

**ORDINANCE NO. O-2016-78**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 8, "PARKS", RELATING TO CEMETERY PLOTS, CHAPTER 16 "SOLID WASTE DISPOSAL REGULATIONS", AND CHAPTER 19 "UTILITIES", RELATING TO WATER AND SEWER RATE INCREASES, OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; 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 8, "Parks", Article IV, "Cemeteries", is hereby amended by amending Sections 8-62 and 8-63 to read as follows, with no changes to the drawings or diagrams:

**Sec. 8-62. Interment & Establishment of Monuments.**

The following rules and regulations apply to all City cemeteries and govern the care and use of lots as a mutual benefit to all lot owners. The requirements of this section shall not apply to the Rose Hill Mausoleum building. (Ord. 0-2000-15, 3/15/00)

- a. In General.
  - 1. No interment or monument will be allowed on any lot until the burial right for the lot is paid for in full.
  - 2. The cemetery will be open at 6:30 a.m. and close at sundown.
  - 3. All graves shall be dug by the City of Tyler or designee. (Ord. No. 0-2016-78; 9/14/16)
  - 4. through 12. No changes...
  - 13. All ground burials in City cemeteries shall include a concrete, steel, or other approved material vault. Cremated remains shall not require a vault. (Ord. 0-99-53, 7/21/99) (Ord. No. 0-2016-78; 9/14/16)
- b. No changes...
- c. No changes...
- d. Flowers and Plants. These rules relate to the placement of flowers and plants on lots and/or stones at all City cemeteries.
  - 1. through 3. No changes...
  - 4. No flowers, wreaths, or plants will be allowed to be placed on the ground during mowing season; if such material is so placed, it will be removed and disposed of at the time it is observed without notification to the burial right owner(s). (Ord. No. 0-2016-78; 9/14/16)
- e. Monuments.
  - 1. Monument Permit Required: No person may place a monument in any City cemetery without first obtaining a monument permit from the Director or designee. To obtain a monument permit, the applicant shall file a completed application establishing compliance with these rules with

the Director or designee along with a \$75.00 fee. No monument may be set on weekends or holidays. (Ord. No. 0-2010-99, 9/22/10) (Ord. No. 0-2016-78; 9/14/16)

2. through 11. No changes...

12. All foot markers in Sections K through Q. shall be placed at or below ground level. (Ord. No. 0-2016-78; 9/14/16)

13. through 17. No changes...

f. Cremain Lots.

1. through 2. No changes...

3. All cremain monuments shall face East in Section L. (Ord. No. 0-2016-78; 9/14/16)

Example:

g. Private Mausoleums.

1. through 2. No changes...

3. No entombment may be made in a mausoleum until the entombment rights have been paid in full.

(a) An entombment permit for opening and closing of the crypt shall be made for each entombment. A fee of two hundred and fifty dollars (\$250) shall be charged for the permit. (Interment/Open/Close Fee does not apply). (Ord. No. 0-2016-78; 9/14/16)

(b) through (d). No changes...

(Ord. No. 0-96-53, 6-26-96)

#### **Sec. 8-63. Hours for burials established.**

All burials shall be scheduled to enter the cemetery after 8:00 a.m. and prior to 4:30 p.m. (Ord. No. 0-96-53, 6-26-96) (Ord. No. 0-2016-78; 9/14/16)

**PART 2:** That Tyler City Code Chapter 8, "Parks", Article V, "Fees", is hereby amended by amending Sections 8-71 and 8-79 to read as follows:

#### **Sec. 8-71. Cemetery lot fees.**

a. Rose Hill Cemetery lots:

Two thousand five hundred dollars (\$2,500.00) for single grave spaces;

Five thousand dollars (\$5,000.00) for double grave spaces; and

Five hundred dollars (\$500.00) for cremain lots.

(Ord. No. 0-2015-91; 9/22/15) (Ord. No. 0-2016-78; 9/14/16)

b. through c. No changes...

d. Open/Close Administrative Fee for burial sites. An administrative fee of two hundred and fifty dollars (\$250.00) shall be charged to the using funeral home for opening and closing of the gravesite. (Ord. No. 0-96-53, 6-26-96) (Ord. No. 0-2010-99, 9/22/10) (Ord. No. 0-2016-78; 9/14/16)

#### **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 after October 1, 2016. (Ord. 0-2000-19, 3/22/00) (Ord. No. 0-2004-77, 9/22/04) (Ord. No. 0-2016-78; 9/14/16)

**PART 3:** That Tyler City Code Chapter 16, "Solid Waste Disposal Regulations", Article I, "Solid Waste Disposal Regulations", is hereby amended by amending Sections 16-4, 16-11 and 16-15 to read as follows:

**Sec. 16-4. Residential collection.**

- a. through e. No changes... (Ord. No. 0-97-53, 11/5/97) (Ord. No. 0-2003-55, 10/22/03)
- f. Leaves. All leaves to be collected by the City shall be placed in the parkway behind the curb line at a location so that access to it is not obstructed by overhanging tree limbs, wires, or other obstacles which would interfere with mechanical collection. Leaves should be placed in bio-degradable bags in order to help with composition. Leaves shall not be placed in City-supplied containers. Twenty-five (25) or more bags should be called in for special pickup and shall be assessed a charge in accordance with the fee schedule in this Article.
- g. Discarded Property. Any property put out at curb line, such as furniture, clothing, and appliances, requires notification to the Solid Waste office for special pickup and shall be assessed a charge in accordance with the fee schedule in this Article. If no call has been made to the Solid Waste department, a written warning shall be given by tagging the property and leaving a door hanger at the residence. If property is out more than two (2) days and the property owner has not made any contact, a special pickup will be made and an automatic charge, in accordance with the fee schedule in this Article, shall be made. If this property is left and the property owner cannot be determined, Code Enforcement will be contacted to handle the discarded property. (Ord. No. 0-97-53, 11/5/97) (Ord. No. 0-2003-55, 10/22/03) (Ord. No. 0-2016-78; 9/14/2016)

**Sec. 16-11. Commercial haulers.**

- a. License Required. It is unlawful for any person engaged in the removal, handling, or transporting of garbage, rubbish, manure, refuse or other waste matter, to dispose of any waste material, except at places designated by and in compliance with the City ordinances. All commercial haulers are required to obtain a license from the Director or representative. The term of each license is from January 1st of each year through December 31 of the same year.
- b. License content. The license for commercial haulers issued by the City shall:
  - 1. through 4. No changes...
  - 5. Waste Haulers franchise fee. Each licensee and the Solid Waste Department shall pay the City a franchise fee equal to six (6) percent of the gross receipts earned from waste collected, hauled and disposed from within the City limits. The licensee shall keep records of all gross receipts earned within the City limits and shall permit audit of these records by an independent representative of the City conducted during the regular hours of operation of the commercial hauler. Waste Haulers franchise fees are due and shall be paid monthly no later than the 20th of each month. Anyone who fails to pay the fee imposed by this section within the time required shall forfeit five (5) percent of the amount due as a penalty, and after the first thirty (30) days, shall forfeit an additional five (5) percent of such fee. Delinquent fees shall also draw interest at the rate of six (6) percent per annum beginning on the forty-fifth (45th) day after the date due. (Ord. No. 0-97-53, 11/5/97) (Ord. 0-2007-111, 9/26/07) (Ord. No. 0-2016-78; 9/14/16)

- c. through d. No changes...

(Ord. No. 0-97-53, 11/5/97) (Ord. 0-2007-111, 9/26/07)

**Sec. 16-15. Recyclable materials.**

- a. through e. No Changes
- b. An optional, subscription curbside recycling service is available to residential customers. Subscribers receive collection every two (2) weeks. (Ord. 0-2001-43, 9-5-2001) (Ord. No. O-2016-78; 9/14/2016)

**PART 4:** That Tyler City Code Chapter 19, "Utilities", Article I, "In General", is hereby amended by amending Section 19-3 to read as follows:

**Sec. 19-3. Water Utilities franchise fee.**

The City Water and Sewer Utility Operations Fund shall pay to the City general fund a water utilities franchise fee equal to five percent (5%) of the gross receipts earned from all sales of those services and other revenue generated by the operation of the water and sewer funds. The Utility shall pass the water utilities franchise fee of five percent (5%) on directly to the customer for the portion directly related to the customer's individual bill. Such water utilities franchise fees shall be payable monthly to the Accounting Department, with such budgetary transfers to be made not later than thirty (30) days after the expiration of the month for which payment is due. (Ord. No. O-96-54, 6-26-96; O-97-42, 9-4-97) (0-2002-40, 9-11-02) (Ord. No. 0-2015-91; 9/22/15) (Ord. No. O-2016-XX; 9/14/2016)

**PART 5:** That Tyler City Code Chapter 19, "Utilities", Article III, "Water and Sewer Service", Division C., "Rates", is hereby amended by amending Sections 19-60, 19-62, 19-64, 19-66, and 19-68 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:

<b>MIMIMUM MONTHLY RATES – INSIDE CITY</b>	
<b>Meter size (in.)</b>	<b>October 1, 2016</b>
5/8	11.16
1	11.16
1 1/2	11.16
2	13.73
3	16.46
4	27.02
6	41.81
8	57.67

10	83.03
12	108.38
<b>MINIMUM MONTHLY RATES – OUTSIDE CITY</b>	
<b>Meter size (in.)</b>	<b>October 1, 2016</b>
5/8	16.74
1	16.74
1 1/2	16.74
2	20.60
3	24.69
4	40.53
6	62.72
8	86.51
10	124.55
12	162.57

(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. O-2016-78; 9/14/2016)

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):

Volume	
<b>Volume Charge – Inside City (per 1k gal)</b>	
<b>Volume</b>	<b>October 1, 2016</b>
First 2k	Min
Next 23k	3.24
Next 975k	2.12
Next 4mil	1.75

Over 5mil	1.69
Volume	
Volume Charge – Outside City (per 1k gal)	
Volume	October 1, 2016
First 2k	Min
Next 23k	4.86
Next 975k	3.18
Next 4mil	2.63
Over 5mil	2.54

(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. 0-2014-86; 9/24/14) (Ord. No. O-2016-78; 9/14/2016)

c. The monthly charge for private fire protection service shall be as follows:

FIRE LINE FEE	
Size (in)	October 1, <del>2014</del> 2016
4 A	7.36
6 B	18.47
8 C	36.91
10 D	60.91
12 E	97.86

(0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (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. O-2016-78; 9/14/2016)

Water used through a fire protection service for purposes other than testing of system shall be at a rate equal to three (3) times the applicable regular rate for service in City. (Ord 0-2003-42, 9-10-2003)

d. through h. No Changes

## **Sec. 19-62. Mandated State Water System and Water Quality Inspection Fees**

Upon each active water and sewer account there is imposed a monthly state mandated inspection fee surcharge. Revenues from this surcharge shall be used to pay the state mandated Water Service\_Fee and the state mandated Water Service\_Fee, charged the City by the Texas Commission on Environmental Quality (or its assigns and successors) for the annual inspection

of the water system and the sanitary sewer system. This surcharge shall be based on the pro-rated cost of the total fee applicable to each account. (Ord. 0-2010-24, 3/24/10) (Ord. No. O-2016-78; 9/14/2016)

**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.

<b>RESIDENTIAL AND COMMERCIAL SEWER RATES</b>	
<b>MINIMUM MONTHLY RATES – INSIDE CITY</b>	
<b>Meter size (in.)</b>	<b>October 1, 2016</b>
5/8	14.28
1	14.28
1 1/2	14.28
2	17.91
3	21.39
4	36.01
6	57.64
8	79.40
10	115.63
12	149.44
<b>MINIMUM MONTHLY RATES – OUTSIDE CITY</b>	
<b>Meter size (in.)</b>	<b>October 1, 2016</b>
5/8	21.42

1	21.42
1 1/2	21.42
2	26.87
3	32.09
4	54.02
6	86.46
8	119.10
10	173.45
12	224.16

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)

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:

<b>VOLUME</b>	
<b>Volume Charge – Inside City (per 1k gal)</b>	
<b>Volume</b>	<b>October 1, <u>2016</u></b>
First 2k	Min.
Next 23k	2.67
Next 975k	2.48
Next 4mil	1.83
Over 5mil	1.40

<b>VOLUME</b>	
<b>Volume Charge – Outside City (per 1k gal)</b>	
<b>Volume</b>	<b>October 1, 2016</b>
First 2k	Min.



Next 23k	4.01
Next 975k	3.72
Next 4mil	2.75
Over 5mil	2.10

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. O-2016-78; 9/14/2016)

c. through d. No Changes

#### **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 over the minimum, plus a surcharge calculated for any extra strength waste discharged into the system.

TABLE (A1)

<b>MINIMUM MONTHLY RATES – INSIDE CITY</b>	
<b>Meter size (in.)</b>	<b>October 1, 2016</b>
5/8	75.87
1	75.87
1 1/2	75.87
2	75.87
3	75.87
4	75.87
6	75.87
8	80.43
10	117.66

12	149.14
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<b>MINIMUM MONTHLY RATES – OUTSIDE CITY</b>	
<b>Meter size (in.)</b>	<b>October 1, 2016</b>
5/8	113.81
1	113.81
1 1/2	113.81
2	113.81
3	113.81
4	113.81
6	113.81
8	120.65
10	176.49
12	223.71

(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)

**TABLE (A2)**

**VOLUME CHARGE FOR WATER USED<sup>1</sup> (per 1,000 gallons):**

<b>Volume Charge – Inside City (per 1k gal)</b>		
<b>Volume</b>		<b>October 1, 2016</b>
First	2k	Min
Next	998k	1.88
Next	4mil	1.57
Over	5mil	1.40

Volume Charge – Outside City (per 1k gal)		
Volume		October 1, 2016
First	2k	Min.
Next	998k	2.82
Next	4mil	2.36
Over	5mil	2.10

SURCHARGE FOR EXTRA STRENGTH DISCHARGE	
Based on water used at \$ per mg/1 per 1,000 gallons	
	October 1, 2016
BOD5	0.002459623
COD	0.001189112
TSS	0.001379041

(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)

b. Calculation based on sewage disposal. The City sewer utility industrial rate is calculated by adding the minimum bill which is based on the size of the water meter [see TABLE (A1) above, plus the volume of sewage discharged over the minimum, plus a surcharge calculated for any extra strength waste discharged into the system.

**TABLE A3**

VOLUME CHARGE FOR SEWAGE DISCHARGED <sup>2</sup> (PER 1,000 GALLONS)		
October 1, 2016		
Gallons	Inside City	Outside City
First 2,000	Minimum	Minimum
Next 998,000	2.30	3.45
Next 4,000,000	1.96	2.94
Over 5,000,000	1.76	2.64

<b>SURCHARGE FOR EXTRA STRENGTH DISCHARGE</b>	
<b>Based on sewage discharged \$ per mg//1 per 1,000 gallons</b>	
	<b>October 1, 2016</b>
BOD5	<i>0.00363072</i>
COD	<i>0.00169991</i>
TSS	<i>0.00197124</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. O-2016-78; 9/14/2016)

c. through f. No Changes

#### **Sec. 19-68. Reclaimed irrigation water.**

Where infrastructure is available and upon authorization by the Director, customers may contract with the utility for the purchase of reclaimed water for irrigation purposes only.

a. Monthly minimum

<b>Meter Size</b>	<b>Inside City</b>	<b>Outside City</b>
1-inch	<i>10.28</i>	<i>15.42</i>

b. Rate per 1000 gallons.

<b>Gallons</b>	<b>Inside City</b>	<b>Outside City</b>
First 2k	Min.	Min.
Over 2k	<i>1.45</i>	<i>2.18</i>

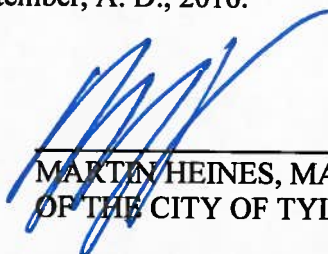
(0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. No. 2009-7, 2/11/09) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2015-91; 9/22/15) (Ord. No. 0-2016-78; 9/14/2016)

**PART 6:** 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 7:** That any person, firm, or corporation violating any of the provisions of this

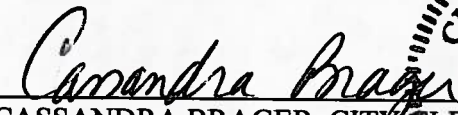
ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, 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 September 16, 2016.


PASSED AND APPROVED this 14<sup>th</sup> day of September, A. D., 2016.


  
\_\_\_\_\_  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK



  
\_\_\_\_\_  
DEBORAH G. PULLUM,  
CITY ATTORNEY