

ORDINANCE NO. O-2018-69

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 8, "PARKS", CHAPTER 12, "AIRPORT AND TRANSIT", CHAPTER 16 "SOLID WASTE DISPOSAL REGULATIONS", AND CHAPTER 19 "UTILITIES", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; 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 8, "Parks", Article V, "Fees", is hereby amended by deleting current Table of Fees in Section 8-74 in its entirety, and adopting a new Table in Section 8-74 in a new format to read as follows:

Sec. 8-74. Rose Garden Center facilities charges.

The rates and charges for the use of the Rose Garden 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:

(0-2005-78, 9-28-05) (0-2006-79; 9-13-2006) (0-2007-50; 5/9/07) (Ord. No. 0-2018-69; 9/12/18)

| ROSE GARDEN CENTER FEES | | | |
|--|------------------------|---|-----------------------|
| NP – Non Profit; | | | |
| RR – Regular Rate; | | | |
| AHA10PM – Additional Hour After 10:00 P.M. | | | |
| Non Profit – An organization or entity formed for the purpose of serving a purpose of public or mutual benefit other than the pursuit or accumulation of profits, i.e., 501(c)(3)s, schools, religious organizations, governmental organizations, etc. Proof of non profit status is required. All other entities will be charged for profit rates. | | | |
| Azalea | Regular Rate | Additional Day | Each Add. Hour |
| Day 8 a.m. to 5 p.m. | \$45 NP \$50 RR | Same as Regular Rate | n/a |
| Night 5 p.m. - 10 p.m. | \$68 NP \$75 RR | Same as Regular Rate | AHA10PM /\$50 |
| Entire Building | Regular Rate | Additional Day | Each Add. Hour |
| Monday - Thursday 8 am to 10 pm | \$720 NP \$800 RR | <i>10% Off Regular Rate/ Move in/out Days 60% of Regular Rate</i> | AHA10PM /\$60 |
| Fri., Sat., or Sun., 8 a.m. to 10 p.m. | \$900 NP \$1,000 RR | <i>10% Off Regular Rate/ Move in/out Days 60% of</i> | AHA10PM /\$75 |

| | | <i>Regular Rate</i> | |
|---|--|---|--|
| Rose | Regular Rate | Additional Day | Each Add. Hour |
| Monday - Thursday 8 a.m. to 10 p.m. | \$58.50/hr /min 2hrs <i>NP</i> \$65/hr /min 2hrs <i>RR</i> | Same as Regular Rate | After 2h/\$45 <i>NP</i> After 2h/\$55 <i>RR</i> |
| Fri., Sat., or Sun., 8 a.m. to 10 p.m. | \$72/hr /min 2hrs <i>NP</i> \$80/hr /min 2hrs <i>RR</i> | Same as Regular Rate | After 2h/\$60 <i>NP</i> After 2h/\$60 <i>RR</i> |
| Camellia or Bluebonnet | Regular Rate | Additional Day | Each Add. Hour |
| Monday - Thursday 8 a.m. to 10 p.m. | \$292.50 <i>NP</i> \$325 <i>RR</i> | Same as Regular Rate | \$60 |
| Fri., Sat., or Sun., 8 a.m. to 10 p.m. | \$360 <i>NP</i> \$400 <i>RR</i> | Same as Regular Rate | \$75 |
| Camellia & Bluebonnet | Regular Rate | Additional Day | Each Add. Hour |
| Monday - Thursday 8 am to 10 pm | \$607.50 <i>NP</i> \$675 <i>RR</i> | | AHA 10PM /\$60 |
| Fri., Sat., or Sun., 8 a.m. to 10 p.m. | \$675 <i>NP</i> \$750 <i>RR</i> | | AHA 10PM /\$75 |
| Exhibit Area | Regular Rate | Additional Day | Each Add. Hour |
| Monday - Thursday 8 a.m. to 10 p.m. | \$90/event <i>NP</i> \$100/event <i>RR</i> | Same as Regular Rate | AHA 10PM /\$50 |
| Fri., Sat., or Sun., 8 a.m. to 10 p.m. | \$112.50/event <i>NP</i> \$125/event <i>RR</i> | n/a | AHA 10PM /\$50 |
| Entrance Area/Atrium | Regular Rate | Additional Day | Each Add. Hour |
| Monday - Thursday 8 a.m. to 10 p.m. | \$90 <i>NP</i> \$100 <i>RR</i> | Same as Regular Rate | AHA 10PM /\$50 |
| Fri., Sat., or Sun., 8 a.m. to 10 p.m. | \$112.50 <i>NP</i> \$125 <i>RR</i> | n/a | AHA 10PM /\$50 |
| Patio/Deck | Regular Rate | Additional Day | Each Add. Hour |
| Monday - Thursday 8 a.m. to 10 p.m. | \$90 <i>NP</i> \$100 <i>RR</i> | Same as Regular Rate | AHA 10PM /\$50 |
| Fri., Sat., or Sun., 8 a.m. to 10 p.m. | \$112.50 <i>NP</i> \$125 <i>RR</i> | n/a | AHA 10PM /\$50 |
| Rose Garden (outside) | Regular Rate | Additional Day | Each Add. Hour |
| Monday - Thursday 8 a.m. to 10 p.m. | \$150 <i>NP</i> \$150 <i>RR</i> | Same as Regular Rate | n/a |
| Fri., Sat., or Sun., 8 a.m. to 10 p.m. | \$150 <i>NP</i> \$300 <i>RR</i> | n/a | n/a |
| Bag of Ice | <i>City Cost</i> | | |
| Caterer Fees (Ord. No. 0-2014-86; 9/24/14) | <i>10% of gross(Ord.</i> <i>No. 0-2014-86;</i> <i>9/24/14)</i> | | |
| Damage Deposit | \$150 - \$500 | Based upon the following factors: (1) type of activity to be conducted on the property, (2) type of past contact the Lessee had with the facility, (3) size of the event, (4) Lessee's insurance coverage | |
| Building Maintenance Fee Alcohol Approved | Per Day Rose Room \$100 | | |

| | |
|---|---|
| | Camellia or Bluebonnet Room \$150 Camellia and Bluebonnet Room \$200 Entire Building \$250 No BYOB. Non-Profits must obtain a temporary permit from TABC. Temporary permit must be posted at facility during event and must be on file with Parks Dept. In "Host Provided" events, host may only provide alcohol when guests are invited. Alcohol must be brought in by host at beginning of event |
| Caterer's fee, per event 10% of gross; Caterer's deposit for cleanup and breakage, per event \$150.00 - \$500.00. (Ord. No. 0-2014-86; 9/24/14) | |

(0-2005-78, 9-28-05) (0-2006-79; 9-13-2006) (0-2007-50; 5/9/07) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2015-91; 9/22/15) (Ord. No. 0-2018-69; 9/12/18)

PART 2: That Tyler City Code Chapter 8, "Parks", Article V, "Fees", is hereby amended by amending Sections 8-75, 8-76 and 8-77 to read as follows, and deleting Section 8-82 in its entirety:

Sec. 8-75. Goodman Museum.

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

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

b. **Rental Fees.**

Goodman Museum facilities - \$85 special event permit fee (this one-time fee shall be charged in addition to the per hour rental charges). (Ord. No. 0-2013-90; 9/25/13)

\$100.00 damage deposit

\$100 per hour rental charge, with a minimum two-hour rental. \$50 for each additional hour.

