

ORDINANCE NO. O-2015-54

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 16, "SOLID WASTE DISPOSAL REGULATIONS", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY AMENDING CERTAIN RELATING TO COMMERCIAL FRONT LOAD CONTAINER FEES; AND COMMERCIAL ROLL-OFF CONTAINER FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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 Sec. 51.072(a) states that a home-rule municipality has full power of self-government; 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 good government, peace, or good order of the municipality; 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, the Solid Waste Department has requested that changes be made to the City's Solid Waste Ordinance to reflect current prices; and

WHEREAS, the City of Tyler Code Ordinance chapter 16 allows for an annual increase of the commercial customer rates, so long as the maximum rate will be adjusted by the Consumer Price Index for all Urban Consumers (CPI-U) for all goods and all services; and

WHEREAS, the current fee schedule in the Code is not current as the fees are automatically adjusted every year;

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

PART 1: That Tyler City Code Chapter 16, "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. No changes...

b. Commercial, Public, Education and Religious Institutions: The following are maximum rates only, and the Director may adjust such rates 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.

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	\$56.06	\$65.59	\$82.93	\$102.29	\$131.05
2	\$90.55	\$112.33	\$141.74	\$176.51	\$235.37
3	\$128.37	\$147.43	\$192.57	\$264.79	\$320.94
4		\$196.58	\$256.74	\$353.04	\$427.91
5		\$245.72	\$320.94	\$441.31	\$534.92
6		\$270.81	\$353.04	\$530.79	\$641.90

(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)

Type and Size of Container		Effective January 1, 2013	
Open top	Daily Rental	Monthly Rental	Service Fee
12 yard	\$6.00	\$0.00	\$247.00
20 yard	\$4.00	\$76.00	\$314.00
30 yard	\$4.00	\$86.00	\$405.00
40 yard	\$4.00	\$91.00	\$496.00
45 yard	\$4.00	\$91.00	\$543.00

Compactor		
30 yard	Varies depending on cost	\$413.00
35 yard		\$460.00
40 yard		\$506.00
42 yard		\$531.00

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

3. No Changes...

4. No Changes...

c. No Changes

d. No Changes

e. No Changes

PART 2. 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 3. 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 June 10, 2015.

PASSED AND APPROVED this 10th day of June, A. D., 2015.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM, CITY ATTORNEY

