



## **CITY OF TYLER CITY COUNCIL COMMUNICATION**

**Agenda Number:** **O-3**

**Date:** **September 25, 2013**

**Subject:** **Request that the City Council consider adopting an Ordinance amending, clarifying and updating Tyler City Code Chapter 4 relating to Burglary and Alarm provision, Chapter 8 related to Parks for fee adjustment regarding Glass Recreation Center memberships, Chapter 9 of Library Code for miscellaneous fees, Chapter 10, Tyler Unified Development Code related to Historic Marker fees, and Chapter 19 of Utilities Code related to sewer rate increases.**

**Page:** **1 of 3**

**Item Reference:** **Tyler City Code Chapter 4, Article V, Chapter 8, Article V; Chapter 9; Chapter 10, Article X., Chapter 19, Article III .**

Pursuant to the proposed Fiscal Year 2013-2014 Budget, it is recommended that the following fee, revenue and rate adjustments be adopted.

### **Chapter 4 “Offenses and Miscellaneous Provisions”, Article V., “Burglary and Robbery Alarms”.**

State law, at Texas Local Government Code Chapter 214, Subchapter F., governs municipal regulation of burglar alarms. Burglary and robbery alarm provisions are currently found in Tyler City Code Chapter 4, Article V.

Following an extensive Lean Sigma review of the Burglar Alarm Ordinance and process, the Police Department is now recommending specific amendments to the Ordinance to improve efficiency and use of staff time, establish appropriate fees related to administration of the Ordinance, and to better reflect current procedures. Proposed changes include the following:

1. Deletion of unnecessary wording regarding the Alarm Response Manager (ARM), certification and termination for non-renewal.
2. Changing the alarm user permit from a two-year term to a one-year term.
3. Revising the current fee for initial registration and renewal of an alarm permit from \$30.00 to \$50.00.

**Agenda Number: O-3**

**Page: 2 of 3**

4. Clarifying the Code to state that an alarm registration cannot be transferred to another user or to another alarm site.
5. Allowing revocation of the alarm user permit for eleven (11) false alarms within a one-year period, rather than eight (8) false alarms.
6. Streamlining the notice requirements for a false alarm hearing.
7. With regard to classification of alarm sites, amending the term “commercial” to say “non-residential”.

### **Chapter 8 “Parks”, Article V. “Fees”**

It is recommended that fees be adjusted for Glass Recreation Memberships. These increase will help assist to purchase new exercise equipment. The adjustments are \$15 to \$30 for Adults and \$15 to \$50 for Non-resident Adults. Tyler City Code Chapter 8, Article V will be adjusted to reflect all changes upon approval. In addition, citations to a previous Ordinance amendment on special event permit fees is added to Sections 8-76 and 8-80.

### **Chapter 9, “Library”**

It is recommended that the following fee changes be implemented for Library Services:

- Increase from \$.50 cents to \$1.00 per item borrowed for non-residents.
- Increase from \$25 to \$50 per six month period for membership for nonresidents.
- Additional fee structure that allows for a one-year membership for \$90 for nonresidents.
- Increase from \$.25 cents to \$1.00 for overdue DVDs not to exceed \$10.00 per item and \$5.00 per item for eReaders not to exceed \$35.
- Addition of \$5.00 processing fee on lost or damage items.
- Addition of \$10 fee per individual for test proctoring.

Tyler City Code Chapter 9, will be adjusted to reflect all changes upon approval.

### **Chapter 10, “Tyler Unified Development Code”, Article X., Administration and Enforcement; Deletion of Historic Marker Fees**

It is recommended that fees related to Historic Landmark Markers be removed from the Tyler City Code. Tyler City Code Chapter 10, Article X. will be adjusted to reflect all changes upon approval.

**Agenda Number:** O-3

**Page:** 3 of 3

### **Chapter 19 "Utilities", Article III. "Water and Sewer Services"**

It is recommended that fees associated with sewer services be increased by 5 percent in accordance with the City of Tyler 2012 Rate Study presented to City Council on June 27, 2012 to more accurately reflect the actual costs associated with these types of services.