\$500 "all day usage" (maximum of 8 hours)

Goodman Museum Grounds Only - \$275 special event permit fee only (Ord. No. 0-96-53, 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)

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

Unless otherwise specifically provided, the fee for a special event permit shall be thirty-five dollars (\$35.00). A fee of fifty dollars (\$50.00) shall be charged for rental of park pavilions and restrooms. A fee of three hundred dollars (\$300.00) per day and a damage deposit of one hundred fifty to five hundred dollars (\$150.00 - \$500.00) shall be charged for rental of the amphitheater at Bergfeld Park. If a special request is needed for the space to be mowed outside of the normal mowing schedule, a fee of \$100.00 will be charged. 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. 0-96-53, 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)

Sec. 8-77. Sports tournament 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 *thirty-five dollars (\$35.00)* special event permit fee described in section 8-76 above. Permits must be completed at least 10 business days prior to the

event or an additional fee of \$100.00 will be charged. Tournaments are required to have paid Parks staff at the expense of PERMITTEE, 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. 0-2015-78; 7/22/15) (Ord. No. 0-2018-69; 9/12/18)

Sec. 8-82. Reserved.

PART 3: That Tyler City Code Chapter 12, "Airport and Transit", Article VII., "Transit", is hereby amended by amending Section 12-102, and adopting a new Section 12-103, to read as follows:

Sec. 12-102. Tyler Transit fees.

There are hereby established fees for the use of specific Tyler Transit services. Bus passes allow customers to ride Tyler Transit buses an unlimited number of times for a 30-day period for one fare. The fees shall be determined in accordance with the following:

- a. Fares.
 - Fixed Route \$1.00
 - Half-fare with proper form of identification (Elderly, Disabled, Medicare & Children between the age of 5 and 12 years) \$0.50
 - Children 5 years of age and under Free
 - Para-Transit \$1.50

- b. Bus pass rates.
 - Fixed Route regular rate. \$40.00
 - Half-fare* and Children under the age of 12 years \$20.00
 - Student Monthly Bus Pass \$20.00
 - Day Passes \$2.00 per day with limited trips
 - Student Semester Bus Pass
 - (dates designated on the individual pass)
 - (August through December - Fall) \$50.00 with unlimited trips
 - (January through May - Spring) \$50.00 with unlimited trips
 - (June through August - Summer) \$40.00 with unlimited trips

*Note: Half-fare rate applies to persons with disabilities who are certified in the Tyler Transit system and who have an identification card, as well as citizens 65 years of age or older. (0-2008-45, 3/26/08) (Ord. No. 0-2009-128; 12/9/09) (0-2010-4; 1/13/2010) (Ord. No. 0-2011-74; 9/14/11) (Ord. No. 0-2013-112; 12/11/13) (Ord. No. 0-2018-69; 9/12/18)

Sec. 12-103. Tyler Transit Advertising Fees

The following are the fees for advertising on Tyler Transit vehicles.

| Type of Ad | Cost |
|--------------|---|
| Interior Ads | \$100 per month plus installation cost. |
| Rear Window | \$150 per month plus installation cost. |

| | |
|---------------------------------------|--|
| Side Window | \$375 per month plus installation cost. (Includes all windows on one side of the bus.) |
| Full Bus Wrap (28' or Less) | \$800 per month plus installation cost. |
| Full Bus Wrap (Buses Larger than 28') | \$900 per month plus installation cost. |

(Ord. No. 0-2018-69; 9/12/18)

PART 4: 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 | \$16.39+tax |
| 2. More than three (3) residential units at one location may be considered commercial. | | | | |
| 3. Additional carts are \$9.50 per month – (Optional) | | | | |
| 4. Subscription Curbside Recycling - \$5.25 per month for collection every two weeks – (Optional) | | | | |
| 5. Additional Curbside Recycling Carts - \$2.00 per month for collection every two weeks. (Optional) | | | | |
| 6. Packout Service | | | | |
| Packout Service (up to 150 feet) - \$14.50 per month | | | | |
| Packout Driveout Service (over 150 feet) - \$20.50 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) | | | | |
| 7. For Solid Waste customers who do not receive Automated Service for Residential (i.e., do not have carts) -\$5.00 per month. This surcharge shall not apply to Packout or Driveout customers. (Ord. No. 0-2008-92; 6/23/08) | | | | |

| | |
|--|---------|
| 8. Duplex = 2 units, requires 2 carts (2 x #1 above) | \$32.78 |
|--|---------|

(Ord. 0-2011-74, 9/14-11) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18)

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)

Subsections 1. Through 4. and Tables. No changes...

c.through d. No changes...

e. Fuel Recovery Fee.

To recover the increase in fuel costs associated with solid waste collection by Solid Waste Department vehicles, a fuel recovery fee is hereby established. Said fee shall be adjusted monthly, and shall be based upon adding .05 percent (.05%) for every cent that the average price of diesel fuel rises above \$2.50 per gallon, or decreasing by .05 percent (.05%) for every cent that the average price of diesel fuel decreases but remains above \$2.50 per gallon.

(Ord. 0-2001-43, 9-5-2001) (Ord. No. 0-2003-55, 10/22/03) (Ord. No. 0-2006-92, 10-24-2006) (Ord. 0-2007-111, 9/26/07) (Ord. No. 0-2008-92; 6/23/08) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18)

PART 5: 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, 19-65, 19-66, 19-68, and 19-69, 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 – INSIDE CITY | |
|--|------------------------|
| Meter size (in.) | October 1, 2018 |
| 5/8 | 13.16 |
| 1 | 13.16 |
| 1 1/2 | 13.16 |
| 2 | 15.73 |

| | |
|----|--------|
| 3 | 18.46 |
| 4 | 29.02 |
| 6 | 43.81 |
| 8 | 59.67 |
| 10 | 85.03 |
| 12 | 110.38 |

MINIMUM MONTHLY RATES – OUTSIDE CITY

| <i>Meter size (in.)</i> | <i>October 1, 2018</i> |
|-------------------------|------------------------|
| 5/8 | 19.74 |
| 1 | 19.74 |
| 1 1/2 | 19.74 |
| 2 | 23.6 |
| 3 | 27.69 |
| 4 | 43.53 |
| 6 | 65.72 |
| 8 | 89.51 |
| 10 | 127.55 |
| 12 | 165.57 |

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

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):

| |
|---|
| <i>Volume</i> |
| <i>Volume Charge – Inside City (per 1k gal)</i> |

| <i>Volume</i> | <i>October 1, 2018</i> |
|-----------------|------------------------|
| <i>First 2k</i> | <i>Min</i> |

| | |
|-----------|------|
| Next 23k | 3.24 |
| Next 975k | 2.18 |
| Next 4mil | 1.81 |
| Over 5mil | 1.75 |

| |
|--|
| <i>Volume</i> |
| Volume Charge – Outside City (per 1k gal) |

| <i>Volume</i> | October 1, 2018 |
|---------------|------------------------|
| First 2k | Min |
| Next 23k | 4.86 |
| Next 975k | 3.28 |
| Next 4mil | 2.71 |
| Over 5mil | 2.62 |

(Ord 0-2003-42, 9-10-2003) (0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18)

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

| FIRE LINE FEE | |
|----------------------|------------------------|
| <i>Size (in)</i> | October 1, 2018 |
| 4 A | 9.36 |
| 6 B | 20.47 |
| 8 C | 38.91 |
| 10 D | 92.91 |
| 12 E | 99.86 |

(0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18)

d. through e. No changes...

| |
|--|
| SCHEDULE OF WATER TAP AND METER ACTIVATION FEES |
|--|

| Size | Tap and Meter Activation | Branch |
|---------------------|---------------------------------|---------------|
| 1" tap x 5/8" meter | 1617.00 | 340.00 |
| 1" tap x 1" meter | 1617.00 | 375.00 |
| 1½" tap x 1½" meter | 3068.00 | 688.00 |
| 2" tap x 2" meter | 3665.00 | 785.00 |

The tap fee shall include the cost of a tap and service connection from the main line to the meter location when the total length is fifty (50) feet or less and when installation is not by boring or tunneling under a street or other structure. In such cases, the cost of tap and meter shall be the actual cost of furnishing and installing the tap and meter plus a factor of 1.25 to cover overhead and administrative cost. This cost includes all labor, materials and equipment necessary to make the tap, run the service line and set the meter. Where the water tap has been installed according to Division standards by an approved water and sewer contractor, the following schedule shall determine the fee for furnishing the box and meter and installing the meter, said fee being payable in advance.

| Size of Existing Tap | Meter Size | Meter Activation Fee |
|-----------------------------|-------------------|-----------------------------|
| 3/4" | 5/8" | 467.00 |
| 1" | 5/8" | 467.00 |
| 1" | 1" | 528.00 |
| 1½" | 1½" | 968.00 |
| 2" | 2" | 1165.00 |

Ord 0-2003-42, 9-10-2003) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18)

For sizes other than those shown above, the actual cost of furnishing and installing the tap and meter shall be charged time plus a factor of 1.25 to cover overhead and administrative cost. This cost includes all labor, materials, and equipment necessary to make the tap, run the service line, and set the meter. By permission of the Director, water services three (3) inches and larger may be constructed by an approved contractor. Meter pits for three-inch and larger meters will be constructed by the customer own sole expense per Division specifications. Where the tap and meter is existing and a customer desires a larger tap and meter, a credit based on the following schedule will be allowed for the existing meter and box.

| Size of Meter (inches) | Credit Allowed |
|-------------------------------|-----------------------|
| 5/8 | \$ 30.00 |
| 1 | 55.00 |
| 1½ | 140.00 |
| 2 | 170.00 |

f. through g. No changes...

Sec. 19-64. Sewer service rates.

a. The following rates per month shall be charged for sanitary sewer service furnished to the users or customers receiving City sanitary sewer services. In calculating the monthly service charge, the rates shall be applied to the volume of water used as measured by the consumer's water meter, except that water usage subject to charges for sanitary sewer service to single-family residences, duplexes, apartment houses, townhouses, condominiums, and mobile home parks shall not exceed ten thousand (10,000) gallons per single-family residential unit monthly. Rates to commercial, governmental and institutional customers will be based on monthly water use subject to customer proof of lower sewage discharged. If the customer is not supplied water by City, the volume of water used shall be determined by metering or measuring devices acceptable to the Division.

RESIDENTIAL AND COMMERCIAL SEWER RATES
MINIMUM MONTHLY RATES – INSIDE CITY

| <i>Meter size (in.)</i> | <i>October 1, 2018</i> |
|-------------------------|------------------------|
| 5/8 | 16.28 |
| 1 | 16.28 |
| 1 1/2 | 16.28 |
| 2 | 19.91 |
| 3 | 23.39 |
| 4 | 38.01 |
| 6 | 59.64 |
| 8 | 81.40 |
| 10 | 117.63 |
| 12 | 151.44 |

MINIMUM MONTHLY RATES – OUTSIDE CITY

| <i>Meter size (in.)</i> | <i>October 1, 2018</i> |
|-------------------------|------------------------|
| 5/8 | 24.42 |
| 1 | 24.42 |
| 1 1/2 | 24.42 |
| 2 | 29.87 |
| 3 | 35.09 |
| 4 | 57.02 |

| | |
|----|--------|
| 6 | 89.46 |
| 8 | 122.10 |
| 10 | 176.45 |
| 12 | 227.16 |

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

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)

| Volume | October 1, 2018 |
|--------|-----------------|
|--------|-----------------|

| | |
|-----------------|-------------|
| <i>First 2k</i> | <i>Min.</i> |
| <i>Next 23k</i> | 2.67 |

| | |
|------------------|------|
| <i>Next 975k</i> | 2.56 |
| <i>Next 4mil</i> | 1.89 |

| | |
|------------------|------|
| <i>Over 5mil</i> | 1.44 |
|------------------|------|

VOLUME

Volume Charge – Outside City (per 1k gal)

| Volume | October 1, 2018 |
|--------|-----------------|
|--------|-----------------|

| | |
|-----------------|-------------|
| <i>First 2k</i> | <i>Min.</i> |
| <i>Next 23k</i> | 4.01 |

| | |
|------------------|------|
| <i>Next 975k</i> | 3.84 |
| <i>Next 4mil</i> | 2.83 |
| <i>Over 5mil</i> | 2.16 |

In calculating the monthly rates and charges hereunder for apartment houses, townhouses, condominiums, mobile home parks under single ownership and other buildings designed for or

occupied by three (3) or more families, every separate living unit therein shall be considered a separate user or customer receiving services rendered by the City's sanitary sewer system. (Ord 0-2003-42, 9-10-2003) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. O-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18)

c. through d. No changes...

Sec. 19-65. Sewer tap and activation fees.

a. *Sewer tap fee. Installation of sewer connections (taps) and service connections from the main to the property line or point of user connection shall be performed only by Division employees or a contractor approved by the Director. The following charge shall be made for sewer connections, payable in advance:*

| | |
|----------------------|--|
| Sewer Tap Fee | |
|----------------------|--|

| Size of Service | Charge |
|------------------------|---------------|
| 4-inch | \$ 1500.00 |

(0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. No. 2009-7, 2/11/09) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18)

b. **Activation fee.** The tap fee shall include the cost of a tap and service connection from the main to the property line when the total length is fifty (50) feet or less and when installation is not by boring or tunneling under a street or other structure. In such cases the cost of tap and service shall be the actual cost of furnishing and installing the tap and service line plus a factor of 1.25 to cover overhead and administrative cost. Sewer services six (6) inches and larger will require an approved manhole at the junction with the main. The charge for six (6) inch and larger service connection will be the actual cost of construction including labor, equipment, materials and street restoration, times a factor of 1.25 to cover overhead and administrative costs. By permission of the Director, sewer services six (6) inches and larger may be constructed by an approved contractor. It is the responsibility of the property owner to maintain the sewer service from the sewer main to and on owners' property, including the connection to the sewer main. In addition to the sewer tap fee, there shall be payable in advance a sewer activation fee. The following fees shall be charged:

| Size of Service | Charge |
|------------------------|---------------|
| 4-inch | \$26.50 |
| 6-inch and larger | \$26.50 |

The Director may allow the construction of a single service connection to service two properties using a "y" at the joint property line. The Division shall be responsible for maintenance of that portion of service line extending from the main to the "y" located at the joint property line. (Ord. No. O-96-54, 6-26-96) (Ord. No. 0-99- 70, 10-1-99) (Ord 0-2003-42, 9-10-2003) (0-2008-128; 9/24/08) (Ord. No. 2009-7, 2/11/09)

Sec. 19-66. Sewer utility industrial rates.

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

TABLE (A1)

MINIMUM MONTHLY RATES – INSIDE CITY

| Meter size (in.) | October 1, 2018 |
|-------------------------|------------------------|
| 5/8 | 77.87 |
| 1 | 77.87 |
| 1 1/2 | 77.87 |
| 2 | 77.87 |
| 3 | 77.87 |
| 4 | 77.87 |
| 6 | 77.87 |
| 8 | 82.43 |
| 10 | 119.66 |
| 12 | 151.14 |

MINIMUM MONTHLY RATES – OUTSIDE CITY

| Meter size (in.) | October 1, 2018 |
|-------------------------|------------------------|
| 5/8 | 116.81 |
| 1 | 116.81 |
| 1 1/2 | 116.81 |
| 2 | 116.81 |
| 3 | 116.81 |
| 4 | 116.81 |
| 6 | 116.81 |
| 8 | 123.65 |
| 10 | 179.49 |

| | |
|----|--------|
| 12 | 226.71 |
|----|--------|

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

TABLE (A2)

VOLUME CHARGE FOR WATER USED' (per 1,000 gallons):

Volume Charge – Inside City (per 1k gal)

| | |
|---------------|------------------------|
| Volume | October 1, 2018 |
|---------------|------------------------|

| | |
|-------------------------|-------------|
| <i>First</i> <i>2k</i> | <i>Min</i> |
| <i>Next</i> <i>998k</i> | <i>1.94</i> |
| <i>Next</i> <i>4mil</i> | <i>1.61</i> |
| <i>Over</i> <i>5mil</i> | <i>1.44</i> |

Volume Charge – Outside City (per 1k gal)

| | |
|-------------------------|------------------------|
| Volume | October 1, 2018 |
| <i>First</i> <i>2k</i> | <i>Min.</i> |
| <i>Next</i> <i>998k</i> | <i>2.91</i> |
| <i>Next</i> <i>4mil</i> | <i>2.43</i> |
| <i>Over</i> <i>5mil</i> | <i>2.16</i> |

SURCHARGE FOR EXTRA STRENGTH DISCHARGE
Based on water used at \$ per mg/1 per 1,000 gallons

| | |
|-------------|------------------------|
| | October 1, 2018 |
| <i>BOD5</i> | <i>0.002533965</i> |
| <i>COD</i> | <i>0.001225053</i> |
| <i>TSS</i> | <i>0.001420722</i> |

(Ord 0-2003-42, 9-10-2003) (Ord. 0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12)

(Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. O-2016-78; 9/14/2016)
 (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18)

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 DISCHARGED² (PER 1,000 GALLONS)
October 1, 2018

| Gallons | Inside City | Outside City |
|----------------|-------------|--------------|
| First 2,000 | Minimum | Minimum |
| Next 998,000 | 2.36 | 3.55 |
| Next 4,000,000 | 2.02 | 3.02 |
| Over 5,000,000 | 1.82 | 2.72 |

SURCHARGE FOR EXTRA STRENGTH DISCHARGE
Based on sewage discharged \$ per mg/1 per 1,000 gallons

October 1, 2018

| | |
|-------------|--------------------|
| <i>BOD5</i> | <i>0.003740461</i> |
| <i>COD</i> | <i>0.001751292</i> |
| <i>TSS</i> | <i>0.002030818</i> |

(Ord 0-2003-42, 9-10-2003) (Ord. 0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. 0-2012-69, 9/12/12) (Ord. No. 0-2013-90; 9/25/13) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. O-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18)

c.through f. No changes...

Sec. 19-68. Reclaimed irrigation water.

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

a. *Monthly minimum*

| <i>Meter Size</i> | <i>Inside City</i> | <i>Outside City</i> |
|-------------------|--------------------|---------------------|
| <i>1-inch</i> | <i>12.28</i> | <i>18.42</i> |

b. Rate per 1000 gallons.

| <i>Gallons</i> | <i>Inside City</i> | <i>Outside City</i> |
|-----------------|--------------------|---------------------|
| <i>First 2k</i> | <i>Min.</i> | <i>Min.</i> |
| <i>Over 2k</i> | <i>1.49</i> | <i>2.24</i> |

(0-2006-79; 9-13-2006) (0-2008-128; 9/24/08) (Ord. No. 2009-7, 2/11/09) (Ord. 0-2009-103; 9/23/09) (Ord. No. 0-2010-99, 9/22/10) (Ord. No. 0-2014-86; 9/24/14) (Ord. No. 0-2015-91; 9/22/15) (Ord. No. 0-2016-78; 9/14/2016) (Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18)

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.

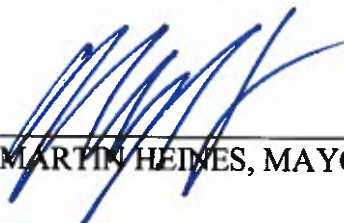
| Effective Date | Inside City | Outside City |
|-----------------------|--------------------|---------------------|
| October 1, 2018 | \$2.89 | \$2.89 |

(Ord. No. 0-2017-77; 9/13/17) (Ord. No. 0-2018-69; 9/12/18)

PART 6: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 7: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, or later. The effective date of this Ordinance shall be October 1, 2018.

PASSED AND APPROVED this 12th day of September, A. D., 2018.



 MARTIN HEIMES, MAYOR

OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY