

ORDINANCE NO. O-2023-85

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

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

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

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

**PART 1:** That Tyler City Code Chapter 6, "Buildings and Structures", Article VIII, "Fire Prevention", is hereby amended by amending Section 6-131 to read as follows:

**Sec. 6-131. Schedule of Mitigation Rates for Fire Department Emergency and Non-Emergency Services.**

*The mitigation rates below are average "billing levels", and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.*

*These rates are based on actual costs using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance). Labor rates include an average department's actual burdened labor costs and not just a firefighter's wage. These include wages, retirement, benefits, workers comp, etc.*

*NOTE: Under the Agreement, it is intended for the Mitigation Rates List in Exhibit "A", and as codified in this Section, to increase by 1.5% annually or based on the annual percentage increase in the Consumer Price Index (CPI), whichever is more. It is also recommended that any rate adjustments occur on the anniversary of adoption of this Ordinance. However, any increases or adjustments to the rates in this Section shall require official action by the City Council.*

*The following mitigation rates for emergency and non-emergency services are established as follows:*

a. Motor Vehicle Incidents

1. Level 1 - \$539.00

Provide hazardous materials assessment and scene stabilization. This will be the most

common "billing level". This occurs every time the Fire Department responds to an accident/incident.

2. Level 2 -\$615.00

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. This will be billed at this level if the Fire Department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

3. Level 3 - Car Fire. \$750.00

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

b. Add-On Services

1. Extrication - \$1,620.00

Includes heavy rescue tools, ropes, airbags, cribbing, etc. This charge will be added if the Fire Department has to free/remove anyone from the vehicle(s) using any equipment. This Level will not be billed if the patient is simply unconscious and Fire Department is able to open the door to access the patient. This Level is to be billed only if equipment is deployed.

2. Creating a Landing Zone - \$496.00

Includes Air Care (multi-engine company response, mutual aid, helicopter). This Level will be billed any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

3. Itemized Response. Each incident may be billed as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

4. Additional Time on Scene

Engine billed at \$497 per hour.

Truck billed at \$621 per hour.

Miscellaneous equipment billed at \$373

c. Hazmat

1. Level 1 - \$870.00

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

2. Level 2 - \$3,106.00

Intermediate Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

3. Level 3 - \$7,330.00

Advanced Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3

hours of on scene time - each additional hour @ \$359.00 per HAZMAT team.

d. Additional Time on Scene (for all levels of service)

Engine billed at \$497 per hour.

Truck billed at \$621 per hour.

Miscellaneous equipment billed at \$373

(Ord. No. 0-2019-99; 11/13/19) (Ord. No. 0-2023-85; 9/13/23)

**PART 2:** That Chapter 8 of the Code of Ordinances of the City of Tyler, Texas, "Parks", is hereby amended by amending Article V, Fees, Sec. 8-70 "Special Use Permits," Sec. 8-75 "Goodman Museum," Sec. 8-76 "Special Event Permit Fee," and Sec. 8-80 "Glass Recreation Center Facilities Charges," to read as follows:

## **Article V. Fees**

### **Sec. 8-70. Special use permits for swimming pool and spray ground.**

a. Fun Forest and Woldert Park Pools may be rented for a fee of one hundred dollars (\$100.00) per weekend for swim meets. Special use permits may be obtained for a fee of fifty dollars (\$50.00) to reserve a pool for swimming practice for a specific period of time.

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

No Changes to Chart

(Ord. No. 0-2023-85; 9/13/23)

b. Special use permits may be obtained for a fee of fifty dollars (\$50.00) to reserve, for a specific period of time, any park spray ground or the Dolphin Fountain at Bergfeld Park. (Ord. No. O-96-53, 6-26-96) (Ord. No. O-2007-80, 7/11/07) (Ord. 0-2009-103, 9/23/09) (Ord. 0-2020-70; 7/22/20) (Ord. No. 0-2023-85; 9/13/23)

c. No changes.

(Ord. No. 0-2021-91; 9/22/21)

### **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 three dollars (\$3.00) per person shall be requested for admission to the Goodman Museum. (Ord. No. 0-2023-85; 9/13/23)

b. Goodman Museum facilities Rental Fees.

- i. Hourly rental – A fee of one hundred dollars (\$100) per hour, with a minimum two-hour shall be charged for the rental of the Goodman Museum facilities. An additional fee of fifty dollars (\$50) shall be charged for each additional hour.  
(Ord. No. 0-2023-85; 9/13/23)
- ii. Full day rental – A fee of five hundred dollars (\$500) shall be charged as for the “all day usage” (maximum of 8 hours) of the Goodman Museum facilities. (Ord. No. 0-2023-85; 9/13/23)
- iii. Special event permit fee - A one-time special event permit fee of One hundred dollars (\$100) shall be charged in addition to the hourly rental charges. (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2023-85; 9/13/23)
- iv. Damage deposit – A fee of one hundred dollars (\$100.00) shall be charged for the damage deposit. (Ord. No. 0-2023-85; 9/13/23)

c. Goodman Museum Grounds Only –A fee of two hundred ninety dollars (\$290) shall be charged as a special event permit fee. (Ord. No. O-96-53, 6-26-96) (Ord. No. 0-99-86; 10/27/99) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2023-85; 9/13/23)

**Sec. 8-76. Special event permit fee; park pavilions and restrooms.**

The rates and charges for special event permit fees, park pavilions, and restrooms are 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. Unless otherwise specifically provided, the fee for a special event permit shall be fifty dollars (\$50.00).
- b. A fee of fifty dollars (\$50.00) shall be charged for the rental of park pavilions and restrooms.
- c. Bergfeld Park amphitheater- A fee of three hundred dollars (\$300.00) per day and a damage deposit of one hundred fifty dollars (\$150) to five hundred dollars (\$500.00) shall be charged for the rental of the Bergfeld Park amphitheater.
  - i. Mowing Request - If a special request is needed for the space to be mowed outside of the normal mowing schedule, a fee of one hundred dollars (\$100.00) will be charged.
  - ii. All amplified events will require paid Parks staff at the expense of the PERMITTEE at a ratio of one (1) employee per 300 attendees, at a rate of \$25.00 per hour, per employee. (Ord. No. O-96-53, 6-26-96) (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2023-85; 9/13/23)

### **Sec. 8-77. Sports tournament field usage fee.**

The rates and charges for the usage of Sports fields for tournaments 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. Field Usage Fee - A fee of one hundred twenty-five dollars (\$125.00) per field shall be charged as a field usage fee for sports tournaments, in addition to the *fifty dollars (\$50.00)* special event permit fee described in section 8-76 above.
- b. Permits must be completed at least 10 business days prior to the event or an additional fee of one hundred dollars (\$100.00) will be charged.
- c. Tournaments - Are required to have paid Parks staff at the expense of PERMITTEE, at a rate of thirty-five dollars (\$35.00) per hour, per employee. (Ord. No. O-96-53, 6-26-96) (Ord. O-2009-103, 9/23/09) (Ord. No. O-2015-78; 7/22/15) (Ord. No. O-2018-69; 9/12/18) (Ord. No. O-2023-85; 9/13/23)

### **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>Park Facility Rental Rates for Glass Recreation Center</b>	
<b>Room</b>	<b>Current Rate</b>
<b><i>Multi-Purpose Room</i></b>	
Half Room-Up to 100 people	\$40/hr; 2hr min; \$25 each add. hour
Full Room-Up to 200 people	\$60/hr; 2hr min; \$35 each add. hour
<b><i>Gym</i></b>	
Full Court	\$60/ hr; 2hr minimum
Half Court	\$35/ hr; 2hr minimum
<b><i>Arts &amp; Crafts</i></b>	
Equipment Damage Deposit:	\$50
After Hours Rate	Any rentals after 10 p.m. will be charged \$10 for each additional hour
<b><i>TV/DVD</i></b>	\$35/Event
PA System/Podium	\$35/Event
Ice Machine	\$25/Event
Damage Deposit	\$150 to \$500
<b><i>Catering Fee</i></b>	
<b><i>Pavilion</i></b>	\$50 per day

