

ORDINANCE NO. O-2022-87

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 6, "BUILDINGS AND STRUCTURES", CHAPTER 8 "PARKS", CHAPTER 16 "SOLID WASTE DISPOSAL REGULATIONS"; AND CHAPTER 19 "UTILITIES", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY AMENDING AND UPDATING VARIOUS FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, various fees for services are established in the City Code; and

WHEREAS, it is important for the City Council to update and revise various fees in the City Code;

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 Section 6-127 to read as follows:

Sec. 6-127. Permits; Miscellaneous fees.

All permits issued by the Fire Department shall be valid for a period of six (6) months from the date of issuance, except as otherwise provided in this Article.

The following fees shall be charged by the Fire Department:	If work started before permit issued, double fee:	
a. Permit to install or modify fire sprinkler system	\$125.00 for first 25 heads. \$1.00 for each additional head	\$250.00 for first 25 heads. \$2.00 for each additional head.
b. NFPA automatic fire extinguishing system	\$125.00 per system	\$250.00 per system
c. Nursing home inspection	\$150.00	N/A
d. Day care center inspection	\$100.00	N/A
e. Hospital inspection	\$250.00 per building address	N/A
f. Reinspection (new construction)	\$75.00	N/A
g. Reinspection (second and subsequent reinspections required to correct a Code violation)	\$75.00	N/A
h. Fireworks display	\$125.00 for each day, display	\$250.00 for each day
i. Group home inspection	\$100.00	N/A
j. Annual permit for mobile fuel dispensing	\$100.00	\$200.00

k. Permit for mall covered buildings (liquid- and gas-fired equipment; open flame and flame-producing equipment)	\$100.00	\$200.00
l. Permit for exhibit/trade shows	\$75.00	\$150.00
m. Permit to install or modify Underground fire sprinkler mains	\$125.00 per riser	\$250.00 per riser
n. Fire Alarm	\$125.00 per building (First 10 devices) \$1.00 per device thereafter	\$250.00 per building (First 10 devices) \$2.00 per device thereafter
o. Remove or Install Flammable/Combustible/ Chemical Storage Tanks	\$125.00 per tank	\$250.00 per tank
p. Visual Inspection (Fire Alarms/Underground Fire Mains/Overhead Sprinkler	\$75.00	N/A
q. Other Medical (Required State Inspections)	\$150.00	N/A
r. Foster Home/Adoption	No Charge	N/A
s. Home Fire Safety Inspection	No Charge	N/A
t. All Certificate of Occupancy Inspections, including reinspections	\$75.00	\$150.00
u. Apartment Buildings <= 4 stories	\$10.00 per building; minimum \$75.00, maximum \$225.00	N/A
v. Apartment Highrise > 4 stories	\$10.00 per floor; minimum \$75.00, maximum \$225.00	N/A
w. Hotels	\$100.00	N/A
x. Small Restaurants (i.e.: Coffee Shops, Donut Shops, Ice Cream Parlor)	\$75.00	N/A
y. Restaurants and Cafeterias	\$100.00	N/A
z. Bars and Nightclubs	\$125.00	N/A
aa. Outdoor Burning Permit	\$1000.00 for seven (7) days. Additional \$150.00/day after the seventh day	N/A
Expedited Plans Review (as staffing permits)	\$150.00 in addition to regular permit fee	N/A
bb. Permit to install or modify Access Control	\$75.00 per system	\$150.00
cc. Permit to install or modify Fire Pump	\$100.00 per fire pump	\$200.00 per fire pump
dd. Final Acceptance Test for permitted projects	\$75.00	\$150.00
ee. Permit for scheduled Fire Watch / FMO Standby	\$200.00 up to and including 4 hours. \$25.00 each additional half hour	N/A

ff. Citizen Complaints, FMO Warning/Citations, System Deficiency (Red/Yellow Tag) Follow-Up	<i>No Charge</i>	N/A
gg. Food Trucks	\$50.00	N/A
hh. Grocery Stores	\$75.00	N/A
ii. Gas Stations / Convenience Stores	\$75.00	N/A
jj. Group F-1 > 12,000 sf (Factory Use, Manufacturing)	\$100.00	N/A
kk. Group M > 12,000 sf (Large Retail, Department Stores)	\$100.00	N/A
ll. Group S-1 > 12,000 sf (Storage use)	\$100.00	N/A
After Hours Inspections (as staffing permits, excluding holidays. Normal business hours are 8:00am to 5:00pm Monday - Friday)	<i>\$200.00 up to and including 4 hours. \$25.00 each additional half hour. This is in addition to the applicable permit/inspection fee.</i>	N/A

