Offenses and Miscellaneous Provisions", by adding new Article VII., "Code Enforcement" authorizing the Solid Waste Director or his designees to enforce certain local ordinances.

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**Item Reference:** Tyler City Code Chapter 4, "Offenses and Miscellaneous Provisions";

Tyler City Code Chapter 4 generally sets out provisions relating to offenses and the enforcement of the Tyler City Code violations. These ordinances are in place to maintain health, safety and order, to ensure property rights and values, and to maintain the aesthetic quality of life that exists in Tyler. The attached ordinance authorizes the Director of Solid Waste and his designees to enforce those Tyler ordinances that are currently enforced by the Development Services, Environmental, Neighborhood Services, Planning and Zoning, Engineering and Streets departments. This project is a special effort to resolve some pending code enforcement issues and will be evaluated and reviewed during the remainder of this fiscal year. This ordinance is a temporary one that will expire with the end of the fiscal year on September 30, 2007.

**RECOMMENDATION:**

It is recommended that the City Council adopt an ordinance amending Chapter 4, authorizing the Solid Waste Director or his designees to enforce local ordinances.

**Drafted/Recommended By:**  
**Department Leader**  
Dan Brotton, Director of Solid Waste

A handwritten signature in black ink that reads "Dan Brotton".

**Edited/Submitted By:**  
**City Manager**

**ORDINANCE NO. O-2007-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 4, "OFFENSES & MISCELLANEOUS PROVISIONS", BY ADDING NEW ARTICLE VII., "CODE ENFORCEMENT" AUTHORIZING THE SOLID WASTE DIRECTOR OR HIS DESIGNEES TO ENFORCE CERTAIN LOCAL ORDINANCES; 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**, the City Manager has assigned the Director of Solid Waste increased responsibility for enhanced code enforcement efforts involving the Development Services, Environmental, Neighborhood Services, Planning & Zoning, and Engineering & Streets departments; and

**WHEREAS**, in order to carry out these assigned responsibilities, the Director of Solid Waste and other employees as designated in writing by the Director, must be given the express authority to enforce the Tyler City Code, including the authority to issue citations for violations in appropriate circumstances until the end of this fiscal year on September 30, 2007; and

**WHEREAS**, this enhanced code enforcement project will be reviewed during the remainder of this fiscal year and changes can be made as necessary;

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

**PART 1:** That Chapter 4, "Offenses and Miscellaneous Provisions", is hereby amended by amending by adding new Article VII., "Code Enforcement" to read as follows:

**ARTICLE VII. Code Enforcement**

**Sec. 4-110. Code Enforcement.**

The Director of Solid Waste and other City employees as designated in writing by the Solid Waste Director are authorized to enforce Tyler ordinances currently being enforced by the Development Services, Environmental, Neighborhood Services, Planning & Zoning, and Engineering & Streets departments and to issue municipal court citations for violations of those ordinances. Whenever a violation of this Article occurs on City owned property outside the City limits but within the extraterritorial jurisdiction of the City, the Director of Solid Waste shall have discretion as to whether or not inspection and/or enforcement action shall be taken by their respective employees. This ordinance shall expire on midnight on September 30, 2007. (Ord. 0-2007-12, 1/24/07)

**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 become effective immediately upon adoption but shall expire and be of no further force at midnight on September 30, 2007.

**PASSED AND APPROVED** this 24<sup>th</sup> day of January, 2007.

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

ATTEST:

APPROVED:

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CASSANDRA BRAGER, CITY CLERK

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GARY C. LANDERS, CITY ATTORNEY