	\$50 Special use permit (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 02023-85; 9/13/23)
<i>Damage Deposit</i>	\$100 (Ord. No. 0-2023-85; 9/13/23)
<i>Amphitheater</i>	\$50 per day (Ord. No. 0-2023-85; 9/13/23)
Special use permit (Ord. No. 0-2013-90; 9/25/13)	\$50
<i>Damage Deposit</i>	\$100 (Ord. No. 0-2023-85; 9/13/23)
<i>Outside Basketball Court</i>	
Full Court	\$60/hr; 2hr minimum (Ord. No. 0-2023-85; 9/13/23)
Half Court	\$35/hr; 2hr minimum (Ord. No. 0-2023-85; 9/13/23)
Special use permit (Ord. No. 0-2013-90; 9/25/13)	\$50 (Ord. No. 0-2023-85; 9/13/23)
<i>Damage Deposit</i>	\$100 (Ord. No. 0-2023-85; 9/13/23)
<i>Membership Fees</i>	
Adult	\$30.00/person per year
Adult (Non-Resident)	\$40.00/person per year
Youth	\$10.00/person
Day pass	\$5.00/person
Recreation Classes	In order to take recreation classes at the Glass Center, a citizen must be a member of the Glass Recreation Center or purchase a day pass
After School Program	\$20 per child per month
Summer Day Camp at the Glass	\$200 per child per summer

(Ord. 0-2005-78, 9/28/05) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2023-85; 9/13/23)

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

#### **Sec. 16-13. Fees**

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

a.

Automated Service for Residential	Container Size	Number of Containers	Trips Per Week	Monthly Charge
1. Units	96 gallon wheeled cart included (For household waste only—not for brush or yard waste)	1	2	\$22.66 + tax (Ord. No. 0-2023-85; 9/13/23)

2. More than three (3) residential units at one location may be considered commercial.
3. Additional carts are \$11.33 per month - (Optional) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2023-85; 9/13/23)
4. Subscription Curbside Recycling -\$5.96 per month for collection every two weeks – (Optional)
5. Additional Curbside Recycling Carts - \$2.04 per month for collection every two weeks. (Optional)
6. Packout Service (not applicable to brush collection or leaf bag collection)
Packout Service (up to 150 feet ) - \$15.07 per month (Ord. No. 0-2020-85; 9/9/20)
Packout Driveout Service (over 150 feet ) - \$22.38 per month (0-2006-14, 1/25/06; Ord. No. 0-2006-51, 5/24/06) (Ord. 0-2007-111, 9/26/07) (Ord. 0-2009-103, 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. No. 0-2020-85; 9/9/20)
7. For Solid Waste customers who do not receive Automated Service for Residential (i.e., do not have carts) -\$5.20 per month. This surcharge shall not apply to Packout or Driveout customers. (Ord. No. 0-2008-92; 6/23/08) (Ord. No. 0-2020-85; 9/9/20)
8. Duplex = 2 units, requires 2 carts (2 x #1 above) \$45.32 (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2023-85; 9/13/23)

(Ord. 0-2011-74, 9/14/11) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2023-85; 9/13/23)

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

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

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

(Ord. 0-2007-111, 9/26/07, Ord. 0-2015-54, 6/10/15)

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

<b>Type and Size of Container</b>		<b>Effective January 1, 2013</b>		
<b>Open top</b>	<b>Daily Rental</b>	<b>Monthly Rental</b>	<b>Service Fee</b>	
12 yard	\$10.00	\$75.00		\$260.00
20 yard	\$10.00	\$80.00		\$330.00
30 yard	\$10.00	\$90.00		\$425.00
40 yard	\$10.00	\$96.00		\$521.00
45 yard	\$10.00	\$96.00		\$570.00
<b>Compactor</b>				
30 yard	Varies depending on cost	\$434.00		
35 yard		\$483.00		
40 yard		\$531.00		
42 yard		\$558.00		

(Ord. 0-2015-54, 6/10/15)

3. Commercial Hand Pickup:

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

<b>Commercial Hand Pickup Automated Service</b>	<b>Base Cost</b>
<b>Number of Carts</b>	
1	\$25.16 + tax
2	\$50.32 + tax
3	\$75.48 + tax
4	\$100.64 + tax
Packout Service (up to 150 feet): \$15.07 per month	
Packout Driveout Service (over 150 feet) - \$22.38 per month	
(0-2006-14, 1/25/06) (Ord. 0-2007-111, 9/26/07) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord No. 0-2011-74, 9/14/2011) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2023-85;9/13/23)	

4. Late Fees. 1 1/2% per month on balance over 30 days past-due.

c. through e. No Changes

(Ord. 0-2011-74, 9/14-11) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-91; 9/22/21) (Ord. No. 0-2022-87 ; 09/14/22) (Ord. No. 0-2023-85;9/13/23)

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

69 and 19-102 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:

**MIMIMUM MONTHLY RATES-Effective 10-1- 2023 for all classes except Industrial**

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

(Ord 0-2003-42, 9-10-2003) (0-2005-77, 9-28-05) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (0-2008-155, 12/10/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2015-91; 9/22/15) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2022-33; 4/12/2022) (Ord. No. 0-2022-87; 9/14/2022) (Ord. No. 0-2023-85; 9/13/23)

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
Volume Charge – Inside City (per 1k gal)

Volume	October 1, 2023 For all classes except industrial
First 2k	3.23
Next 23k	3.48
Next 975k	2.81
Next 4mil	2.58

Over 5mil	2.54
-----------	------

Volume
<b>Volume Charge – Outside City (per 1k gal)</b>

<b>Volume</b>	<b>October 1, 2023 For all classes except Industrial</b>
First 2k	4.85
Next 23k	5.22
Next 975k	4.22
Next 4mil	3.87
Over 5mil	3.81

(Ord. 0-2003-42, 9-10-2003)(0-2005-77, 9-28-05)(0-2006-79; 9-13-2006)(0-2008-128; 9/24/08)(0-2008-155, 12/10/08)(Ord. 0-2009-103; 9/23/09)(Ord. No. 0-2010-99, 9/22/10)(Ord. 0-2012-69, 9/12/12)(Ord. No. 0-2014-86; 9/24/14)(Ord. No. 0-2015-91; 9/22/15)(Ord. No. 0-2016-78; 9/14/2016)(Ord. No. 0-2017-77; 9/13/17)(Ord. No. 0-2018-69; 9/12/18)(Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-37; 4/28/21) (Ord. No. 0-2022-87; 9/14/2022) (Ord. No. 0-2023-85; 9/13/23)

#### Industrial Water Rates

<u>Monthly Minimum</u>	<u>Rate per 1,000 gallons</u>
------------------------	-------------------------------

<u>Meter Size (in.)</u>	<u>Inside City</u>	<u>Outside City</u>	<u>Gallons</u>	<u>Inside City</u>	<u>Outside City</u>
5/8	15.80	23.70	0-2,000	2.78	4.17
1	15.80	23.70	2k - 25K	3.41	5.12
1 1/2	15.80	23.70	25k - 1m	2.63	3.95
2	18.50	27.75	1m - 5m	2.39	3.59
3	21.40	32.10	over 5m	2.35	3.53
4	32.50	48.75			
6	48.00	72.00			
8	64.60	96.90			
10	91.30	136.95			
12	117.90	176.85			

Ord. No. 0-2022-87; 9/14/2022) (Ord. No. 0-2023-85; 9/13/23)

#### Sec. 19-64. Sewer service rates.

- 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>Minimum Sewer Rates for All Non-Industrial Classes- Effective 10-1-2023</b>		
<b>Monthly Minimum</b>		
<b>Meter</b>	<b>Inside</b>	<b>Outside</b>
<b>Size (in.)</b>	<b>City</b>	<b>City</b>
5/8	19.10	28.65
1	19.10	28.65
1 1/2	19.10	28.65
2	22.90	34.65
3	26.60	39.90
4	41.90	62.85
6	64.60	96.90
8	87.50	131.25
10	125.50	188.25
12	161.00	241.50

(Ord. 0-2003-42, 9-10-2003) (0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2015-91; 9/22/15) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2022-87; 9/14/2022) (Ord. No. 0-2023-85; 9/13/23)

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

#### **VOLUME**

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

<b>Volume</b>	<b>October 1, 2023</b>
---------------	------------------------

<i>First 2k</i>	<i>3.17</i>
<i>Next 23k</i>	<i>3.16</i>

Next 975k	3.09
Next 4mil	2.67
Over 5mil	2.39

<b>VOLUME</b>
<b>Volume Charge – Outside City (per 1k gal)</b>

Volume	October 1, 2023
First 2k	4.76
Next 23k	4.74
Next 975k	4.64
Next 4mil	4.01
Over 5mil	3.59

*In calculating the monthly rates and charges hereunder for apartment houses, townhouses, condominiums, mobile home parks under single ownership and other buildings designed for or occupied by three (3) or more families, every separate living unit therein shall be considered a separate user or customer receiving services rendered by the City's sanitary sewer system. (Ord. 0-2003-42, 9-10-2003) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-37; 4/28/21) (Ord. No. 0-2022-87; 9/14/2022) (Ord. No. 0-2023-85; 9/13/23)*

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)

c. 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) (Ord. No. 0-2017-77; 9/13/17)