(Ord. 0-97-29, 6/18/97) (Ord. 0-99-59, 8/18/99) (Ord. 0-2002-38, 9/11/02) (0-2006-79; 9-13-2006) (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2021-111; 12/08/21) (Ord. No. 0-2022-87; 09/14/22)

PART 2: That Tyler City Code Chapter 6, “Buildings and Structures”, Article VIII, “Fire Prevention”, is hereby amended by amending Section 6-128 to read as follows:

Sec. 6-128. Automatic and manual fire alarms fees.

- a. through f. No Changes.
- g. Any occupancy that has at least six (6) chargeable false alarms in a calendar year shall be subject to a fine of *one hundred fifty dollars (\$150.00)* for each alarm in excess of five (5).
- h. The Fire Department will notify any occupancy that has accrued five (5) chargeable false alarms during the calendar year advising them that they will be subject to a fine of *one hundred fifty dollars (\$150.00)* upon the sixth chargeable false alarm. (ORD 0-97-29, 6/18/97) (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2022-87; 09/14/22)

PART 3: That Tyler City Code Chapter 8, “Parks”, Article V, “Fees”, is hereby amended by amending Section 8-71, Cemetery Lot fees, Section 8-79 and Rose Hill Cemetery Mausoleum Building Crypt Spaces, Sec. 8-83, and adding a new Sec. 8-84 related to Group/Community Cremation Entombment at Rose Hill Cemetery/Mausoleum, to read as follows:

Sec. 8-71. Cemetery lot fees.

a. through b. No Changes.

c. Burial Fee for cemetery services. A fee shall be charged to the using funeral home for researching, selling, locating, marking off or setting up for burial services. This fee is based on date of purchase of the cemetery lots:

Date Purchased:

Before 10/1/2010 - \$0.00

Between 10/1/2010 to 9/30/2016 - \$250.00

Between 10/1/2016 to 9/30/2019 - \$500.00

On or After 10/1/2019 - \$1,000.00

(Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2022-87; 09/14/22)

d. Cremations on existing burial plots. Up to two (2) cremations may be allowed on existing burial plots by Parks Director or designee for a fee of \$500.00 per cremation. (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2022-87; 09/14/22)

Sec. 8-79 Rose Hill Cemetery Mausoleum Building Crypt Spaces.

a. No changes

b. Mausoleum Entombment Open/Close Fee of two hundred fifty dollars (\$250.00) shall be charged to the using funeral home for opening and closing all crypts purchased between October 1, 2016 and September 30, 2022. The fee is \$500.00 for those purchased on or after October 1, 2022. (Ord. 0-2000-19, 3/22/00) (Ord. No. 0-2004-77, 9/22/04) (Ord. No. 0-2016-78; 9/14/16) (Ord. No. 0-2022-87; 09/14/22)

Sec. 8-83 City-Owned, Free-Standing Columbaria Fees and Regulations at Rose Hill Cemetery.

a. Prices and regulations for the purchase of burial rights in the City-owned, free-standing columbaria niches at Rose Hill Cemetery are set by Tyler City Council. Costs to purchase cremation niches shall be paid in full at the time of purchase.

Current cremation niche prices and regulations are:

1. Cremation niches shall sell for \$2,000 per niche, to be paid in full at time of purchase.
2. Cremation niches shall contain cremains of only one individual per niche.
3. Each entombment shall be subject to an entombment fee of \$250 if purchased before October 1, 2022. The fee is \$500 if purchased on or after October 1, 2022. Entombment fees must be paid in full before interment of cremains..
4. Individuals purchasing niche(s) are responsible for niche engraving costs. Niche engraving is subject to City approval prior to engraving. Purchasers will receive a form describing the exact

dimensions of area. The purchaser will submit plans by use of the form to an engraver, like a local monument company, who will then provide rendered design proof to Cemetery Staff for approval. Engraving may be performed as a pre-need, with date of death added later or submitted by the family of the deceased.

b. No changes (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2022-87; 09/14/22)

Sec. 8-84 Group/Community Cremation Entombment at Rose Hill Cemetery/Mausoleum.

Cremation urns may be entombed in a designated area at Rose Hill Cemetery/Mausoleum for \$750 per cremation. Names will be added to a plaque located at Rose Hill Cemetery/Mausoleum. (Ord. No. 0-2022-87; 09/14/22)

PART 3: That Tyler City Code Chapter 16, "Solid Waste Disposal Regulations", Article I, "Solid Waste Disposal Regulations", is hereby amended by amending Section 16-13 to read as follows:

Sec. 16-13. Fees

All fees listed in this section are subject to street use fees and sales tax. The following are the fees for collection of solid waste:

a.

Automated Service for Residential	Container Size	Number of Containers	Trips Per Week	Monthly Charge
1. Units	96 gallon wheeled cart included (For household waste only—not for brush or yard waste)	1	2	\$20.81+ tax (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2022-87; 09/14/22)
2. More than three (3) residential units at one location may be considered commercial.				
3. Additional carts are \$10.37 per month - (Optional) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2022-87; 09/14/22)				
4. Subscription Curbside Recycling -\$5.96 per month for collection every two weeks – (Optional)				
5. Additional Curbside Recycling Carts - \$2.04 per month for collection every two weeks. (Optional)				
6. Packout Service (not applicable to brush collection or leaf bag collection)				
Packout Service (up to 150 feet) - \$15.07 per month (Ord. No. 0-2020-85; 9/9/20)				
Packout Driveout Service (over 150 feet) - \$22.38 per month (0-2006-14, 1/25/06; Ord. No. 0-2006-51, 5/24/06) (Ord. 0-2007-111, 9/26/07) (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2022-87; 09/14/22)				
7. For Solid Waste customers who do not receive Automated Service for Residential (i.e., do not have carts) -\$5.20 per month. This surcharge shall not apply to Packout or Driveout customers. (Ord. No. 0-2008-92; 6/23/08) (Ord. No. 0-2020-85; 9/9/20)				
8. Duplex = 2 units, requires 2 carts (2 x #1 above) \$41.62 (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-91; 9/22/21) (Ord. No. 0-2022-87; 09/14/22)				

(Ord. 0-2011-74, 9/14/11) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-91; 9/22/21) (Ord. No. 0-2022-87; 09/14/22)

b. Commercial, Residential, Public, Education and Religious Institutions: The Director may adjust such rates upward or downward as necessary based on market conditions. Landfill fees, gate rates, and other costs resulting from local, state or federal solid waste regulations charged to the City shall be passed through and added to the following rate schedules on the effective date of such regulations. Effective January 1, each year, the maximum rate will be adjusted by the Consumer Price Index for all Urban Consumers (CPI-U) for all goods and all services. CPI adjustments will be based upon the National average at the close of each December of each year and the affective rate will be established at October 1st of each year. (Ord. No. 0-2018-69; 9/12/18)

1. Front load containers: (Ord. 0-2004-96, 12/8/04) (Ord. No. 0-2006-51, 5/24/06)

Number of Pickups per week	Container Size				
	2 Yd.	3 Yd.	4 Yd.	6 Yd.	8 Yd.
1	\$58.86	\$68.87	\$87.08	\$107.40	\$137.60
2	\$95.08	\$117.95	\$148.83	\$185.34	\$247.14
3	\$134.79	\$154.80	\$202.20	\$278.03	\$336.99
4		\$206.41	\$269.58	\$370.69	\$449.31
5		\$258.01	\$336.99	\$463.38	\$561.67
6		\$284.35	\$370.69	\$557.33	\$674.00

(Ord. 0-2007-111; 9/26/07, Ord. 0-2015-54; 6/10/15) (Ord. No. 0-2022-87; 09/14/22)

2. Roll-Off containers: (Ord. 0-2004-96, 12/8/04)

Type and Size of Container	Effective October 1, 2022		
Open top	Daily Rental	Monthly Rental	Service Fee
12 yard	\$10.00	\$75.00	\$260.00
20 yard	\$10.00	\$80.00	\$330.00
30 yard	\$10.00	\$90.00	\$425.00
40 yard	\$10.00	\$96.00	\$521.00
45 yard	\$10.00	\$96.00	\$570.00
Compactor			
30 yard	Varies depending on cost	\$434.00	
35 yard		\$483.00	
40 yard		\$531.00	
42 yard		\$558.00	

(Ord. 0-2015-54, 6/10/15) (Ord. No. 0-2022-87; 09/14/22)

3. Commercial Hand Pickup:

- (a) Thirty-two (32) gallon garbage cans and/or bags picked up two (2) times each week.
- (b) 96-gallon wheeled carts included in base rate and picked up two (2) times each week:

Commercial Hand Pickup Automated Service Number of Carts	Base Cost
1	\$23.42 + tax
2	\$46.85+ tax
3	\$70.28 + tax
4	\$93.70 + tax
Packout Service (up to 150 feet):	\$15.07 per month
Packout Driveout Service (over 150 feet) -	\$22.38 per month
(0-2006-14, 1/25/06) (Ord. 0-2007-111, 9/26/07) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord No. 0-2011-74, 9/14/2011) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2022-87; 09/14/22)	

4. Late Fees. 1 ½% per month on balance over 30 days past-due.

c. Residential Brush Pickup:

	<i>Effective October 1, 2022</i>
Size of Load	Cost
Minimum	\$20.00
(Ord. No. 0-2022-87; 09/14/22)	

d. through e. No Changes

(Ord. 0-2011-74, 9/14-11) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-91; 9/22/21) (Ord. No. 0-2022-87; 09/14/22)

PART 4: That Tyler City Code Chapter 19, "Utilities", Article III., "Water & Sewer Service", Division C., "Rates", is hereby amended by amending Sections 19-60, 19-64, 19-66, 19-67, and 19-69 to read as follows:

Sec. 19-60. Water service rates.

- a. There is hereby established a minimum monthly water use charge based upon the size of the water meter installed as follows:

<i>MIMIMUM MONTHLY RATES-Effective 10-1- 2022 for all classes except Industrial</i>
<i>Monthly Minimum</i>

<i>Meter Size (in.)</i>	<i>Inside City</i>	<i>Outside City</i>
5/8	15.80	23.70
1	15.80	23.70
1 1/2	15.80	23.70
2	18.50	27.75
3	21.40	32.10
4	32.50	48.75
6	48.00	72.00
8	64.60	96.90
10	91.30	136.95
12	117.90	176.85

(Ord 0-2003-42, 9-10-2003) (0-2005-77, 9-28-05) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (0-2008-155, 12/10/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2015-91; 9/22/15) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2022-87; 09/14/22)

b. Subject to the minimum monthly charges as provided in subsection a. above, the following rates per month shall be charged for water furnished:

CHARGE (per 1,000 gallons):

<i>Volume</i>
<i>Volume Charge – Inside City (per 1k gal)</i>

<i>Volume</i>	<i>October 1, 2022, For all classes except Industrial</i>
<i>First 2k</i>	<i>3.00</i>
<i>Next 23k</i>	<i>3.34</i>
<i>Next 975k</i>	<i>2.45</i>
<i>Next 4mil</i>	<i>2.14</i>
<i>Over 5mil</i>	<i>2.08</i>

Volume

Volume Charge – Outside City (per 1k gal)

Volume	<i>October 1, 2022 For all classes except Industrial</i>
First 2k	4.50
Next 23k	5.01
Next 975k	3.68
Next 4mil	3.21
Over 5mil	3.12

(Ord 0-2003-42, 9-10-2003) (0-2005-77, 9-28-05) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (0-2008-155, 12/10/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2015-91; 9/22/15) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-37; 4/28/21) (Ord. No. 0-2022-87; 09/14/22)

Industrial Water Rates

Meter Size(in.)	Monthly Minimum		Rate per 1,000 gallons		
	Inside City	Outside City	Gallons	Inside City	Outside City
5/8	15.80	23.70	0-2,000	2.55	3.83
1	15.80	23.70	2 k - 25 k	3.40	5.10
1 1/2	15.80	23.70	25k - 1m	2.36	3.54
2	18.50	27.75	1m - 5m	2.05	3.08
3	21.40	32.10	over 5m	1.99	2.99
4	32.50	48.75			
6	48.00	72.00			
8	64.60	96.90			
10	91.30	136.95			
12	117.90	176.85			

(Ord. No. 0-2022-87; 09/14/22)

c. through h. No changes...

(Ord. No. 0-96-54, 6-26-96) (Ord. No. 0-98-74, 9/2/98) (Ord. No. 0-99- 70, 10-1-99 (Ord 0-2003-42, 9-10-2003) (Ord. No. 0-2022-87; 09/14/22)

Sec. 19-64. Sewer service rates.

a. The following rates per month shall be charged for sanitary sewer service furnished to the users or customers receiving City sanitary sewer services. In calculating the monthly service charge, the rates shall be applied to the volume of water used as measured by the consumer's water meter, except that water usage subject to charges for sanitary sewer service to single-family residences, duplexes, apartment houses, townhouses, condominiums, and mobile home parks shall not exceed ten thousand (10,000) gallons per single-family residential unit monthly. Rates to commercial, governmental and institutional customers will be based on monthly water use subject to customer proof of lower sewage discharged. If the customer is not supplied water by City, the volume of water used shall be determined by metering or measuring devices acceptable to the Division.

Minimum Sewer Rates for All Non-Industrial Classes- Effective 10-1- 2022		
Monthly Minimum		
Meter	Inside	Outside
Size (in.)	City	City
5/8	19.10	28.65
1	19.10	28.65
1 1/2	19.10	28.65
2	22.90	34.35
3	26.60	39.90
4	41.90	62.85
6	64.60	96.90
8	87.50	131.25
10	125.50	188.25
12	161.00	241.50

(Ord. 0-2003-42, 9-10-2003) (0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2015-91; 9/22/15) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2022-87; 09/14/22)

b. Subject to the minimum monthly charges as provided in subsection a. above, the following rates per month shall be charged for sewer service based on water consumption below:

VOLUME**Volume Charge – Inside City (per 1k gal)**

Volume	October 1, 2022
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First 2k	2.89
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Next 23k	2.88
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Next 975k	2.79
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Next 4mil	2.22
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Over 5mil	1.85
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VOLUME**Volume Charge – Outside City (per 1k gal)**

Volume	October 1, 2022
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First 2k	4.34
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Next 23k	4.32
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Next 975k	4.19
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Next 4mil	3.33
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Over 5mil	2.78
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In calculating the monthly rates and charges hereunder for apartment houses, townhouses, condominiums, mobile home parks under single ownership and other buildings designed for or occupied by three (3) or more families, every separate living unit therein shall be considered a separate user or customer receiving services rendered by the City's sanitary sewer system. (Ord. 0-2003-42, 9-10-2003) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-37; 4/28/21) (Ord. No. 0-2022-87; 09/14/22)

c. through d. No Changes

(Ord. No. O-96-54, 6-26-96) (Ord No. O-98-74, 9-2-98) (Ord. No. O-99- 70, 10-1-99) (Ord. No. 2009-7, 2/11/09) (Ord. No. O-2013-90; 9/25/13) (Ord. No. O-2017-77; 9/13/17) (Ord. No. O-2022-87; 09/14/22)

Sec. 19-66. Sewer utility industrial rates.

a. Calculation based on water used. The City sewer utility industrial rate is calculated by adding the minimum bill which is based on the size of water meter, plus the volume of water used, plus a surcharge calculated for any extra strength waste discharged into the system.

TABLE (A1)

MINIMUM MONLTHLY INDUSTRIAL RATES -Effective 10-1-2022		
Monthly Minimum		
Meter Size (in.)	Inside City	Outside City
5/8	84.00	126.00
1	84.00	126.00
1 1/2	84.00	126.00
2	84.00	126.00
3	84.00	126.00
4	84.00	126.00
6	84.00	126.00
8	89.00	133.50
10	128.00	192.00
12	161.00	241.50

(Ord. 0-2003-42, 9-10-2003) (0-2005-77,9-28-2005) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. O-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. O-2013-90; 9/25/13) (Ord. No. O-2014-86; 9/24/14) (Ord. No. O-2015-91; 9/22/15) (Ord. No. O-2016-78; 9/14/2016) (Ord. No. O-2017-77; 9/13/17) (Ord. No. O-2018-69; 9/12/18) (Ord. No. O-2019-80; 9/25/19) (Ord. No. O-2020-85; 9/9/20) (Ord. No. O-2022-87; 09/14/22)

TABLE (A2)

VOLUME CHARGE FOR WATER USED¹ (per 1,000 gallons):

Volume Charge – Inside City (per 1k gal)

Volume	October 1, 2022
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First 2k	2.46
Next 998k	2.19
Next 4mil	1.91
Over 5mil	1.76

Volume Charge – Outside City (per 1k gal)

Volume	October 1, 2022
First 2k	3.69
Next 998k	3.29
Next 4mil	2.87
Over 5mil	2.64

SURCHARGE FOR EXTRA STRENGTH DISCHARGE

Based on water used at \$ per mg/l per 1,000 gallons

	October 1, 2022
BOD5	0.002660663
COD	0.001286306
TSS	0.001491758

(Ord. 0-2003-42, 9-10-2003) (Ord. 0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-37; 4/28/21) (Ord. No. 0-2022-87; 09/14/22)

b. No changes

TABLE A3

VOLUME CHARGE FOR SEWAGE DISCHARGED² (PER 1,000 GALLONS)

October 1, 2022

<i>Gallons</i>	<i>Inside City</i>	<i>Outside City</i>
<i>First 2,000</i>	<i>2.46</i>	<i>3.69</i>
<i>Next 998,000</i>	<i>2.19</i>	<i>3.29</i>
<i>Next 4,000,000</i>	<i>1.91</i>	<i>2.87</i>
<i>Over 5,000,000</i>	<i>1.76</i>	<i>2.64</i>

SURCHARGE FOR EXTRA STRENGTH DISCHARGE

Based on sewage discharged \$ per mg/1 per 1,000 gallons

October 1, 2022

<i>BOD5</i>	<i>0.003927484</i>
<i>COD</i>	<i>0.001838857</i>
<i>TSS</i>	<i>0.002132359</i>

(Ord 0-2003-42, 9-10-2003) (Ord. 0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-37; 4/28/21) (Ord. No. 0-2022-87; 09/14/22)

c. through f. No Changes

(Ord. No. O-96-54, 6-26-96) (Ord. No. 0-98-74, 9/2/98) (Ord. No. 0-99- 70, 10-1-99)

(Ord. No. 0-2022-87; 09/14/22)

Sec. 19-67. Storm Water/Drainage Surcharge.

a. Establishment of storm water/drainage surcharge.

1. Upon each developed lot or parcel with structural improvement that is located within the City limits there is imposed a monthly storm water/drainage surcharge of seven percent (7%) of the combined monthly charge(s) for water, sewer and/or irrigation services charged to residential and commercial property pursuant to Chapter 19, Article III., Division C. Revenues from this surcharge shall be used for the purpose of the creation, operation, planning, engineering, inspection, construction, repair, maintenance, improvement reconstruction, administration, and

other reasonable and customary charges associated with the storm water and management and drainage services throughout the City.

2. The total amount of the monthly seven percent (7%) surcharge imposed upon residential property pursuant to this Section shall be subject to a maximum charge of \$25.00 per month (\$300.00 per year). The total amount of the monthly seven percent (7%) surcharge imposed upon commercial property pursuant to this Section shall be subject to a maximum charge of \$208.33 per month (\$2,500 per year).

3. Failure to pay any storm water/drainage surcharge when due hereunder is unlawful, and shall subject the violator to the penalties set forth in Section 1-4. (Ord. 0-2005-13, 1/26/05) (Ord. No. 2009-7, 2/11/09) (Ord. No. 0-2022-87; 09/14/22)

b. through g. No changes.

(Ord. No. 0-2015-13; 1/20/05) (Ord. No. 0-2017-71; 2/11/07) (Ord. No. 0-2022-87; 09/14/22)

Sec. 19-69 Regulatory Compliance Fee.

Upon each active water and sewer account there is imposed a monthly Regulatory Compliance Fee surcharge. Revenues from this surcharge shall be used to assist in paying debt service resulting from the issuance of new debt to fulfill regulatory compliance from unfunded mandates. This surcharge shall be based on the pro-rated cost of said debt applicable to each account. The initial fee and any adjustments to the fee shall be approved by City Council.

Effective Date	Inside City	Outside City
October 1, 2022	\$13.42	\$13.42

(Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2021-91; 9/22/21) (Ord. No. 0-2022-87; 09/14/22)

PART 5: That Tyler City Code Chapter 19, "Utilities", Article V., "Liquid Waste and Grease", Division 1., "Liquid Waste Transportation and Disposal", is hereby amended by amending Section 19-102 to read as follows:

Sec. 19-102. Application procedure for permit; fees; duration of permit; permit non-transferable.

a. through g. No Changes

h. The fee for disposal of septage at a City disposal facility is *Fifty Dollars (\$50.00)* per one thousand (1,000) gallons. (Ord. No. 0-2021-91; 9/22/21) (Ord. No. 0-2022-87; 09/14/22)

i. through j. No Changes

(Ord. No. 0-96-79, 9-4-96) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2021-91; 9/22/21) (Ord. No. 0-2022-87; 09/14/22)

PART 6: That Tyler City Code Chapter 19, "Utilities", Article VIII., "Retail Supplier Drought Contingency Plan", is hereby amended by amending Section 19-257 to read as follows:

Sec. 19-257. Triggering Criteria for Initiation and Termination of Drought Response Stages

- a. No changes
- b. The triggering criteria described below are based on a statistical analysis of the vulnerability of the water source under drought of record conditions.
 1. Stage 1 - Mild Water Shortage Conditions
 - (a) Requirements for initiation - Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section [19-256](#) – Definitions, when total daily water demand equals or exceeds 62 million gallons for 7 consecutive days or 67 million gallons on a single day.
 - (b) Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 14 consecutive days.
 2. Stage 2 - Moderate Water Shortage Conditions
 - (a) Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section [19-256](#) of this Plan when total daily water demand equals or exceeds 63 million gallons for 7 consecutive days or 68 million gallons on a single day.
 - (b) Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.
 3. Stage 3 - Severe Water Shortage Conditions
 - (a) Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when total daily water demand equals or exceeds 65 million gallons for 5 consecutive days or 70 million gallons on a single day.
 - (b) Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.
 4. Stage 4 - Critical Water Shortage Conditions
 - (a) Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when total daily water demand equals or exceeds 70 million gallons for 3 consecutive days.
 - (b) Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.
 5. Stage 5 - Emergency Water Shortage Conditions
 - (a) Requirements for initiation - Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Manager, or his/her designee, determines that a water supply emergency exists based on:
 - (1) Major water line breaks, or pump or system failures occur which cause unprecedented loss of capability to provide water service; or
 - (2) Natural or man-made contamination of the water supply source(s).

(b) Requirements for termination – Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 24 consecutive hours (1 day).

6. Drought Contingency Surcharge – A surcharge of *One Dollar (\$1.00)* per thousand gallons shall be implemented during any stage under the following conditions: Should any of the reservoir lake levels (Lake Palestine or Lake Tyler) fall below Five feet below spillway. This surcharge shall remain in effect until all lake levels have recovered to above Three and one-half feet below spillway. (Ord. 0-99-62, 8/18/99)(Ord. No. O-2000-53, 8-16-2000) (Ord. No. O-2004-71, 9/8/04) (Ord. No. O-2022-87; 09/14/22)

PART 7: 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 8: 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 of this Ordinance shall be October 1, 2022.

PASSED AND APPROVED this 4th day of September, A. D., 2022.



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



DEBORAH G. PULLUM, CITY ATTORNEY