#### **RECOMMENDATION:**

It is recommended that City Council adopt an Ordinance amending, clarifying and updating Chapter 4 relating to Burglary and Alarm provision, Chapter 8 related to Parks for fee adjustment regarding Glass Recreation Center memberships, Chapter 9 of Library Code for miscellaneous fees, Chapter 10, Tyler Unified Development Code related to Historic Marker fees, and Chapter 19 of Utilities Code related to sewer rate increases.

**Drafted/Recommended By:**  
**Department Leader**



**Keidric Trimble, Chief Financial Officer**

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

## ORDINANCE NO. O-2013-90

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 4, "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE V., "BURGLARY AND ROBBERY ALARMS", CHAPTER 8 "PARKS", ARTICLE V. "FEES", CHAPTER 9 "LIBRARY", CHAPTER 10, "TYLER UNIFIED DEVELOPMENT CODE, ARTICLE X., "ADMINISTRATION AND ENFORCEMENT", RELATED TO HISTORIC MARKER FEES, AND CHAPTER 19 "UTILITIES", ARTICLE III "WATER AND SEWER SERVICE", 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 4, "Offenses and Miscellaneous Provisions", Article V., "Burglary and Robbery Alarms", is hereby amended by amending the following Sections to read as follows:

**Sec. 4-81. Definitions.**

Delete definition of Alarm Response Manager (ARM)

No other changes to Definitions...

(Ord. 0-98-27, 3/25/98) (Ord. No. 0-98-52, 6/24/98) (Ord. No. 0-2009-129; 12/9/09) (Ord. No 0-2013-90; 9/25/13)

**Sec. 4-82. Alarm business responsibilities.**

a. No changes...

b. Each alarm business shall maintain a license to operate under the direction of the Texas Department of Public Safety Private Security Board, and shall provide verification of the license to the Tyler Police Department Alarm Coordinator. (Ord. 0-98-27, 3/25/98) (Ord. No. 0-98-52, 6/24/98) (Ord. No. 0-2013-90; 9/25/13)

c. No changes...

d. No changes...

- e. No changes...

**Sec. 4-83. Alarm users permits required.**

a. It is unlawful to operate any burglary or robbery alarm system as defined herein without obtaining and maintaining an alarm user permit. The alarm user must apply for a permit within ten (10) days of installation. An alarm user permit is obtained through the Tyler Police Department and entitles the holder to operate all alarm systems described herein at a single alarm site. Each permit issued shall be for a one-year period with the issue date being the first day of the month in which the application was submitted. The permit shall be physically upon the premises using the alarm system, and shall be available for inspection. An alarm registration shall expire one year from the date of issuance, and must be renewed by submitting an updated renewal application. Renewal permits may be acquired by filing a renewal application along with a *five-dollar* (\$50.00) renewal fee with the Coordinator on or prior to the first (1st) day of the anniversary month that the last permit was obtained. The Alarm Coordinator shall send notification for renewal approximately thirty (30) days prior to the registration expiration date. It is the responsibility of the alarm user to submit an application prior to the registration expiration date. The user shall acknowledge in the renewal application that all information in the original application is current, or if not current, the applicant shall update all incorrect entries. All past due fees and fines must be paid prior to renewal. Failure to renew a permit with continued use of an alarm system shall constitute an unlawful use of an unregistered alarm site by an alarm user, which is subject to citation and the assessment of penalties. (Ord. No. 0-98-52; 6/25/98) (Ord. No. 0-98-52, 6/24/98) (Ord. No. 0-2006-69; 7/26/06) (Ord. No. 0-2009-103, 9/23/09) (Ord. No. 0-2009-129; 12/9/09) (Ord. No. 0-2013-90; 9/25/13)

- b. No changes...

- c. No changes...

d. The fee for an initial alarm permit or for a renewal permit is set forth below and shall be paid by the alarm user. No refund of a registration or renewal registration fee will be made.

1. Initial registration - \$50.00  
(Ord. No. 0-2013-90; 9/25/13)

2. Renewal registration - \$50.00  
(Ord. No. 0-2013-90; 9/25/13)

- e. No changes...

- f. Each alarm registration application must include the following information:

1. The name, complete address (including apartment/suite number), and telephone numbers of the person who will be the registration holder and be responsible for the

proper maintenance and operation of the alarm system and payment of fees or fines assessed under this Article;

2. The classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) or non-residential; (Ord. No. 0-2013-90; 9/25/13)

3. Mailing address, if different from the address of the alarm site;

4. Any dangerous or special conditions present at the alarm site;

5. Names and telephone numbers of at least two individuals who are able and have agreed to: (a) receive notification of an alarm system activation at any time; (b) respond to the alarm site within (30) thirty minutes at any time; and (c) upon request can grant access to the alarm site and deactivate the alarm system if necessary;

6. The name, address, and telephone number of the alarm business performing the alarm system installation, conversion, or takeover; and,

7. The name, address, and telephone number of the monitoring alarm business.

g. An alarm registration cannot be transferred to another user or alarm site. An alarm user shall inform the Alarm Coordinator of any change that alters any of the information listed on the alarm registration application within five (5) days of such change. Ord. No. 0-2009-129, 12/9/09) (Ord. No. 0-2013-90; 9/25/13)

#### **Sec. 4-86. False alarms; permit suspension and revocation; false alarm fees.**

a. The following situations describe alarms that are not chargeable as false alarms to the alarm user:

1. Alarm activated as a result of weather (lightning, high winds, etc.)
2. Alarm activated due to power outage or surge.
3. Alarm properly canceled prior to officer's arrival.
4. Alarm activated as a result of police radio interference.

b. The following situations describe "false alarms" that are chargeable to the alarm user if response is made by the City within thirty (30) minutes of the alarm notification and determination is made from an inspection of the interior or exterior of the premises that the alarm was false:

1. Non-residential alarms accidentally activated by an employee, owner, or cleaning crew; and residential alarms accidentally activated by homeowner, occupant, or person who legally entered the residence.

2. Alarm activated as a result of an animal.
3. Alarm activated due to heating or air conditioning blower turning on.
4. Alarm activated due to falling stock (Boxes, ladders, etc.)
5. Alarm activated as a result of a malfunction in the system.
6. Alarm activated as a result of a citizen entering an unlocked business or residence.

c. Any alarm user which has six (6) or more false alarms within a one-year period is subject to false alarm fees. Failure to pay such false alarm fee(s) may subject the alarm user to possible alarm user permit suspension as set forth herein. Any alarm user which has eleven (11) or more false alarms within the one-year period is subject to false alarm fees and possible permit revocation as provided herein. The one-year period begins to run on the date that the alarm permit is obtained, and continues until the end of the calendar year. Subsequent one-year periods shall coincide with calendar years. (Ord. No. 0-2013-90; 9/25/13)

d. Upon notice of six (6) or more false alarms within a one-year period for any alarm user:

1. The Alarm Coordinator shall notify the alarm user in writing of such fact. The notice shall also state that the user must either request a hearing before the Police Chief or designee within ten (10) days of receipt of the notice or pay a seventy-five dollar (\$75.00) false alarm fee, otherwise the alarm user permit shall be suspended. Upon notice of eleven (11) or more false alarms within a one-year period, the same procedure set forth in this section shall be followed, except that the notice set forth in this subsection shall state that the alarm user permit is subject to revocation. (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2013-90; 9/25/13)

2. If a hearing is requested, written notice of the time and place of hearing shall be mailed to the user by the Coordinator at least five (5) days prior to the hearing date. The Alarm Coordinator shall stay the action requiring payment of any fee until the Police Chief has completed a review. At the scheduled hearing, the alarm user may present written and oral evidence, subject to the right of cross-examination. The Chief of Police may waive all, or a part, or none of the false alarm fees based on the evidence. After the hearing, the Police Chief will issue written results to the Alarm Coordinator who will then reactivate the payment processing, making any required adjustments to the original outstanding balance. All administrative actions may be appealed in accordance with Chapter 1, Article IV. of this Code.  
(Ord. No. 0-2013-90; 9/25/13)

3. At the hearing, the alarm user may present written and oral evidence, subject to the right of cross-examination. If it is determined that six (6) false alarms have occurred in a one-year period, written findings to that effect are issued and a seventy-five dollar (\$75.00) false alarm fee for the sixth false alarm, and for each additional individual false alarm above six, shall be assessed in accordance with sub-section 7(b) of this section. Failure to pay the false alarm fee(s) may result in suspension of the alarm user permit. If it is determined at the hearing that the alarm user has had at least eleven (11) false alarms in a one-year period, written findings to that effect are issued and the permit may be revoked, regardless of whether the false alarm fees are paid. (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2013-90; 9/25/13)

4. An alarm user shall immediately discontinue use of the alarm system upon being notified of the suspension or revocation of a permit. It is unlawful for an alarm user to continue use of an alarm system after notice of suspension or revocation of the permit.

5. The alarm business shall discontinue monitoring the suspended or revoked alarm within three (3) days after receipt of notice. It is unlawful for an alarm business, after notice, to continue dispatching police to a suspended or revoked alarm.

6. The Coordinator may refuse to permit any alarm system that has a history of unreliability.

7. Any additional false alarm occurring within the one-year period is treated in the same manner as above involving suspension or revocation and the payment of a false alarm fee.

(a) Upon the sixth (6th) false alarm in the one-year period - \$75.00.

(b) For any additional false alarms above six (6) in the one-year period - \$75.00. (Ord. 0-2009-103, 9/23/09)

8. All administrative actions may be appealed in accordance with Chapter 1, Article IV. of this Code. (Ord. 0-98-27, 3/25/98) (Ord. No. 0-98-52, 6/24/98) (Ord. No. 0-2006-69; 7/26/06) (Ord. No. 0-2009-103, 9/23/2009) (Ord. No. 0-2009-129; 12/9/09)(Ord. No. 0-2013-90; 9/25/13)

**PART 2:** That Tyler City Code Chapter 8, "Parks", Article V., "Fees", is hereby amended by amending the following Sections to read as follows:

**Sec. 8-75. Goodman Museum.**

The rates and charges for the use of the Goodman Museum facilities are as provided in this section. All such rates and charges shall be paid in advance. The rates shall be determined in accordance with the following:

a. Admission Fee. - A fee of two dollars (\$2.00) per person shall be requested for admission to the Goodman Museum.

b. Rental Fees.

Goodman Museum facilities - \$ 35.00 special event permit fee (this one-time fee shall be charged in addition to the per hour rental charges).(Ord. No. 0-2009-90; 9/23/09)  
\$100.00 damage deposit

\$ 25.00 per hour rental charge, with a minimum two-hour rental  
\$150.00 "all day usage"(maximum of 8 hours)

Goodman Museum Grounds Only - \$35.00 special event permit fee only (Ord. No. O-96-53, 6-26-96) (Ord. No. 0-99-86; 10/27/99) (Ord. No. 0-2009-103; 9/23/09)

**Sec. 8-80. Glass Recreation Center facilities charges.**

The rates and charges for the use of the Glass Recreation Center facilities are as provided in this section. All such rates and charges shall be paid in advance. The rates shall be determined in accordance with the following:

<b><u>Proposed Park Facility Rental Rates for:</u></b>		
<b>Glass Recreation Center</b>		
<b>Room</b>		<b>Current Rate</b>
<i>Multi-Purpose #1 &amp; #2</i>		
100 people	Weekdays	\$25/hr; 2hr min; \$15 ea.add. hour
200 people	Weekdays	\$30/hr; 2hr min; \$20 ea.add. hour
100 people	Weekends	\$35/hr; 2hr min; \$20 ea.add. hour
200 people	Weekends	\$40/hr; 2hr min; \$20 ea.add. hour
<i>Gym</i>		\$50/hr; 2hr min
		\$300 up to 14 hrs
<i>Arts &amp; Crafts</i>		\$15/hr; 2 hr min
<b>Equipment:</b>		
TV/VCR		\$35/Event
PA System		\$25/Event
Ice Machine		\$25/Event
<i>Damage Deposit</i>		\$150 to \$500
<i>Catering Fee</i>		\$50/Event
<i>Pavilion</i>		\$50/day
		\$35 Special use permit (Ord. No. 0-2009-103; 9/23/09)
		\$100 Damage Deposit
<i>Amphitheater</i>		\$50/day
		\$35 Special use permit (Ord. No. 0-2009-103; 9/23/09)
		\$100 Damage Deposit
<i>Outside Basketball Court</i>		\$50/Day/Court
		\$35 Special use permit (Ord. No. 0-2009-103; 9/23/09)
		\$100 Damage Deposit
<i>Membership Fees</i>		
Adult		\$30.00/person per year
Adult (Non-Resident)		\$50.00/person per year
Youth		\$10.00/person per year
Day pass		\$5.00/person per day

(Ord. 0-2005-78, 9/28/05) (Ord. No. 0-2013-90; 9/25/13)

**PART 3:** That Tyler City Code Chapter 9, “Library”, is hereby amended by amending Section 9-1 to read as follows:

**Sec. 9-1. Fees.**

a. Non-resident fees.

1. In the interest of equity, nonresidents of the City wishing to borrow materials from the library shall pay fees to borrow items and for each session on the Library's computer workstations.
2. Nonresidents shall pay either a transaction fee for each item borrowed and for each computer session or an alternate membership fee that permits borrowing and computer use under the same conditions as residents.
3. The rate of charge per item for nonresident borrowing and computer session use shall be one dollar (\$1.00) per item borrowed and fifty cents (\$0.50) per computer session. (Ord. No. O-96-22, 4-3-96) (Ord. No. 0-2013-90; 9/25/13)
4. The rate of charge for a membership fee shall be \$50 per person for a six month time period or \$90 per person for a one year time period. (Ord. No. 0-2013-90; 9/25/13)

b. Late Return Fees.

1. In the interest of increasing the timely return of library materials, a late fee will be imposed for each day that an item is overdue.
2. The rate of charge per day for overdue items shall be *25 cents (\$.25)* not to exceed *ten dollars (\$10.00)* per item. The rate of charge per day for overdue DVDs shall be one dollar (\$1.00) not to exceed ten dollars (\$10.00) per item. The rate of charge per day for overdue eReaders shall be five dollars (\$5.00) per item not to exceed (\$35.00) per item. (0-2006-79; 9-13-2006) (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2013-90; 9/25/13)
3. A processing fee of five dollars (\$5.00) will be charged for each lost or damaged item. (Ord. No. 0-2013-90; 9/25/13)

c. General fees

Test proctoring will be administered at (\$10.00) per person per test.  
(Ord. No. 0-2013-90; 9/25/13)

**PART 4:** That Tyler City Code Chapter 10, “Tyler Unified Development Code”, Article X., “Administration and Enforcement”, Division B., “Fees”, is hereby amended by amending the Fee Chart in Section 10-776 by deleting the fee for Historic Landmark Markers as follows, with no other changes to the Chart:

**Sec. 10-776. Fees**

<b>Application, Permit, Test or Deposit</b>	<b>Fee</b>
---	------------

Delete Historic Landmark Markers and Marker Fees.

**PART 5:** That Tyler City Code Chapter 19, “Utilities”, Article III “Water and Sewer Service” is hereby amended by amending the following Sections to read as follows:

**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.

#### **RESIDENTIAL AND COMMERCIAL SEWER RATES**

##### **MINIMUM MONTHLY RATES – INSIDE CITY**

<b>Meter size (in.)</b>	<b>October 1, 2013</b>
5/8	11.61
1	11.62
1 1/2	11.62
2	15.08
3	18.39
4	32.31
6	52.91
8	73.64
10	108.14
12	140.34

##### **MINIMUM MONTHLY RATES – OUTSIDE CITY**

<b>Meter size (in.)</b>	<b>October 1, 2013</b>
5/8	17.43
1	17.43
1 1/2	17.43
2	22.61
3	27.57
4	48.33

6	79.36
8	110.46
10	162.20
12	210.53

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. No. 0-2013-90; 9/25/13)

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, 2013</b>
First 2k	Min.
Next 23k	2.03
Next 975k	1.89
Next 4mil	1.39
Over 5mil	1.07

<b>VOLUME</b>	
<b>Volume Charge – Outside City (per 1k gal)</b>	
<b>Volume</b>	<b>October 1, 2013</b>
First 2k	Min.
Next 23k	3.02
Next 975k	2.82
Next 4mil	2.07
Over 5mil	1.62

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. No. 0-2013-90; 9/25/13)

c. For commercial and residential structures not supplied with water from the City of Tyler, the following rules apply for sewer service.

For commercial structures not supplied water from the City of Tyler, sewer service shall be metered in a manner approved by the Director.

For residential structures not supplied water from the City of Tyler, sewer service will be based on established rates and 10,000 gallons water consumed (maximum residential sewer charge). (Ord 0-2003-42, 9-10-2003) (0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006)

d. The foregoing rates shall apply to service except industrial waste service, rendered within the City. Rates for service outside the City shall be based upon contract price between City and the individual customer which shall be one hundred fifty (150) percent of the rates for service within the City. (Ord. No. O-96-54, 6-26-96) (Ord No. O-98-74, 9-2-98) (Ord. No. 0-99- 70, 10-1-99) (Ord. No. 2009-7, 2/11/09) (Ord. No. 0-2013-90; 9/25/13)

#### **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, 2013</b>
5/8	70.28
1	70.28
1 1/2	70.28
2	70.28
3	70.28
4	70.28
6	70.28

8	74.62
10	110.08
12	140.06

<b>MINIMUM MONTHLY RATES – OUTSIDE CITY</b>	
<b>Meter size (in.)</b>	<b>October 1, 2013</b>
5/8	105.42
1	105.42
1 1/2	105.42
2	105.42
3	105.42
4	105.42
6	105.42
8	111.93
10	165.12
12	210.07

(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. No. 0-2013-90; 9/25/13)

#### **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, 2013</b>
First 2k		Min
Next 998k		1.43
Next 4mil		1.19

Over 5mil	1.07
-----------	------

**Volume Charge – Outside City (per 1k gal)**

Volume	October 1, 2013
First 2k	Min.
Next 998k	2.14
Next 4mil	1.80
Over 5mil	1.62

**SURCHARGE FOR EXTRA STRENGTH DISCHARGE**

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

	October 1, 2013
BOD5	0.002342498
COD	0.001132488
TSS	0.001313372

(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. No. 0-2013-90; 9/25/13)

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**

<b>VOLUME CHARGE FOR SEWAGE DISCHARGED<sup>2</sup> (PER 1,000 GALLONS)</b>		
<b>October 1, 2013</b>		
Gallons	Inside City	Outside City
First 2,000	Minimum	Minimum

Next 998,000	1.83	2.75
Next 4,000,000	1.56	2.35
Over 5,000,000	1.41	2.11

**SURCHARGE FOR EXTRA STRENGTH DISCHARGE**

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

	<b>October 1, 2013</b>
BOD5	0.00345783
COD	0.001618964
TSS	0.001877369

(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. No. 0-2013-90; 9/25/13)

**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. The effective date of the amendments and additions to Tyler City Code Chapter 4, Article V, Chapter 8, Article V; Chapter 9; Chapter 10, Article X., and Chapter 19, Article III., shall be October 1, 2013.

PASSED AND APPROVED this 25<sup>th</sup> day of September, A. D., 2013.

---

BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

---

CASSANDRA BRAGER, CITY CLERK

APPROVED:

---

DEBORAH G. PULLUM, CITY ATTORNEY