#### **Sec. 19-66. Sewer utility industrial rates.**

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

TABLE (A1)

#### **MINIMUM MONLTHLY INDUSTRIAL RATES -Effective 10-1- 2023**

Monthly Minimum

Meter Size (in.)	Inside City	Outside City
5/8	84.00	126.00
1	84.00	126.00
1 1/2	84.00	126.00
2	84.00	126.00
3	84.00	126.00
4	84.00	126.00
6	84.00	126.00
8	89.00	133.5
10	128.00	192.00
12	161.00	241.50

(Ord. 0-2003-42, 9-10-2003) (0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2015-91; 9/22/15) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2022-87; 9/14/2022) (Ord. No. 0-2023-85; 9/13/23)

**TABLE (A2)**

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

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

Volume	October 1, 2023
--------	-----------------

First 2k	2.73
Next 998k	2.53
Next 4mil	2.32
Over 5mil	2.21

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

Volume	October 1, 2023
--------	-----------------

First 2k	4.10
Next 998k	3.80
Next 4mil	3.48
Over 5mil	3.32

**SURCHARGE FOR EXTRA STRENGTH DISCHARGE**

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

October 1, 2019
-----------------

<i>BOD5</i>	0.002660663
<i>COD</i>	0.001286306
<i>TSS</i>	0.001491758

(Ord 0-2003-42, 9-10-2003) (Ord. 0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-37; 4/28/21) (Ord. No. 0-2022-87; 9/14/2022) (Ord. No. 0-2023-85; 9/13/23)

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, 2023**

<i>Gallons</i>	<i>Inside City</i>	<i>Outside City</i>
<i>First 2,000</i>	2.73	4.10
<i>Next 998,000</i>	2.53	3.80
<i>Next 4,000,000</i>	2.32	3.48
<i>Over 5,000,000</i>	2.21	3.32

**SURCHARGE FOR EXTRA STRENGTH DISCHARGE**

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

**October 1, 2019**

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

(Ord 0-2003-42, 9-10-2003) (Ord. 0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2020-85; 9/9/20) (Ord. No. 0-2021-37; 4/28/21) (Ord. No. 0-2022-87; 9/14/2022) (Ord. No. 0-2023-85; 9/13/23)

c. If an industrial user is not connected to the city water system, the minimum charge will be calculated on water system size. The rates charged will be equivalent to the rates charged for metered systems of the same size.

d. If any of the concentrations set forth in the industrial waste ordinance are exceeded, such as, but not limited to chemical oxygen demand (COD) and total suspended solids (TSS), the industrial

customer will pay a surcharge in accordance with the preceding extra strength surcharge rates, or as transportation and/or treatment costs may warrant for any other pollutants. Only in exceptional cases will pollutants in excess of permitted parameters be accepted.

e. Industrial rates (I.R.) can thus be calculated by either of two (2) equations:

1. Volume of water used (under 1,000,000 gallons based on a seventy (70) percent return factor):

$$I.R. = M_w + (\text{Rate per 1,000 gals.})(V_w - 2) + [(\text{COD Surcharge})(\text{COD-300}) + (\text{TSS Surcharge})(\text{TSS-250})] V_w$$

2. Volume of sewage discharged (under 1,000,000 gallons):

$$I.R. = M_s + (\text{Rate per 1,000 gals.})(V_s - 2) + [(\text{COD Surcharge})(\text{COD-300}) + (\text{TSS Surcharge})(\text{TSS-250})] V_s \text{ where:}$$

$M_w$  = The minimum rate for sewer utility use based on the size of water meter.

$M_s$  = The minimum rate for sewer utility use based on the size of water meter, or on the water meter size equivalent.

$V_w$  = The total volume of water used during the month (in thousands of gallons).

$V_s$  = The total volume of sewage discharged during the month (in thousands of gallons).

COD = The established chemical oxygen demand strength of the industrial waste discharged, based on laboratory analyses, and expressed in milligrams per liter (mg/l).

TSS = The established total suspended solids concentration of the industrial waste discharged, based on laboratory analyses, and expressed in milligrams per liter (mg/l).

250 = The surcharge limit for TSS established in the industrial waste ordinance, expressed in milligrams per liter (mg/l).

300 = The surcharge limit for COD established in the industrial waste ordinance, expressed in milligrams per liter (mg/l).

f. Rates for services to industrial waste dischargers outside the city limits shall be multiplied by a factor of 1.5. (Ord. No. O-96-54, 6-26-96) (Ord. No. 0-98-74, 9/2/98) (Ord. No. 0-99- 70, 10-1-99)

### **Sec. 19-69**

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

<b>Effective Date</b>	<b>Inside City</b>	<b>Outside City</b>
October 1, 2023	\$19.70	\$19.70

(Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18) (Ord. No. 0-2019-80; 9/25/19) (Ord. No. 0-2021-91; 9/22/21) (Ord. No. 0-2022-87; 9/14/2022) (Ord. No. 0-2023-85; 9/13/23)

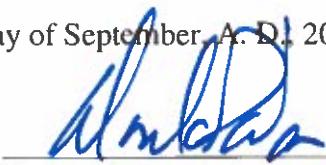
### **Sec. 19-102. Application procedure for permit; fees; duration of permit; permit non-transferable.**

- a. The Permit required by this Article shall be secured prior to operation of a vehicle as transporter to any disposal facility.
- b. Applications may be obtained during business hours from the Manager at 511 West Locust, Tyler, Texas, 75702.
- c. Applications must be submitted on a form provided for that purpose by the Manager. The application form must be filled in completely, signed by the applicant and verified before a notary public.
- d. Each applicant shall provide the following information on the application:
  - 1. Name (owner and business);
  - 2. Address (residence and business);
  - 3. Owner's social security number;
  - 4. Telephone numbers (residence, business, emergency);
  - 5. Texas Natural Resource Conservation Commission (TNRCC) registration number;
  - 6. The vehicle identification number (VIN) of each vehicle to be permitted;
  - 7. The license number of each vehicle to be permitted; public.
  - 8. Year, make and model of each vehicle to be permitted;
  - 9. Gallon capacity of each vehicle to be permitted;
  - 10. A description of metering equipment with which each such vehicle is equipped;
  - 11. A color photograph of each disposal vehicle;
  - 12. A photocopy of each driver's motor vehicle operator's license;
  - 13. Such other information or data that the Manager may deem necessary to the administration of this article.
- e. Each application shall be accompanied by a permit fee of *thirty dollars* (\$30.00) for the first vehicle to be permitted and *twenty dollars* (\$20.00) for each additional vehicle to be permitted (maximum of three (3) vehicles per permit). The same fees will apply to annual renewals and will be payable within thirty (30) days of that renewal (normally January first).
- f. A Permit issued hereunder shall be valid for a period of one (1) year from the date of issuance unless earlier revoked or suspended in accordance with the provisions of this article.
- g. A Permit issued under the authority of this article may not be sold, assigned or otherwise transferred nor inure to the benefit of any transporter other than the original permittee.
- h. The fee for disposal of septage at a City disposal facility is *Seventy Five Dollars* (\$ 75.00) per one thousand (1,000) gallons. (Ord. No. 0-2021-91; 9/22/21) (Ord. No. 0-2022-87; 9/14/2022) (Ord. No. 0-2023-85; 9/13/23)
- i. Trip tickets for each load of septage disposed at a City disposal facility will be forwarded to the Office of the Manager, Water Utilities Department for billing. A statement will be rendered within the first two (2) weeks of each month for the preceding month's discharges. The statement shall identify the quantity (in thousands of gallons) of septage.
- j. In the event the volumes of septage received at City facilities decrease substantially and the Manager determines that significant unauthorized waste disposal has resulted as a consequence of the increase in rates, the Manager is authorized to adjust the rate downward for disposal of septage, but in no case may the rate be adjusted so that it is less than the cost for the City to provide the service. (Ord. No. O-96-79, 9-4-96) (Ord. No. 0-99-80, 10/20/99) (Ord. No. 0-2021-91; 9/22/21)

**PART 5:** 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 6:** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, or later. The effective date of this Ordinance shall be October 1, 2023.

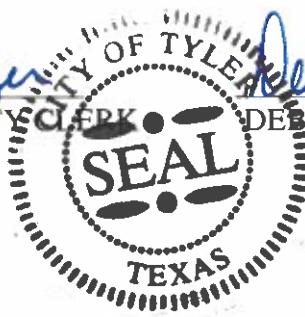
PASSED AND APPROVED this 13<sup>th</sup> day of September, A. D. 2023.



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

ATTEST:

 CASSANDRA BRAGER, CITY CLERK  DEBORAH G. PULLUM, CITY ATTORNEY



APPROVED: