

ORDINANCE NO. O-2025-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 19, "BUILDINGS AND STRUCTURES", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS BY UPDATING PROVISIONS RELATED TO LAKE TYLER AND LAKE TYLER EAST BY AMENDING DEFINITIONS, AMENDING PROVISIONS RELATED TO BOATING AND WATERCRAFT, AMENDING PROVISIONS RELATED TO THE CONSTRUCTION AND LEASING OF LAKE LOTS AND STRUCTURES THEREON, AMENDING PROVISIONS RELATED TO BOATHOUSES, PIERS AND ACCESSORY STRUCTURES, IMPROVING ENVIRONMENTAL REGULATIONS REGARDING SANITATION AND PLUMBING IN CONFORMANCE WITH STATE REGULATIONS, AMENDING PROVISIONS TO CLARIFY THE CITY'S AUTHORITY OVER LAKE WATERS AND CITY-OWNED LANDS ADJACENT THERETO, REVISING FEES TO REFLECT ACTUAL COSTS ASSOCIATED WITH ADMINISTRATION AND MAKING OTHER CLEAN-UP CHANGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of local self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent, by implication or otherwise, the municipality from exercising the authority incident to local self-government; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City of Tyler may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City, and all nuisances and causes thereof; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of

Texas, and that all such powers, whether expressed or implied, shall be exercised and enforced, in the manner prescribed by the Charter, or when not prescribed in the Charter, in such manner as shall be provided by ordinances or resolutions of the City Council; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City may license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade; and

WHEREAS, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by the State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, the City of Tyler is the owners and operator of certain waters and lands located at Lake Tyler and Lake Tyler East; and

WHEREAS, on November 16, 2011, the Tyler City Council adopted Ordinance No. 0-2011-101, accepting a petition from the City of Tyler pursuant to Texas Local Government Code Section 42.022(b), including certain City-owned areas and lands in and around Lake Tyler and Lake Tyler East and not within the existing extraterritorial jurisdiction of another city to be included within the City of Tyler extraterritorial jurisdiction (See City Code Sec. 10-143.b.2(c); and

WHEREAS, on February 8, 2012, the Tyler City Council adopted Resolution No. R-2012-5, approving an Interlocal Agreement with the City of Whitehouse, establishing the boundaries and extraterritorial jurisdictions of the two cities (see City Code Sec. 10-143.b.2(f); and

WHEREAS, on May 23, 2012, the Tyler City Council adopted Ordinance No. 0-2012-44, accepting a petition from the City of Tyler pursuant to Texas Local Government Code Section 42.022(b), to include the remaining City-owned areas and lands in and around Lake Tyler and Lake Tyler East, and not within the existing extraterritorial jurisdiction of another city, and that were not governed by Tyler Ordinance No. 0-2011-101, to be included within the City of Tyler extraterritorial jurisdiction (see City Code Sec. 10-143.b.2(h); and.

WHEREAS, Texas Local Government Code Section 341.903 provides that a home rule municipality may police areas owned by and located outside of the municipality, such as parks and grounds, lakes and land contiguous to and used in connection with a lake, and speedways and boulevards; and

WHEREAS, the City of Tyler has established regulations related to Lake Tyler and Lake Tyler East in City Code Chapter 19, Article VI.; and

WHEREAS, Texas Government Code Section 30.00005(b) states a municipal court of record has jurisdiction arising under ordinances authorized by Sections 215.072, 217.042, 341.903, and 551.002, Texas Local Government Code; and

WHEREAS, Texas Government Code Section 29.003(a)(1)(A) provides that a municipal court, including a municipal court of record, shall have exclusive original jurisdiction within the municipality's territorial limits or property owned by the municipality located in the municipality's extraterritorial jurisdiction in all criminal cases that arise under the ordinances of the municipality, and are punishable by a fine not to exceed \$2,000 in all cases arising under municipal ordinances that govern fire safety, zoning, or public health and sanitation, other than dumping of refuse; \$4,000 in cases arising under municipal ordinances that govern dumping of refuse; and \$500 in all other cases arising under a municipal ordinance; and

WHEREAS, Texas Government Code Section 29.003(d)(2) states that the governing body of a municipality by ordinance may provide that the municipal court has concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Local Government Code, within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances; and

WHEREAS, Texas Code of Criminal Procedure Article 4.14(a) provides that a municipal court, including a court of record, shall have exclusive original jurisdiction within the territorial limits of the municipality in all criminal cases that arise under the ordinances of the municipality and are punishable by a fine not to exceed \$2,000 in all cases arising under municipal ordinances that govern fire safety, zoning, or public health and sanitation, other than dumping of refuse; \$4,000 in cases arising under municipal ordinances that govern dumping of refuse; and \$500 in all other cases arising under a municipal ordinance; and

WHEREAS, Texas Government Code Section 30.0003(a) states that the governing body of a municipality may by ordinance create a municipal court of record if the governing body determines that the creation of the court is necessary to provide a more efficient disposition of the cases arising in the municipality; and

WHEREAS, the City of Tyler has established a municipal court of record pursuant to Texas Government Code Section 30.00005, Subchapter NN; Tyler City Charter Section 25 and City Code Section 1-80; and

WHEREAS, Tyler City Code Section 1-4 provides for criminal penalty for violations of the Tyler City Code, including provisions in City Code Chapter 19; and

WHEREAS, it is important to update certain provisions in City Code Chapter 19 related to Lake Tyler and Lake Tyler East;

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

PART 1: That Tyler City Code Chapter 19, “Buildings and Structures”, Article I., “In General”, is hereby amended by adding or amending the following Definitions in the appropriate alphabetical order in Section 19-1 to read as follows, with no other changes to the Definitions:

Sec. 19-1. Definitions.

