



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

Agenda Number: O-1

Date: September 12, 2007

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

Page: 1 of 1

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

On January 24, 2007, the City Council adopted an ordinance which provided the Solid Waste Director or his designees the authority to enforce certain local ordinances. The adoption of this ordinance was a part of a pilot program to enhance Code Enforcement services. Although much advancement has been made in code enforcement response and services throughout the City, the City is still in transition and additional time is needed to adequately complete this transition. The attached ordinance authorizes the Director of Solid Waste and his designees to continue to enforce those Tyler ordinances that are currently enforced by the Development Services, Environmental, Neighborhood Services, Planning and Zoning, Engineering and Streets departments through September 30, 2008. The authority which was granted by ordinance on January 24, 2007 is set to expire on September 30, 2007.

It is anticipated that the transition will be completed by September 30, 2008 at which time staff can make a final recommendation to the City Council regarding the Code Enforcement process.

RECOMMENDATION:

It is recommended that the City Council adopt an ordinance amending Chapter 4, extending the authorization of the Solid Waste Director or his designees to enforce local ordinances through September 30, 2008.

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

A handwritten signature in black ink, appearing to read "Dan Brotton", is located to the right of the typed name.

Edited/Submitted By:
City Manager

ORDINANCE NO. O-2007-103

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, 2008; 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, 2008. (0-2007-12, 1/24/07) (0-2007-103, 9/12/07)

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, 2008

PASSED AND APPROVED this 12th day of September, 2007.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

GARY C. LANDERS, CITY ATTORNEY