As used in this chapter, the following words and terms shall have meanings as follows:

Barge means a flat bottomed boat that rests on top of tubes called pontoons. The pontoons are hollow tubes. Barges are also called pontoon boats. (Ord. No. 2025-17, 4/9/2025)

...

Director means the Director of Utilities or designee. (Ord. No. 0-2025-17; 4/9/2025)

...

Lot means a City-owned lot at the Lake that has been or that may be acquired for lease pursuant to City Code Section 19-200. Lot and Lots does not include Lake waters or their tributaries. (Ord. No. 0-2025-17; 4/9/2025)

...

Manager means the City Manager for the City of Tyler. (Ord. No. 0-2025-17; 4/9/2025)

...

(Ord. No. O-96-54, 6-26-96) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 2009-7, 2/11/09) (Ord. No. O-2019-63, 08/14/2019) (Ord. No. 2020-72; 08/12/2020) (Ord. No. 0-2025-17; 4/9/2025)

PART 2: That Tyler City Code Chapter 19, “Utilities”, Article VI., “Lake Tyler and Lake Tyler East”, Division 1., “Generally”, is hereby amended by amending the following City Code Sections to read as follows, with no other changes to Division 1:

DIVISION 1. GENERALLY

Sec. 19-130. Purpose; Area of Authority.

The purposes of this Article are to protect and control the quality of the Lake as a water supply source, to ensure safe navigation on the Lake, to guard against deterioration of existing dams and other structures, and to protect the public health safety and welfare. The City adopts this Article to exercise its governmental functions, including, but not limited to, those as to street maintenance and construction, water works, dams and reservoirs, regulation of traffic, recreational areas and facilities, including swimming areas, beaches and marinas, inspection,

engineering and water services, and dumping and litter. This Article applies to all waters impounded by dams constituting Lake Tyler and Lake Tyler East and their tributaries and the adjacent lands owned or controlled by the City, herein referred to as "the Lake". Certain areas adjacent to the Lake have been set aside for development by the City as public recreation areas and picnic areas. Other areas have been subdivided into lots to be leased or purchased for the construction of lake homes, other buildings, and boat stalls. All such private use lots are thereby designated as residential or club lots. Only those lots designated as residential or club can be developed for private use. A map entitled "Map of Lake Tyler and Lake Tyler East" is hereby incorporated by reference and is available for review in the Water Utilities Department and City Clerk's office. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-131. Authority of peace officers and City on reservoir property.

Any peace officer licensed in the State of Texas shall have authority to arrest any person on the Lake for any violation of this Article, and/or to exclude any person found violating this Article from the Lake. The City shall have full charge and control of the waters of the reservoirs and property owned or leased by the City. The Lake Supervisor, in cooperation with the Tyler Police Department, shall keep the peace and patrol the lake in order to enforce this Article and all other laws, ordinances, rules and regulations of the City relating to the waters of the Lake and to make arrests for any violation of this Article or other applicable City ordinance. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2025-17; 4/9/2025)

...

Sec. 19-133. Concessions.

- a. Certain designated areas may be set aside by the City Council for commercial purposes such as the rental of boats and motors and sale of bait and supplies. Any person to whom a concession or concession area is let must comply with all rules and regulations governing lake property, and shall sell permits on behalf of the City if requested. It is unlawful for any person to engage in any commercial activity on any lot or other location except in the designated commercial areas or unless otherwise specifically authorized in writing by the City.
- b. Concession rights and the terms and conditions of a concession agreement will be negotiated by the Director of Utilities, subject to City Council approval with anyone who applies for consideration.
- c. The Director of Utilities may authorize commercial or organized recreational activities or events upon proper request. Activities or events for which authorization is required include: food trucks, races, fishing tournaments, fireworks exhibitions, furnishing of services in aid of water sports, such as water skiing, parasailing, windsurfing, and diving. Requirements for authorization include: (1) assurances of financial responsibility, including appropriate insurance; and (2) signing an indemnification agreement with the City by which the Concessionaire assumes responsibility for all damages or claims arising out of the activity. The authorization shall specify where and under what conditions the activity may be conducted to prevent the activity from adversely impacting use of the Lake as a public water supply, from constituting a threat to public health, safety or welfare, or adversely impacting use of the Lake by the general public. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-134. Roads.

- a. All main roads around the Lake may be constructed and maintained by the City or other appropriate entities and all private roads and drives to individual lots or groupings of lots shall be constructed and maintained by the lessee. The maximum speed limit on all lake roads constructed by the City shall be forty (40) miles per hour or slower as marked and it is unlawful for any person to drive an automobile, motorcycle or other motor vehicle thereon in excess of the applicable speed limit.
- b. The maximum rate of speed shall be twenty-five (25) miles per hour on the following roads:
 1. On Concession Road, from a point 980 feet north of the intersection of Dickson Road and F.M. 346 to a point 2,950 feet in an easterly direction which is the intersection of Concession Road and an oiled road on dam;
 2. On an oiled road on dam from a point 390 feet in a southeasterly direction along F.M. 346 from the intersection of Dickson Road and F.M. 346 to a point 2,300 feet to the east on said oiled road;
 3. On Concession Road, from a point 3390 feet southeast of the intersection of Dickson Road and F.M. 346 and on F.M. 346 to a point 2,000 feet north of the intersection of Concession Road and an oiled road on dam.
- c. Livestock shall not be permitted to be ridden, or otherwise located on the pavement of any roadway or parking surface constructed by and maintained by the City.
- d. Motorized surface vehicles are prohibited from operating off-road on the shoreline and in the water on public property. Vehicular traffic (including motorcycles and related devices) in and through all City-owned public property of the Lake shall be confined to travel upon established and dedicated highways, streets, roads, and roadways except for the purpose of access to designated authorized sites for camping, picnicking, swimming, and related recreational activities. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-135. Connecting channel between Lake Tyler and Lake Tyler East.

It is unlawful for any person to fish or swim in the connecting channel or to stop or moor a boat, barge, or other watercraft in the channel. No person may operate any boat, barge, or other watercraft on or through the connecting channel at a speed greater than is reasonable and prudent under the circumstances then existing. No tubing, skiing, wakeboarding or other similar activities are permitted in the channel. Due to the length and narrow width of the connecting channel, it is designated as a no wake zone and craft shall be operated slowly enough to leave no visible wake. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-136. Outlet works and spillways.

It is unlawful to operate any boat, barge, or other watercraft within a one hundred (100) foot radius of the outlet works valve on the Mud Creek Dam and/or the Whitehouse Dam or to fish

from the bank within a one hundred (100) foot radius thereof. No watercraft, no swimming or skiing is allowed within one hundred (100) feet of the mouth of the spillway at the Mud Creek Dam and/or the Whitehouse Dam. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

...

Sec. 19-138. Lake Tyler Raw water intake.

It is unlawful for any person except authorized repair or maintenance personnel to approach within a two hundred (200) foot radius of the water intake for any reason. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17, 4/9/2025)

Sec. 19-139. Camping.

- a. Camping on City-owned property is permitted in designated recreation areas only.
- b. Camp equipment shall not be abandoned or left unattended for a period of more than twenty-four (24) hours.
- c. No person will be allowed to camp on City-owned property for any one (1) period of two (2) weeks or longer. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

...

Sec. 19-140. Jumping or Diving from structures.

It is unlawful for any person to jump or dive from or off of any public bridge or any other public structure or an appurtenance thereto. This prohibition as to jumping and diving also includes using rope, cable, or other apparatus attached to a bridge or other structure or object, including a tree, so as to permit an individual to swing out over the waters of the Lake. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

...

Sec. 19-144. Livestock and fowl prohibited

It is unlawful for any person to keep or harbor any livestock or fowl on City property at the Lake. No livestock is allowed in or upon public recreation areas, boatramps, beaches, designated picnic areas, the dams, or spillways. This section shall not apply to a service animal as defined in federal law, or to an assistance animal defined in State law, that is specially trained or equipped to assist persons with disabilities while in the actual performance of services or assistance to persons with disabilities. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2012-80; 9/26/12) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-145. Cutting trees or brush, disturbing sodding.

- a. Trees/Brush. It is unlawful for any person to cut any trees or brush on any City-owned

property at the Lake without the approval of the Director of Utilities. Trees, brush and vines having a trunk diameter smaller than (3) inches growing on lands leased by the City, may be removed by the lessee so long as such activity does not adversely affect drainage or cause erosion.

b. Sodding. Sodding may not be disturbed unnecessarily. Soil may not be removed nor the natural contour disturbed in any way on City owned property without permission of the Director of Utilities.

c. Dredging. All dredging will be accomplished in accordance with U.S. Corps of Engineer rules and guidelines, with approval of the Corps as applicable, and with approval of the Director of Utilities. No filling is allowed below elevation 376' (msl). (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-146. Dumping of garbage, brush, and trash.

It is unlawful for any person to dump trash, brush, or garbage of any kind except in places designated by the City. Trash receptacles located in recreation areas, on beaches, and at boatramps are for facility users only, and no household garbage may be deposited in these containers. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-147. Ingress and egress across City land.

Ingress and egress across City-owned land from privately owned land to a Lake road or public road is prohibited except by formal written contractual agreement approved by the Director of Utilities. A non-transferable fee will be assessed to the applicant for an Access Agreement, payable to the City through the Office of the Director of Utilities. (See Division 6) (Ord. 0-97-52, 10/22/97) (Ord. 0-2002-15, 4/17/02) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-148. Water skiing restrictions and prohibitions.

a. Designated area. It is unlawful for any person to drive or operate a motorboat or other watercraft towing a person(s) on water skis, aquaplane, or similar device in any area of the Lake prohibited from skiing.

b. Prohibited near swimming areas, structures, or persons fishing. It is unlawful for any person on water skis, aquaplane, or similar device, to ski within one hundred and fifty (150) feet of any area on the Lake set aside for swimming, or within one hundred and fifty (150) feet of any public launching ramp, dock, boathouse, fishing pier, or other structure or any restricted area or person engaged in fishing.

c. Personal flotation device (PFD) required. It is unlawful for any person to water ski, or ride an aquaplane or similar device, upon the waters of the Lake without wearing an approved PFD.

d. Ski jumps prohibited. It is unlawful to place or maintain a ski jump on any portion of the waters of the Lake without written permission from the Director of Utilities. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-149. Flotation devices.

It is unlawful for any person to place barrels, pontoons, or other such containers upon or in the waters of the Lake except for the use described in section 19-172. The City may employ such devices for markers or other similar official uses. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

...

PART 3: That Tyler City Code Chapter 19, "Utilities", Article VI, "Lake Tyler and Lake Tyler East", Division 2., "Boats and Boating", is hereby amended by amending the following City Code Sections to read as follows, with no other changes to Division 2:

DIVISION 2. BOATS AND BOATING

...

Sec. 19-161. Anchoring of barges or boats at pier, buoys, etc.

Except for emergencies it is unlawful for any person to cause or permit any boat, barge or other watercraft to anchor or tie up at any public or private pier unless the operator has secured the permission of the owner of such pier. It is unlawful for any person to cause or permit any boat, barge or other watercraft to anchor or tie up at any posted sign, buoy, or other marker on the waters of the Lake or its tributaries except in case of emergency. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

...

Sec. 19-164. Removal of unsafe craft from Lake.

The City, through the Director of Utilities, may require the removal of any boat or other craft from the Lake if it is deemed a navigational hazard or is in an unsafe operating condition. In the event of noncompliance by the owner or operator to such order, the craft may be removed from the Lake by the Director of Utilities and the owner or operator will be assessed all costs. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2025-17; 4/9/2025)

...

Sec. 19-167. Toilets.

It is unlawful for any person to place or maintain a toilet on any boat or barge except unattached portable chemical toilets. Such toilets must be approved and certified by a Lake Supervisor before being taken aboard the craft. All boats, barges, and other watercraft operated on the Lake having enclosures large enough to accommodate a toilet are subject to inspections by the Lake Supervisor. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

...

Sec. 19-169. Abandoned boats, barges, and watercraft.

a. Any boat, barge, or watercraft which is found upon the waters of the Lake or upon any public property immediately adjacent thereto and which is inoperable and more than five (5) years old and left unattended for more than forty-eight (48) hours, or is unseaworthy and cannot be used as a safe means of transportation on the water or that has remained on the Lake illegally for more than forty-eight (48) hours, or which is subject to a docking fee by ordinance and which does not have affixed thereto a currently valid docking license issued pursuant to this Article is deemed to be an abandoned watercraft. For purposes of this Section, "watercraft" shall include any motorboat, outboard motor, or vessel subject to registration under Texas law.

b. The Director of Utilities may authorize taking into custody any abandoned watercraft found upon the waters of, or on any public property immediately adjacent to the Lake. Any watercraft deemed a navigational hazard may be removed from the Lake.

c. When any abandoned watercraft is taken into custody under the authority of these provisions, the Director of Utilities shall promptly notify by certified mail, return receipt requested, the last known registered owner and all lien-holders of record that the watercraft has been taken into custody. The notice shall describe the watercraft by size, color, and general description and shall set forth the location of the facility where the watercraft is being held, and shall further inform the owner and any lienholder of the right to reclaim the watercraft within twenty (20) days after the date of the notice upon payment of all towing, preservation and storage charges resulting from placing the watercraft in custody and upon paying the required registration and fees as may be required by ordinance. The notice shall further state that the failure of the owner or lienholders to exercise the right to reclaim the watercraft within the time provided shall be deemed a waiver of all right, title and interest in the watercraft and their consent to the sale of the abandoned watercraft at a public auction, or to the removal and destruction of the abandoned watercraft if deemed a navigational hazard.

d. If the identity of the last registered owner cannot be determined, or the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one (1) publication in a newspaper of general circulation within the City or Smith County shall be sufficient to meet all requirements of notice pursuant to this Article. Such notice by publication may contain multiple listings of abandoned watercraft. Any such notice shall be within the same time requirements and shall have the same contents required for a notice by certified mail.

e. If an abandoned watercraft has not been reclaimed by the owner or lienholders as provided for herein, the Director of Utilities shall sell the abandoned watercraft at a public auction or remove and destroy the abandoned watercraft if deemed a navigational hazard. Sale of the abandoned watercraft must be preceded by a notice published in a newspaper of general circulation within the City or Smith County at least three (3) weeks before the sale takes place. The notice shall include the place and date of sale, a full description of the watercraft to be sold, and the name of the owner, if known. The purchaser of the watercraft shall take title to the watercraft free and clear of all liens and claims of ownership, shall receive a sales receipt from the Director of Utilities and shall be entitled to register the purchased watercraft as provided for herein. From the proceeds of the sale of an abandoned watercraft, the Director of Utilities shall reimburse itself for the expenses of the auction, towing, preserving, watercraft storage, notice and publication costs which resulted from placing the abandoned watercraft in custody. Any remainder from the proceeds of a sale shall be held for the owner of the watercraft or entitled lienholder for ninety (90) days, and then shall be deposited in a special fund which shall remain available for payment of auction, towing, preserving, storage, notice and publication costs which result from placing other abandoned watercraft in custody.

whenever the proceeds from a sale of such other abandoned watercraft are insufficient to meet these expenses and costs.

- f. If there are no purchasers of the watercraft at a public auction held pursuant to these regulations, the Director of Utilities may purchase same for its accrued cost of conducting the auction, towing, preserving and storage, and all notice and publication costs incurred, and any disposal of same, including the destruction thereof, as may be proper under the circumstances. As an alternative, the City Council may authorize donation of the watercraft for a public purpose. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2025-17; 4/9/2025)

...

PART 4: That Tyler City Code Chapter 19, "Utilities", Article VI., "Lake Tyler and Lake Tyler East", Division 5., "Leasing and use of Lots", is hereby amended by amending the following City Code Sections to read as follows, with no other changes to Division 5:

DIVISION 5. LEASING AND USE OF LOTS

Sec. 19-200. Acquisition of leases.

- a. Basis. Acquisition of lots at the Lake shall be on a rental basis as follows: An appraisal shall be made of the value of each lot offered to the public for use. Depending on the location and desirability of the lots, a bonus shall be placed upon each lot according to its appraisal value. Said bonus shall be paid by the lessee on each lot leased in addition to the yearly rental on the lot.
- b. Normally, individuals or a family seeking to lease a lot at the Lake will be restricted to no more than one lot, but upon proper request, the Director of Utilities may lease additional lots to an individual or family when it is determined to be in the public interest. (Ord. No. 0-98-12, 2/11/98) (Ord. No. 0-2025-17; 4/9/2025)
- c. Lots for groups or clubs shall be designated and separated from residential lots.
- d. No company, group, club, or corporation may lease more than three (3) lots, and said lots must be adjacent; but upon proper request, the Director of Utilities may lease additional lots to a company, group, club, or corporation when it is determined to be in the public interest.
- e. No group or club house may be maintained on any lot set apart for residences in the foregoing regulations. Lots will be provided in certain areas for group or club houses at the same rental rates as provided for residential lots, said rates to be fixed by City Council. All rules and regulations herein set forth with reference relating to individual residence lots shall apply insofar as applicable to lots set apart for group or club houses.
- f. Lots shall be described by maps drawn to scale and under the direction of the Director of Utilities and recorded in the Smith County plat records and Water Utilities Department.
- g. Leased lots at the Lake shall cover the full length of the lot up to the waterfront, the City

reserving all rights to police, preserve, and protect all of the City's interests. Leased lots do not include the waters of the Lake or its tributaries. Leased lots are subject to all applicable provisions in this Article. See Definition of Lot in Section 19-1.

h. Applications for the leasing of lots are honored on a first-come-first-served basis. Applicant must file the request with the Director of Utilities, stating which lot is desired. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-201. Leases - applicable fees.

a. Rental for all lots with leases originating prior to November 18, 2011 (and as described further in Section 19-221a.). An annual rental fee will be assessed on each lot leased on Lake Tyler. See Division 6. The annual rental shall be adjusted at each annual anniversary date in an amount equal to the increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the South (the geographic area including Smith County, Texas), as published by the United States Department of Labor (or its successor document), from the year in which the last rental increase was effective to the year in which the latest rental increase is occurring times the then annual rental rate, but in no event shall the amount of increases in rental exceed ten (10) percent at any one time. In the event of a decrease in the C.P.I., no decrease in rental shall be made; however, additional increases in rental shall not be made until the C.P.I. rises above the point from which the last increase in rental was determined, using 1993 as the base year. In July of every year, City staff will calculate any rental increases required under this paragraph and such increases shall be applicable to all leases coming due between the next October 1 and September 30 of the next year. Any such rental increase will be automatic, with City Staff to give lessee notice of such increase in the next bill sent to the lessee.

b. Rental for all lots with leases originating after November 18, 2011 (and as described further in Section 19-221a.). An annual rental fee will be assessed on each lot leased on Lake Tyler equivalent to the city taxes which would be paid if the property and improvements were privately owned and located within the City of Tyler, Texas. Lease payments shall be established using the tax rate adopted by the Tyler City Council and applied to initial land lease value established by the City plus any improvement values established by Smith County Appraisal District.

c. Other charges. Certain Fees will be charged for handling lease-related documents and transactions as set out in Division 6. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. O-2011-100, 11/16/11) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-202. Renewal of leases.

Each lease shall automatically be renewed for the term specified in the original lease or in the addendum by the payment in advance of each annual rental provided:

a. If Lessee has an Addendum to the original lease from the City, and is not in default under

the terms of said agreements or is in the process of curing and does cure any default in accordance with the terms of Lessee's contractual obligations under the original lease and Addendum;

b. If lessee does not have an Addendum to the original lease and has cured any default about which the City has given 45 days written notice to Lessee sent via certified mail, return receipt requested, addressed to Lessee's last known address. Lessee may receive an additional period of time to cure and remedy said default with the City's prior written approval, said approval not to be unreasonably withheld. If Lessee fails to remedy such default under this provision, the lease shall terminate and Lessee shall be given 60 days to remove any improvements. If Lessee fails to act within the specified time, the lease will become null and void and the improvements thereon will revert to the City;

c. If Lessee has at all times conformed with the applicable rules and regulations governing the lake and property. Upon failure to pay the rental of any lot within forty-five (45) days from due date, the lessee shall be notified and given a maximum of sixty (60) days in which to remove any improvements. If lessee fails to act within the specified time the lease will become null and void and the improvements thereon will revert to the City. (Ord. No. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-203. Transfer of leases; persons to which lease applies.

All transfers of leases are subject to approval by the City, through the Director of Utilities. Lessee may transfer the lease to heirs, assigns, or transferees, subject to Director of Utilities approval, such approval not to be unreasonably withheld. Any improvements on such lease may be sold to the new tenant at whatever price the lessee can get, as the City will not enter into this transaction. A copy of all leases and lease transfers shall be filed with the Smith County Clerk – Official Public Records before becoming effective. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-204. Use of leasehold and/or improvements as collateral for loan.

The lessee of any lot has the right to encumber the leasehold and/or any building or structure erected or to be erected thereon. Upon lessee's application, the Director of Utilities shall have authority to consent to encumbrance of the leasehold, and it being understood that if any such lien is foreclosed the City will consent to the assignment of such lease to the purchaser at the foreclosure sale, provided the purchaser shall take such lease subject to all rules and ordinances governing and controlling the use thereof, and subject to all of the terms and conditions of the lease as modified, and the holder of an encumbrance of any such property shall have the privilege of paying the annual renewal rental on any such leasehold and/or improvements upon which an encumbrance may exist or upon which a foreclosure may be granted. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-205. Leasehold construction and location.

a. Building permits required for construction. All construction on Lake Tyler leased lots or any structures located over the lake waters, after November 18, 2011, shall require a building permit issued by the City of Tyler Building Inspection Department. Applicable codes and fees, in

addition to fees listed in Division 6, shall be detailed in Chapter 6, "Buildings and Structures" of the City of Tyler Code of Ordinances. Inspections as required by Chapter 6 of the City of Tyler Code of Ordinances shall be scheduled through, and performed by, the City Building Inspection Department.

b. Residences, clubhouses. No house may be constructed without adequate sanitary facilities (a bathroom) connected to an approved wastewater disposal system. No house may be erected containing less than one thousand (1,000) square feet of enclosed floor space. It is unlawful for any person to erect any type building within 100 feet measured horizontally of elevation 378' msl at the waterfront except for boat houses and piers. Swimming pools may be constructed within the 100' setback, but the filter system, bathhouse, and other associated structures must be constructed outside the 100' setback line (100' from the 378' elevation). All buildings, other than boat houses, constructed after the effective date of this Ordinance, April 9, 2025., must have a minimum Finished Floor Elevation (FFE) of 380'. No buildings or structures other than fences and retaining walls may be erected within 7 ½ feet measured horizontally from any side property line of a leased lot on Lake Tyler nor may it be nearer the front (street) property line of a leased lot than 25 feet. No more than one residence may be constructed on a residential lot. No use/structure shall encroach into an existing easement or right-of-way, an identified future easement or right-of-way, over an adjacent property or easement line or an identified or set aside access path.

c. Piers, boathouses. No more than one boathouse may be constructed in association with a residential lot. All piers and boathouses shall be inspected annually or as deemed necessary by the Director of Utilities. Inspections will be coordinated with lessee, however, the City reserves the right to inspect at any time. The Director of Utilities shall have the authority to declare a pier, boathouse, or other structure located below the 378' elevation unsafe, unsightly or a nuisance, and to order the same repaired or removed within a specified time period. If the structure is deemed a navigational hazard, it may be removed by the City, and costs incurred shall be collected from the lessee. All boathouses and piers must display the associated lot number in a way visible from the Lake.

d. Accessory Structures. Any structure detached from the main residence shall require a building permit from the City. No accessory structures shall be permitted within the 100' setback from the 378' elevation. All accessory structures must meet Tyler City Code of Ordinances Chapter 10, Article 3, Division D, "Accessory Buildings and Structures," the same as required for properties inside the City of Tyler limits and be setback a minimum of 5' from any property line.

e. Approval for Construction required. Approval for the construction must be granted by the Director of Utilities, prior to initiating construction on any Lake Tyler leased lots or any structure located over the lake waters. In order to receive approval, a plat drawing must be submitted to the office of the Director of Utilities, on available forms identifying the lot, subdivision, owner and building, and containing the lot dimensions, the 100' setback line from the 378' elevation line, the exact location of existing and proposed structures in relation to all property lines including the 100' setback line, and describing the location and size of the septic system to be installed. As applicable, plans for boathouses, piers, retaining walls, swimming pools, boat ramps, and other structures are also subject to approval through the method described above. Approval for construction may be granted upon confirmation of a current lease on Lake Tyler lots, of current lot ownership registration with the office of the Director of Utilities on Lake Tyler East lots, and following a physical on-site inspection by a Lake Supervisor. A fee for each

Approval for Construction form submitted shall be collected when the form is presented to the Office of the Director of Utilities, (See Division 6).

f. Boathouse and Pier Construction. Plans submitted for proposed boathouses, docks and fishing piers shall include the location of the leased lot property corners and lot lines. Lessees are responsible for accurately locating such platted property boundaries before plans are submitted. Construction may begin only if and when a Building Permit is issued. The lessee is required to post such Building Permit(s) in a visible location at the work site before construction may begin.

1. No structure shall be constructed or allowed to be constructed if its length extends more than one-hundred (100) feet from normal lake shoreline (the water's edge at normal pool elevation).

Exceptions:

- 1) In the event that the depth of water at 100 feet from shoreline at normal pool elevation is less than 5 feet.
 - 2) In the event either or both (left and right) adjacent lots are legal nonconforming structures, the proposed construction may be permitted by using an averaged approach, if it will not cause an adverse effect on adjacent lots or watercraft use.
1. In the event the depth of the water at 100 feet from the shoreline at normal pool elevation is less than 5 feet, the Director of Utilities may permit a structure to extend outward from the shoreline past the 100-foot limit until a water depth of 5 feet is encountered, provided that:
 - (a) The proposed structure conforms to and complies with current Ordinances, Rules and Regulations Governing Lake Tyler and Lake Tyler East in all respects; and
 - (b) The Director of Utilities determines that the proposed structure will not have an unreasonable or adverse impact upon navigation on the Lake or the use and enjoyment of the adjoining Lots and any approved improvements thereupon; and
 - (c) In no event shall the structure extend more than 150 feet from the shoreline, regardless of whether a water depth of 5 feet is reached, nor may the structure come within ten (10') feet of the centerline of the channel.
 3. Height and stories. The maximum height of any structure built over water is forty-five (45') feet measured from the normal pool elevation to the top of the roof. No structure shall exceed a single story with a roof deck.
 - a) The decking for all boathouses and piers shall be a minimum of eighteen (18") inches above the normal pool elevation.
 - b) Any enclosed area, other than typical storage closets, intended for living space must have a FFE above the 378' elevation.
 4. Maximum size. No structure built over the Lakes shall exceed 2,000 sq. feet in size. Maximum width shall be sixty (60') feet, however, the total width of any pier or boathouse shall not exceed seventy-five (75%) of the lot frontage along the shoreline. Width shall be measured at the widest point and include both enclosed and unenclosed areas.
 5. Building Materials. All building materials used in the construction of any pier or boathouse shall utilize materials typically used for such purposes and designed

specifically for exposure to the elements. All building materials and methods must comply with the most current Building Code being utilized by the City of Tyler.

6. Lighting. No lighting shall be installed in a manner that causes a distraction or danger to boaters. Lighting shall be installed to minimize its effect on adjacent properties.

g. Recreational vehicles (RV), campers. Locating or establishing recreational vehicles or campers on a lot as a permanent residence is prohibited. When utilized routinely for camping on a lot, the unit must be equipped with self-contained sanitary facilities, or connected to an approved wastewater disposal system. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. O-2011-100, 11/16/11) (Ord. No. 2025-17, 4/9/2025)

Sec. 19-206. Water and sanitation.

a. Plans and specifications. All plans and specifications for all residences or other plumbed buildings must contain provisions for proper sanitation and are subject to the approval of the City and State.

b. On-site sewage disposal system. It is unlawful to employ as the method of sewage disposal on the Lake, any method other than an approved and permitted on-site sewage disposal system. All grey water shall be discharged to the approved and permitted on-site sewage disposal system. No grey water discharges to the surface or to an independent subsurface system are allowed. Sewage disposal systems shall be designed and installed in accordance with state law governing private sewage systems. Prior to construction, detailed plans for each system shall be submitted to all applicable approving authorities, copies of which are to be attached to the Approval for Construction submitted to the Director of Utilities. Formal written approval from all applicable approval authorities is required prior to initiating any construction on the system, including that of Tyler Water Utilities. All sewage effluent from either aerobic or anaerobic systems shall be disposed of in an approved spray irrigation field, or an approved subsurface drain field, with no effluent discharged to the surface within the 100' setback from 378' msl elevation or into the waters of the Lake. No part of the disposal system, including plumbing fixtures, collection and transport components may be located within 100 feet from the 378' msl elevation. An inspection of the on-site sewage system must be conducted annually by a licensed inspector for each approved sewage disposal system on the Lake effective November 18, 2011. The inspection report shall be submitted to the City at the time the annual lease fee is due on Lake Tyler lots and the annual registration fee is due for lots on Lake Tyler East. Any system may be inspected in response to a complaint, but at a minimum, all systems will be inspected annually. All inspections are to be coordinated by the lessee and shall include all collection/pumping facilities whether over the water or not.

1. Failure to submit the annual septic inspection for properties on Lake Tyler will result in the City withholding renewal of the lease. The City will not process lease renewal payments without the annual inspection report. Lake Tyler lease holders will have sixty (60) days to remedy any issues identified in the report. Failure to remedy will result in the City withholding renewal of such lease and reserves the right to begin the process of lease termination.

2. Failure to submit the annual septic inspection and use fee for properties on Lake Tyler East may result in a \$500 fine. The City reserves the right to file a lien(s) on any property of Lake Tyler East for non-payment. Lake Tyler East property owners will have sixty (60) days to remedy any issues identified in the report. Failure to remedy will result in additional fines/liens to the extent limited under State Law.

c. Sanitary facilities located inside the 100' setback from 378' msl elevation. No new sanitary facilities will be permitted within the 100' setback from the 378' msl elevation after the effective date of this Ordinance, April 11, 2025. The continued use of plumbing fixtures and collection and transport components that were lawfully obtained via variance granted by the City prior to August 19, 2022, may continue as legal non-conforming uses to be located inside the 100' setback from 378' msl elevation, if such use continues to comply with the following conditions:

1. The system must be designed by a registered professional engineer with experience in design of such systems.

2. Only one commode, one bathroom lavatory, one shower and/or tub, one kitchen sink (double compartment), one water heater, and one ice-maker/ice dispensing unit is allowed per boathouse.

3. Only a single wastewater collection tank is allowed per boathouse, and only when pumping is required to reach the disposal system located outside the 100' setback from 378' msl elevation.

4. Where a wastewater collection tank is required, the same shall be equipped with a sewage pump capable of pumping the volume required to meet specified engineering criteria for the system activated by means of a float switch.

5. Where a wastewater collection tank is required, the same shall be constructed of a corrosion resistant, non-buoyant material, and shall be located within a containment structure capable of holding 1 ½ times the volume of the tank.

6. Where a wastewater collection tank is required, the same shall be equipped with an audible and visual alarm system indicating tank leaks or overflow.

7. All pipe and fittings used to convey wastewater from the boathouse to the on-site sewage facility (OSSF) shall have a minimum working pressure rating of 150 pounds per square inch. Final plans and specifications shall describe and require pressure testing for all lines installed with the minimum test pressure being 1.5 times the maximum design pressure. All pipe and fittings used to convey water to the boathouse and wastewater from the boathouse to the OSSF shall be located above the 376' elevation and must be capable of being visually inspected.

8. The system will be subject to periodic, routine inspections by City Staff.

9. The system will be subject to an annual inspection as described in this Article.

d. Floating boathouses, piers or any other on-water facility which has sanitary facility connections shall be prohibited.

- e. Pit toilets. It is unlawful to employ as the means of waste disposal any pit-type toilet on a Lake lot or on City property at the Lake.
- f. Garbage. It is unlawful to maintain any dump ground or garbage incinerator in the Lake Tyler watershed. All garbage shall be collected and removed from the lake shore at least once weekly by lessee. The burning of household garbage is prohibited on the Lake.
- g. Non-potable untreated (raw) water may be obtained from the Lake by the following means:
 - 1. by lease holders and lot owners for irrigation purposes only, with a maximum 5 hp pump and a 2" supply line; or
 - 2. by contractors upon obtaining a temporary water diversion permit from the State of Texas. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. O-2011-100, 11/16/11)
 - 1.
- h. Insecticide Misting Systems. Insecticide misting systems are permitted for the use of controlling insects in and around piers, docks and boathouses. Misting systems shall be designed in accordance with the City of Tyler Water Utilities Misting System Guidelines. All insecticides used are subject to approval for use over surface water supplies by the Texas Department of Agriculture, Texas Parks and Wildlife Department and meet the criteria for EPA FIFRA 25(b) exemption. (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-207. Resubdivisions, replats, new subdivisions.

All resubdivisions, replats and new subdivision plats of properties on the Lake and certain marginal lands on Lake Tyler East are subject to approval by City Council, and will be subject to a fee as described in Division 6 of this Article. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-208. Resubdivision of City owned Lots.

Certain lots on the Lake contain substantial acreage having been originally created as recreational areas for corporations, clubs, groups, or companies. The following criteria are established for requests for resubdivision of club lots containing two (2) or more acres.

- a. The minimum acreage for a new lot created by resubdivision shall be no less than 1.0 acre above 378' elevation (msl), and shall have a minimum of 100' waterfront access.
- b. Construction of improvements on lots created by resubdivision shall be restricted to single family residences and appurtenances built in accordance with this Article.
- c. Sewage disposal systems shall be designed and installed in accordance with state law governing private sewer systems, and shall comply with Sec. 19-206 of this Division.
- d. All costs of resubdivision (i.e. surveying fees, filing fees, engineering and drafting fees, etc.) shall be paid by the Lessee.
- e. A one-time fee per additional lot created by resubdivision shall be applicable and payable to the Director of Utilities prior to official replatting. When the existing lessee transfers their interest to another, the lot fee must be paid.
- f. The lease for an additional lot(s) created by resubdivision shall be a thirty (30) year term lease automatically extended at the end of the regular term, subject to compliance with lease conditions.

g. An annual lease fee will be assessed on lots created by subdivision under this Section. (See Division 6) The annual rental for lots created and leased prior to November 18, 2011 shall be adjusted at each annual anniversary date in an amount equal to the increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the South (the geographic area including Smith County, Texas), as published by the United States Department of Labor (or its successor document), from the year in which the last rental increase was effective to the year in which the latest rental increase is occurring times the then annual rental rate, but in no event shall the amount of increases in rental exceed ten (10) percent at any one time. In the event of a decrease in the C.P.I., no decrease in rental shall be made; however, additional increases in rental shall not be made until the C.P.I. rises above the point from which the last increase in rental was determined, using 1997 as the base year. In July of every year, City Staff will calculate any rental increases required under this paragraph and such increases shall be applicable to all leases coming due between the next October 1 and September 30 of the next year. Any such rental increase will be automatic, with Director of Utilities to give lessee notice of such increase in the next bill. For lots created and leased after November 18, 2011, the annual lease payment shall be equivalent to the city taxes which would be paid if the property and improvements were privately owned and located within the City of Tyler, Texas. Lease payments shall be established using the tax rate adopted by the Tyler City Council and applied to the initial land lease value established by the City plus any improvement values established by Smith County Appraisal District.

h. Access to each new lot created by resubdivision shall be provided by the subdivider. Such access shall be to the nearest public road, but shall remain private. The access road shall be twenty-eight (28) feet wide.

i. Access roadways shall be built to no less than Smith County road construction standards and shall be constructed at the sole expense of the subdivider and/or lessee. A perpetual maintenance agreement shall be signed by all lessees of lots within a resubdivided plat. The agreement will establish a perpetual maintenance fund to care for the roadway. Failure to establish and maintain a perpetual maintenance agreement and fund shall be considered a violation of the lease, and thus, grounds for default. All access roadways shall be shown on the resubdivision plat. Lease documents resulting from the subdivision shall contain a provision requiring lessee to acknowledge responsibility for the maintenance of all private access roadway systems. (Ord. 0-97-52, 10/22/97(Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2013-44, 6/12/13) (Ord. No. 0-2025-17; 4/9/2025)

...

PART 5: That Tyler City Code Chapter 19, "Utilities", Article VI, "Lake Tyler and Lake Tyler East", Division 6., "Schedule of Fees", is hereby amending by amending the following City Code Sections to read as follows, with no other changes to Division 6:

DIVISION 6: SCHEDULE OF FEES

Sec. 19-220. Miscellaneous Fees:

- | | | |
|----|--|----------|
| a. | Fee for Access Agreement (non-transferable) (Reference 19-147) | \$475.00 |
| b. | Fees for reclaiming a derelict boat or barge. (Reference 19-168) | |
| | Fee for reclaiming derelict boat | \$100.00 |
| | Fee for reclaiming derelict barge | \$100.00 |

(Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. O-2011-100, 11/16/11) (Ord. No. 0-2025-17; 4/9/2025)

Sec. 19-221. Fees applicable to leases.

(Reference 19-201-208)

a. Rental fee for lots with leases originating prior to November 18, 2011 as shown in red on the attached Exhibit "A" on Lake Tyler (annual)

\$ 50.00*

*After June, 1993, to be adjusted at each annual anniversary date in an amount equal to the increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the South, as published by the U.S. Department of Labor. Reference 19-201a.

b. Rental fee for lots with leases originating after November 18, 2011. An annual rental fee will be assessed on each lot leased on Lake Tyler equivalent to the city taxes which would be paid if the property and improvements were privately owned and located within the City of Tyler, Texas. Lease payments shall be established using the tax rate adopted by the Tyler City Council and applied to initial land lease value established by the City plus any improvement values established by Smith County Appraisal District.

c. Other fees

Fee for Consent to Mortgage

\$100.00

Fee for Lease Transfer, Assignment

\$150.00

Fee for transfer by Will or Devise

\$300.00

Fee for Lease Addendum

\$100.00

Fee for Approval for Construction and insecticide misting systems

\$250.00

Fee for Filing document with County Clerk

\$100.00

d. New subdivision, resubdivision, re-platting fees (Reference 19-207-208)

Any new subdivision plat on Lake Tyler East

\$500.00+\$1.00 per lot

Any resubdivision of an existing, approved subdivision on Lake Tyler East

\$500.00

Any replat of an existing, approved subdivision

\$500.00

One-time fee per new lot created from resubdivision of City-owned lot

\$2,500.00


Annual lease fee for new lot created from resubdivision of City-owned lot prior to November 18, 2011. \$500.00*

*After June, 1997, to be adjusted at each annual anniversary date in an amount equal to the increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the South, as published by the US. Department of Labor. (See Sec. 19-208g.) (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99) (Ord. No. O-2011-100, 11/16/11) (Ord. No. 0-2013-44, 6/12/13) (Ord. No. 0-2025-17; 4/9/2025)

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 after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be April 11, 2025.

PASSED AND APPROVED this the 9th day of April, A.D., 2025.



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

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY