



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: O-2

Date: September 13, 2006

Subject: Request that the City Council consider adopting an Ordinance amending certain fees in Tyler City Code Chapter 6, “Buildings and Structures”, City Code Chapter 8, “Parks”; City Code Chapter 9, “Library”; and City Code Chapter 19, “Utilities”.

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Item Reference: Fees charged for certain City services are established by the City Council and set forth in the Tyler City Code.

I. Tyler City Code Chapter 6; Building, Planning and Fire-related fees

Building/Electrical/Plumbing fees. Many of the fees in City Code Chapter 6 have not had an increase in approximately 20 years, so changes are necessary to cover the City’s current costs for inspection and administration. The Development Services Department has conducted a review of the Building fees in Article I., the Electrical fees in Article II., and the Plumbing fees in Article IV. Staff recommends amending miscellaneous fees in order to cover a larger portion of Staff’s actual time and costs associated with administering and enforcing Chapter 6. For homes having an area of 1,500 square feet or smaller, it is expected that the fee changes contained in the attached ordinance would have a minimal effect on the overall price. In addition to revisions to existing fees, new references to fees have been added: 6-3.a.5, Clean and Show - \$30.00; 6-3.b.7, “Building Contractor Registration” fee - \$50.00; and 6-37.b.2(h), Irrigator License - \$50.00. Also, the Development Services Department recommends deletion of the permit fees for archery ranges, commercial barbecue pits, dumb waiters, miniature golf courses, portable skating rinks, and satellite dishes. In addition, the individual fees for Master Electrician, Journeyman Electrician, Maintenance Electrician, Registered Apprentice Electrician, Reciprocal Letters, and Bonds are being deleted.

Planning fees. Certain fees are being added or amended that relate to replats, residential plats, right-of-way closures, zoning changes, and special use permits. These fee changes are necessary to update the City Code and to bring the fees in line with current City practice.

Fire fees. The current fee for automatic fire extinguishing systems is changed from \$30 to 50. Many automatic fire extinguishing systems are installed in Type I kitchen grease ventilation systems, and the Fire Department currently charges \$50 for those hood inspections. The fee for inspecting the extinguishing system was initially set at \$30. This change makes the fee equal for both installers and more adequately reflects the time needed for handling permits, inspections and testing of both the extinguishing system and the exhaust system.

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Also, the fee for automatic fire alarms is changed from \$30 to \$50. This fee adjustment partially reflects the considerable time required to review plans, issue permits, inspect and test fire alarm installations.

On August 29, 2006, the Construction Board of Adjustment and Appeals reviewed the proposed amendments to the building, planning and fire-related fees. The Board voted to recommend approval of the amendments.

II. Tyler City Code Chapter 8, Parks fees

The Parks Department has reviewed the rates and charges for the use of the Harvey Convention Center as set forth in Section 8-72, and the rates and charges for the use of the Rose Garden Center as set forth in Section 8-74. It is recommended that specific rates be established for Weekdays (Monday through Thursday) and Weekends (Friday through Sunday), and to provide special rates for non-profit organizations. *The Parks Board reviewed the proposed changes on August 21, 2006, and voted to recommend approval.*

III. Tyler City Code Chapter 9; Library fees

Certain library fees are established in City Code Section 9-1. After many years at the current \$.40 level for non-resident borrowing transaction fees, a 25 percent increase of 10 cents would amount to \$.50 per item borrowed. Additionally, the transaction fee will also extend to non-resident computer station use with each session being \$.50. Also, all borrowers will incur a new \$.25 per day late fee for overdue items subject to a \$10 maximum per item. *The Library Board has reviewed the proposed fee changes and recommends approval.*

IV. Tyler City Code Chapter 19, Water and sewer fees

The Water Department has conducted an extensive review of the water and sewer fees established in City Code Chapter 19. Changes are recommended to the water service rates, monthly charges for private fire protection service/fire line fees, water tap and meter activation fees, residential and commercial sewer rates, sewer tap and activation fees, sewer industrial rates, and other miscellaneous fees. In addition, a new Section 19-18 is added to allow customers, in situations where infrastructure is available and upon authorization of the Operations Manager, to contract for the purchase of reclaimed water for irrigation purposes.

V. Tyler City Code Chapter 10, Subdivision and Development Fee

Previously the city has charged a quality Control and Inspection for public improvements equal to one percent (1%) of the construction costs. This fee will remain one percent (1%) for projects inside the City, but will be increased to three percent (3%) for projects outside the City.

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RECOMMENDATION:

It is recommended that the City Council approve the attached ordinance amending fees for the services listed.

Gary C. Landers

Drafted/Recommended By:
Department Leader Gary C. Landers, City Attorney

Edited/Submitted By:
City Manager

[Signature]

ORDINANCE 0-2006-79

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CITY CODE CHAPTER 6, "BUILDINGS AND STRUCTURES", ARTICLE I., "BUILDING CODE", AMENDING MISCELLANEOUS BUILDING FEES; ARTICLE II., "ELECTRICITY", AMENDING MISCELLANEOUS ELECTRICAL FEES"; ARTICLE IV., "PLUMBING", AMENDING MISCELLANEOUS PLUMBING FEES"; AND ARTICLE VIII., "FIRE PREVENTION", AMENDING THE FEES FOR AUTOMATIC FIRE EXTINGUISHING SYSTEMS, AND FOR AUTOMATIC AND MANUAL FIRE ALARM SYSTEMS USED FOR COMMERCIAL PURPOSES; AMENDING CITY CODE CHAPTER 8, "PARKS", BY AMENDING MISCELLANEOUS PARKS FEES; AMENDING CITY CODE CHAPTER 9, "LIBRARY", BY AMENDING NON-RESIDENT BORROWING FEES, ADOPTING COMPUTER SESSION FEES, AND ADOPTING LATE RETURN FEES; AND AMENDING CITY CODE CHAPTER 19, "UTILITIES", ARTICLE III., "WATER AND SEWER SERVICE", DIVISION C. "RATES", AMENDING MISCELLANEOUS WATER AND SEWER FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Building Inspection Department administers and enforces the health and safety-related provisions in City Code Chapter 6; and

WHEREAS, the City Fire Department administers and enforces the health and safety-related provisions in Chapter 6, Article VIII.; and

WHEREAS, City Code Chapter 6 sets forth miscellaneous fees related to building, electricity, plumbing and fire prevention; and

WHEREAS, the Building Inspection Department and the Fire Department recommend revisions in miscellaneous fees in order to cover the City's costs associated with administering and enforcing the ordinances; and

WHEREAS, the Construction Board of Adjustment and Appeals reviewed the proposed fee amendments to City Code Chapter 6 on 8/29/06, and voted to recommend approval; and

WHEREAS, it is important to amend certain Parks fees set forth in City Code Chapter 8; and

WHEREAS, on 8/21/06, the Parks Board voted to approve the fee amendments related to City Code Chapter 8; and

WHEREAS, it is important to adopt and revise certain Library fees in City Code Chapter 9; and

WHEREAS, the Library Board reviewed the various fee amendments on 3/30/05, 3/29/06, and 6/28/06, and voted to recommend approval; and

WHEREAS, it is important to amend certain water and sewer fees in Chapter 19;

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 I., "Building Code", is hereby amended by amending Section 6-3 to read as follows:

Sec. 6-3. SCHEDULE OF PERMIT FEES

a. Building permit fees.

1. Building permit and fire inspection fees, not including plumbing and electrical permits and inspections fees, shall be *five dollars (\$5.00)* per one hundred (100) square feet or fraction thereof on all new construction, including multistory buildings or structures and shall be computed as above for each floor, and the sum of all floor areas shall be construed as the aggregate floor area. Minimum fee *thirty dollars (\$30.00)*.

2. Alteration, additions and repairs. *Thirty dollars (\$30.00)* for alteration or repairs estimated to cost more than *one hundred dollars (\$100.00)* and less than *one thousand dollars (\$1,000.00)* with *five dollars (\$5.00)* for each *one thousand dollars (\$1,000.00)* of estimated cost over and above *one thousand dollars (\$1,000.00)*, or fraction thereof. The minimum fee for any type of permit shall be *thirty dollars (\$30.00)*.

3. The fee for reinspection shall be *thirty dollars (\$30.00)*.

4. The fee for checking plans shall be twenty-five (25) percent of the permit fee, to be paid when plans are submitted (commercial plans only).

5. Clean and Show - *\$30.00*

b. Cooling and heating systems:

1. Minimum permit fee-*Thirty dollars (\$30.00)*.

2. Fee for inspecting heating, ventilating, ductwork, air-conditioning and refrigeration systems shall be *thirty dollars (\$30.00)* for the first *one thousand dollars (\$1,000.00)* or fraction thereof of valuation of the installation, plus *three dollars and fifty cents (\$3.50)* for each additional *one thousand dollars (\$1,000.00)* or fraction thereof.

3. Fee for inspecting repairs, alterations and additions to an existing system shall be *Thirty dollars (\$30.00)* plus *three dollars and fifty cents (\$3.50)* for each *one thousand dollars (\$1,000.00)* or fraction thereof.

4. If it is necessary to make a reinspection of a heating, ventilating, air conditioning or refrigeration system, or boiler installation, the installer of such equipment shall pay a reinspection fee of *thirty dollars (\$30.00)*.

5. When preliminary inspection is requested for purposes permitting temporary operation of heating, ventilating, refrigeration, or air conditioning system, or portion thereof, a fee of *thirty dollars (\$30.00)* shall be paid by the contractor requesting such preliminary inspection. If the system is not approved for temporary operation on the first preliminary inspection, the usual reinspection fee of *thirty dollars (\$30.00)* shall be charged for each subsequent preliminary inspection for such purpose.

6. Building Contractor's Registration: *fifty dollars (\$50.00)* (to expire December 31 of each (year). At the time of registration, applicants for registration that are seeking to build, alter or remodel one- or two-family residences shall submit to the Building Inspection Department proof that they have made application for the appropriate State registration as well.

c. Permit fees for signs:

1. Ground signs (2-pole):	Less than 50 square feet	\$60.00
	More than 50 square feet	80.00
2. Outdoor billboards:	Single face	150.00
	Double face	300.00
3. Wall signs, marquee:	Less than 50 square feet	35.00
	More than 50 square feet	60.00
4. Signs, single pole:	Less than 50 square feet	60.00
	More than 50 square feet	80.00
5. Signs projection:	Under 50 square feet	60.00
	51 square feet to 100 square feet	80.00
	101 square feet and above	150.00
6. Roof signs		60.00
7. Spectacular signs		150.00
8. Neon tubing on any building		70.00
9. Sign contractor's registration		50.00
10. Sign bond (bond to be furnished to City each year or a continuation certificate from a bonding company; bond to expire December 31 each year, same as the license)		5,000.00

d. Demolition of buildings or structures:

1. Residential permits		30.00
2. Residential accessory building		30.00
3. Commercial or industrial:	0 to 2,000 sq. ft	60.00
	plus per 100 sq. ft	2.50

In addition to this permit fee, actual cost reimbursement shall be charged for all City personnel and vehicles involved in said demolition permits.

e. Moving of buildings or structures:

1. The following fees are established and shall be paid to the City before any permit is issued to move any building in, through or out of the City.

(a) For buildings having 500 sq. ft. of floor space or less	<u>\$75.00</u>
(b) For buildings having 501 sq. ft. to 750 sq. ft. of floor space	<u>85.00</u>
(c) For buildings having 751 sq. ft. to 1,000 sq. ft. of floor space	<u>100.00</u>
(d) For buildings having 1,001 sq. ft. or more	<u>150.00</u>

2. In addition to this permit fee, actual cost reimbursement shall be charged for all City personnel and vehicles involved in said structural moving.

3. Housemover's registration \$50.00

4. Housemover's bond *See State Requirements*

f. Miscellaneous

1. Carnivals	<u>\$150.00</u>
2. Certificate of occupancy (residential exempt)	<u>50.00</u>
3. Circus	<u>150.00</u>
4. Commercial Plat (Preliminary plat + Per Lot + Final Plat)	<u>300.00+10.00+200.00</u>
5. Fire sprinkler system, first 25 Over 25 per head	<u>50.00</u> <u>0.25</u>
6. Gasoline pumps (each) hose, per opening	<u>7.50</u>
7. Gasoline and chemical storage tanks (install or remove) each	<u>60.00</u>
8. Miscellaneous that requires permit or inspection	<u>30.00</u>
9. Mobile homes	<u>30.00</u>
10. Parking lot, per <u>\$1,000.00</u> evaluation	<u>2.50</u>
11. Passenger elevators (each unit)	<u>50.00</u>
12. Planned Unit Residential + Site Plan	<u>200.00</u>
13. Planned Restricted Professional Office Preliminary Site Plan Final Site Plan	<u>200.00</u> <u>100.00</u>
14. Planned Commercial District Preliminary Site Plan Final Site Plan	<u>200.00</u> <u>100.00</u>

15. Replat Minor residential (four lots or less) All other residential Commercial	<i>100.00</i> <i>200.00</i> <i>250.00</i>
16. Residential Plat (Preliminary Plat + Per Lot + Final Plat)	<i>300.00 + 5.00 + 200.00</i>
17. Right-of-way closure	<i>300.00</i>
18. Shooting ranges	<i>30.00</i>
19. Special Use Permit	<i>150.00</i>
20. Swimming pools shall be calculated on the same fee schedule as alteration and repairs	
21. Zoning Change	<i>300.00</i>
22. Zoning temporary permits	<i>10.00</i>
23. Zoning temporary permit (Outdoor Transient Vendor) (Ord. 0-2003-38, 7/23/03)	<i>150.00</i>

In the event any building or structure is started without a permit, the above fees will be increased one hundred (100) percent. No fees shall be refunded or transferable. (Ord. No. O-93-46, Pt. 2, 7-12-93; Ord. No. O-93-68, Pt. 2, 9-8-93; Ord. No. O-93-83, Pt. 1, 10-1-93) (Ord. No. 0-96-2000, 4/4/96) (Ord. No. 0-2001-59, 12/5/2001) (Ord. No. 0-2002-38, 9/11/02) (0-2006-79; 9-13-2006)

PART 2: That Tyler City Code Chapter 6, “Buildings and Structures”, Article II., “Electricity”, is hereby amended by amending Section 6-37 to read as follows:

Sec. 6-37. Permit fees.

a. Application: On written application made to the Electrical Inspector by any person who has secured a license as hereinbefore stated, it shall be the duty of the Electrical Inspector to issue a permit permitting such person to install electrical wiring as set forth in the application.

b. Schedule of fees:

1. Permits	(a) Circuits from 1 to 3	<i>\$4.00</i>
	Above three, each	<i>1.75</i>
	(b) Switches, base plugs and fixtures from 1 to 5	<i>4.00</i>
	All above 5 each	<i>0.35</i>
	(c) New service or service change:	
	0 to 200 amps	<i>30.00</i>
	201 to 300 amps	<i>35.00</i>
	301 to 600 amps	<i>50.00</i>
	601 to 800 amps	<i>70.00</i>
	801 amps to 1,000 amps	<i>85.00</i>
	1,001 and over	<i>115.00</i>

	(d) Temporary service	30.00
	(e) Dryer	3.50
	(f) Electric water heater	3.50
	(g) Heating unit	3.50
	(h) Motors ½ hp and up to 5 hp	3.50
	Over 5 hp	12.00
	(i.) Range	3.50
	(j.) Sanding machine	3.50
	(k.) Saw service	30.00
	(l.) Signs	30.00
	(m.) Smoke detector	3.50
	(n.) Swimming pool	30.00
	(o.) General inspection	30.00
	(p.) Minimum permit fee	30.00
	(q.) Reinspection	30.00
2. Licenses:	(a) Electrical Contractor's Registration	50.00
	(b) Irrigation Contractor's License	50.00
	(c) Building Contractor's Registration	50.00

(0-2006-79; 9-13-2006)

c. No changes... (Ord. 0-99-97, 12-22-99); (Ord. No. O-96-36, 4-24-96, effective 6-1-96)

d. No changes.... (Ord, No. O-2000-54, 8-16-2000)

PART 3: That Tyler City Code Chapter 6, "Buildings and Structures", Article IV., "Plumbing" is hereby amended by amending Section 6-72 to read as follows:

Sec. 6-72. Plumbing fees.

a. Each plumbing fixture (by the term "plumbing fixture or unit," as used for permit fee purposes, is meant each water closet, sink, lavatory or basin, laundry or wash tray, bathtub, shower, grease trap, drinking fountain, urinal, sand trap, floor drain, beer or soda bar, fixed washing machine, and every other plumbing element commonly known as a "plumbing fixture.") If fixtures are grouped together, then each unit ordinarily usable by an individual person shall be considered a separate "plumbing fixture."	<i>\$6.00 each fixture</i>
b. Boiler	30.00

c. Building sewer line	6.00
d. Sand Trap	30.00
e. Sewer Service	6.00
f. Wall heater	6.00
g. Water service	6.00
h. Yard Sprinkler	35.00
i. First 10 gas openings	20.00
All above 10	0.50
j. Additional gas meters ea.	15.00
k. In city minimum plumbing permit	30.00
l. Out of city minimum plumbing permit	40.00
m. Minimum permit	30.00
n. Reinspection	30.00
o. Temporary gas inspection	30.00
p. Plumbing Contractor's registration	50.00

q. The City Manager or designee is hereby authorized to waive plumbing permit fees to those contractors being paid with federal Home Investment Partnerships (HOME) Program funds. Any waived amount shall be applied to the City's match requirement under the federal HOME program, and shall be used as a cash contribution toward providing affordable housing to low-income households in the City. (Ord. 0-99-97, 12-22-99)

In the event work is started without a permit, the above fees will be increased one hundred (100) percent. No fees will be refunded or transferable. (Ord. No. O-96-34, 4-24-96, effective 6-1-96); (0-2006-79; 9-13-2006)

PART 4: That Tyler City Code Chapter 6, "Buildings and Structures", Article VIII., "Fire Prevention", is hereby amended by amending Section 6-127 to read as follows:

Sec. 6-127. Permits; Miscellaneous fees.

All permits issued by the Fire Department shall be valid for a period of six (6) months from the date of issuance, except as otherwise provided in this Article.

The following fees shall be charged by the Fire Department:		If work started before permit issued, double fee:
a. NFPA hood system inspection	\$50.00	\$100.00
b. NFPA automatic fire extinguishing system	50.00	100.00
c. Nursing home inspection	55.00	110.00
d. Day care center inspection	30.00	60.00
e. Hospital inspection	75.00	150.00

f. Reinspection (new construction)	25.00	50.00
g. Reinspection (second and subsequent reinspections required to correct a Code violation)	30.00	60.00
h. Fireworks display	50.00	100.00
i. Group home inspection	30.00	60.00
j. Annual permit for mobile fuel dispensing	30.00	60.00
k. Permit for mall covered buildings (liquid- and gas-fired equipment; open flame and flame-producing equipment)	30.00	60.00
l. Permit for exhibit/trade shows	50.00	100.00

(Ord. 0-97-29, 6/18/97) (Ord. 0-99-59, 8/18/99) (Ord. 0-2002-38, 9/11/02) (0-2006-79; 9-13-2006)

PART 5: That Tyler City Code Chapter 6, “Buildings and Structures”, Article VIII., “Fire Prevention”, is hereby amended by amending Section 6-128 to read as follows:

Sec. 6-128. Automatic and manual fire alarm fees.

- a. No changes...
- b. No changes...
- c. It is unlawful for any person to install or operate an automatic or manual fire alarm on property used for commercial purposes without first obtaining a permit from the Fire Official. The fee for said permit is \$50.00. (0-2006-79; 9-13-2006)
- d. No changes...
- e. No changes...
- f. No changes...
- g. No changes...
- h. No changes... (ORD 0-97-29, 6/18/97)

PART 6: That Tyler City Code Chapter 8, “Parks”, Article V., “Fees”, is hereby amended by amending Section 8-72 to read as follows:

Sec. 8-72. Harvey Convention Center.

The rates and charges for the use of the municipal meeting hall (Harvey Convention Center) are as provided in this section. These rates are set by the City Council. All such rates and charges shall be paid in advance of the actual use. All rents and charges in addition to those anticipated and paid in advance of such use, if any, shall be paid immediately upon a determination of their amount by the City as provided in this section.

Schedule of Rental Rates for Harvey Convention Center:

Monday-Sunday Rates			
NP – Non Profit; RR - Regular Rate; WD- Week Day (Monday -Thursday); WE (Friday through Sunday) 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. Proof of non profit status is required. All other entities/individuals will be charged the Regular rate.			
Room		Current Rate	Additional Day
Entire Facility		\$1,200.00 <i>WD</i>	
		\$1,300 <i>NP</i>	\$1,000.00 <i>WD</i>
		\$1,500 <i>RR</i>	\$1,100 <i>NP WE</i>
		<i>WE</i>	\$1,300 <i>RR WE</i>
Hall-1		\$800 <i>WD</i>	
		\$850 <i>NP</i>	\$700 <i>WD</i>
		<i>WE</i>	\$750 <i>NP WE</i>
		\$950 <i>RR</i>	\$850 <i>RR WE</i>
1/2 Hall-1		\$550 <i>WD</i>	
		\$575 <i>NP</i>	\$500 <i>WD</i>
		<i>WE</i>	\$525 <i>NP WE</i>
		\$725 <i>RR</i>	\$675 <i>RR WE</i>
<i>Move in day 60% of regular rate</i>			
Hall-2		\$500 <i>WD</i>	
		\$550 <i>NP</i>	\$425 <i>WD</i>
		<i>WE</i>	\$450 <i>NP WE</i>
		\$700 <i>RR</i>	\$650 <i>RR WE</i>
	<i>WE</i>		
	1 section	<i>n/a WD</i>	<i>n/a WD</i>
		\$175 <i>NP</i>	\$125 <i>NP WE</i>
		<i>WE</i>	\$275 <i>RR WE</i>

		300 RR WE	
1/3 Hall-2	2 sections	\$300 WD \$350 NP WE \$450 RR WE	\$250 WD \$325 NP WE \$425 RR WE
2/3 Hall-2	3 sections	\$400 WD \$450 NP WE \$550 RR WE	\$325 WD \$425 NP WE \$525 RR WE
	4 sections	n/a WD \$500 NP WE \$650 RR WE	n/a WD \$450 NP WE \$625 RR WE
Hall-3		\$200 WD \$250 NP WE \$300 RR WE	\$200 WD \$225 NP WE \$275 RR WE
<i>Damage Deposit \$100.00 - \$1,000.00 Based upon the following factors: (1) type of activity to be conducted on the property, (2) whether alcohol is to be a part of the event, (3) type of past contact the Lessee had with the facility, (3) size of the event, (4) Lessee's insurance coverage</i>			
<i>Move in day 60% of regular rate</i>			
<i>Current Rate applies until midnight. An additional charge of \$100 per hour will be made for each hour after midnight or before 8:00 am</i>			
Kitchen Use		\$175 WD \$175 NP WE \$175 RR WE	\$175 WD \$200 NP WE \$200 RR WE
Caterer's fee, per event 10% of gross; Caterer's deposit for cleanup and breakage, per event \$150.00 - \$500.00.			
<i>Original set-up change \$100.00 per change</i>			
Equipment rental:			
Ice, per bag	7lb=\$1+tax		12lb=\$2.75=tax
Refrigerator or freezer			Each \$25
Refrigerator and freezer			\$50

PA System		\$35
Extra Dumpster		\$35
Paper Table Cover-Roll		\$20
Platform stages-6x8, per day		\$10
Warmer Ovens, per event		\$25
Warmer Ovens-off site		\$100
8 ft Tables		\$3
72" Round tables		\$5
Chairs		\$0.5
Caterer Fees		10% of gross
Piano Rental, does not include tuning		\$50
Wireless Internet		\$20/day
TV/VCR		\$35
Overhead Projector		\$25
Screen 7'x7'		\$10
Easel		\$3
Coffee Maker-No Supplies		\$25

(0-2005-78, 9-28-05) (0-2006-79; 9-13-2006)

PART 7: That Tyler City Code Chapter 8, "Parks", Article V., "Fees", is hereby amended by amending Section 8-74 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:

ROSE GARDEN CENTER FEES

NP – Non Profit;

RR – Regular Rate;

AHAM – Additional Hour After Midnight

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. Proof of non profit status is required. All other entities will be charged for profit rates.

		Monday - Thursday			Friday thru Sunday		
Room		Current Rate	Add. Day	Each Ad. Hr	Current Rate	Add. Day	Each Ad. Hr
Azalea	Day 8 to 5	\$25/hr /min 2hrs NP \$35/hr /min 2hrs RR	Same as Current Rate	After 2h/\$15 NP After 2h/\$25 RR			
Size: 0 – 35	Night 5-10	\$35/hr /min 2hrs NP \$40/hr /min 2hrs RR	Same as Current Rate	After 2h/\$20 NP After 2h/\$30 RR AHAM/\$50			
	Friday @ 1pm- Sunday @ 10pm				\$40/hr/min 2h \$45/hr/min 2h	Same as Current Rate	After 2h/\$30 AHAM/\$50

Damage deposit: \$150 – \$500

Entire Building		Current Rate	Add. Day	Each Ad. Hr	Current Rate	Add. Day	Each Ad. Hr
Mon-Thur 8 am to 10 pm		\$575 NP \$650 RR	\$475	\$35 AHAM/\$50			
Fri, Sat, or Sun, 8 am to 10pm					\$775 NP \$850 RR	\$700 NP \$750 RR	\$35 AHAM/\$50
Friday 5 pm - Sunday 5pm					\$1,300 NP \$1,400 RR	n/a	\$35 AHAM/\$50
Rose		Current Rate	Add. Day	Each Ad. Hr	Current Rate	Add. Day	Each Ad. Hr
Mon-Thur 8 am to 5 pm		\$35/hr /min 2hrs NP \$45/hr /min 2hrs RR	Same as Current Rate	After 2h/\$25 NP After 2h/\$35 RR	\$50/hr /min 2hrs NP \$60/hr /min 2hrs RR	Same as Current Rate	After 2h/\$30 AHAM/\$50
Mon-Thur Nights 5pm to 10 pm		\$40/hr /min 2hrs NP \$50/hr /min 2hrs RR	Same as Current Rate	After 2h/\$30 NP After 2h/\$40 RR			
Camellia or Bluebonnet		Current Rate	Add. Day	Each Ad. Hr	Current Rate	Add. Day	Each Ad. Hr

Cannot be booked in advance of 10 working days on an hourly basis

1-100 people/up to 9 hr		\$175 NP \$200 RR	\$175 NP \$200 RR	n/a AHAM/\$50	\$185 NP \$225 RR	\$185 NP \$225 RR	n/a AHAM/\$50
101-200 People/up to 9 hr		\$200 NP \$225 RR	\$200 NP \$225 RR	n/a AHAM/\$50	\$210 NP \$250 RR	\$210 NP \$250 RR	n/a AHAM/\$50
1-100 people/9 to 14 hr		\$225 NP \$250 RR	\$225 NP \$250 RR	\$35 AHAM/\$50	\$275 NP \$300 RR	\$275 NP \$300 RR	\$35 AHAM/\$50
101-200 people/9 to 14		\$250 NP \$275 RR	\$250 NP \$275 RR	\$35 AHAM/\$50	\$300 NP \$350 RR	\$300 NP \$350 RR	\$35 AHAM/\$50
Camellia & Bluebonnet		Current Rate	Add. Day	Each Ad. Hr	Current Rate	Add. Day	Each Ad. Hr
1-150 people/up to 9 hr		\$225 NP \$275 RR	\$225 NP \$275 RR	n/a AHAM/\$50	\$230 NP \$300 RR	\$230 NP \$300 RR	n/a AHAM/\$50
151-250/up to 9 hr		\$250 NP \$300 RR	\$250 NP \$300 RR	n/a AHAM/\$50	\$255 NP \$325 RR	\$255 NP \$325 RR	n/a AHAM/\$50
251-350/ up to 9 hr		\$275 NP \$325 RR	\$280 NP \$325 RR	n/a AHAM/\$50	\$280 NP \$425 RR	\$280 NP \$425 RR	n/a AHAM/\$50
351+/up to 9 hr		\$300 NP \$500 RR	\$300 NP \$310 RR	n/a AHAM/\$50	\$300 NP \$525 RR	\$300 NP \$525 RR	n/a AHAM/\$50
Camellia & Bluebonnet							
Room		Current Rate	Add. Day	Each Ad. Hr	Current Rate	Add. Day	Each Ad. Hr
1-150 people/9-14 hrs		\$300 NP \$350 RR	\$300 NP \$350 RR	\$35 AHAM/\$50	\$375 NP \$450 RR	\$375 NP \$450 RR	\$35 AHAM/\$50
151-250 people/9-14 hrs		\$325 NP \$375 RR	\$325 NP \$375 RR	\$35 AHAM/\$50	\$400 NP \$475 RR	\$400 NP \$475 RR	\$35 AHAM/\$50
251-350 people/9-14 hrs		\$350 NP \$400 RR	\$350 NP \$400 RR	\$35 AHAM/\$50	\$425 NP \$575 RR	\$425 NP \$575 RR	\$35 AHAM/\$50
351+ people/9-14 hrs		\$375 NP \$425 RR	\$375 NP \$425 RR	\$35 AHAM/\$50	\$450 NP \$650 RR	\$450 NP \$650 RR	\$35 AHAM/\$50
Exhibit Area		\$50/event NP \$75 event RR	n/a	n/a AHAM/\$50	\$75/event NP \$100 event RR	n/a	n/a AHAM/\$50
Entrance		\$50/event NP	n/a	n/a	\$75/event	n/a	n/a

Area/Atrium		\$75 event RR		AHAM/\$50	NP \$100 event RR		AHAM/\$50
Patio/Deck		\$50/event NP \$75 event RR	n/a	n/a AHAM/\$50	\$75/event NP \$100 event RR	n/a	n/a AHAM/\$50
Rose Garden (outside)		\$125/event NP \$150/event RR	\$75	n/a	\$75 \$150/event NP \$175/event RR	n/a	n/a AHAM/\$50
Bag of Ice	7lb=\$1=tax	12 lb=\$2.75=tax					
Damage Deposit		\$150 - \$500	Based upon the following factors: (1) type of activity to be conducted on the property, (2) whether alcohol is to be a part of the event, (3) type of past contact the Lessee had with the facility, (3) size of the event, (4) Lessee's insurance coverage				

(0-2005-78, 9-28-05) (0-2006-79; 9-13-2006)

PART 8: That Tyler City Code Chapter 9, "Library", is hereby amended by amending Section 9-1 to read as follows:

Sec. 9-1. Nonresident fees.

a. Non-resident fees.

1. In the interest of equity, nonresidents of the City wishing to borrow materials from the library shall pay a transaction fee for each item borrowed and for each session on the Library's computer workstations.

2. The rate of charge per item for nonresident borrowing and computer session use shall be *fifty cents (\$0.50)* per item borrowed or computer session. (Ord. No. O-96-22, 4-3-96)

b. Late Return Fees.

1. In the interest of increasing the timely return of library materials, a late fee will be imposed for each day that an item is overdue

2. The rate of charge per day for overdue items shall be *25 cents (\$.25)* not to exceed *ten dollars (\$10.00)* per item. (0-2006-79; 9-13-2006)

PART 9: That Tyler City Code Chapter 19, "Utilities", Article III, "Water and Sewer Service", is hereby amended by amending Division C., "Water Rates", to read as follows:

DIVISION C. RATES

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:

MINIMUM MONTHLY RATES – INSIDE CITY	
Meter size (in.)	Oct. 1, 2006
5/8	7.88
1	7.88
1 1/2	7.88
2	9.80
3	11.84
4	19.72
6	30.76
8	42.60
10	61.54
12	80.46

MINIMUM MONTHLY RATES – OUTSIDE CITY	
Meter size (in.)	Oct 1, 2006
5/8	11.82
1	11.82
1 1/2	11.82
2	14.70
3	17.76
4	29.59
6	46.14
8	63.78
10	92.31
12	120.70

(Ord 0-2003-42, 9-10-2003) (0-2005-77, 9-28-05) (0-2006-79; 9-13-2006)

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, 2006
First 2k	Min
Next 23k	2.42
Next 975k	1.58
Next 4mil	1.31
Over 5mil	1.25

Volume	
Volume Charge – Outside City (per 1k gal)	
Volume	October 1, 2006
First 2k	Min
Next 23k	3.63
Next 975k	2.39
Next 4mil	1.96
Over 5mil	1.85

(Ord 0-2003-42, 9-10-2003) (0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006)

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

FIRE LINE FEE	
Size (in)	October 1, 2006
4 A	5.83
6 B	14.61
8 C	29.21
10 D	48.21
12 E	77.44

(0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006)

Water used through a fire protection service for purposes other than testing of system shall be at a rate equal to three (3) times the applicable regular rate for service in City. (Ord 0-2003-42, 9-10-2003)

d. Rates for service outside City are based upon contract price between City and the individual customer which shall be one hundred fifty (150) percent of the rates for service within City.

e. A charge shall be made by the Division for each new tapping of the water mains for a connection, said charge to be determined by the size of the connection and the size of the meter. The fee for making taps and furnishing and installing meters and boxes shall be determined from the following schedule and shall be payable in advance. If a branch were requested with the tap installation on a one-inch tap or larger, a branch charge would be made including the tap charge plus the activation meter charge for each branch tap.

SCHEDULE OF WATER TAP AND METER ACTIVATION FEES		
Size	Tap and Meter Activation	Branch
1" tap x 5/8" meter	587.00	186.00
1" tap x 1" meter	654.00	279.00
1½" tap x 1½" meter	862.00	327.00
2" tap x 2" meter	1069.00	427.00

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"	\$293.00
1"	5/8"	293.00
1"	1"	360.00
1½"	1½"	434.00
2"	2"	587.00

(Ord 0-2003-42, 9-10-2003) (0-2006-79; 9-13-2006)

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 Operations Manager, 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. Miscellaneous fees and charges:

After hour turn on/off fee	20.00
Delinquent fee	20.00
Connection Fee <i>(Charged when service is moved to a new address)</i>	35.00
Recheck Fee 25.00 <i>(Charged when customer demands that the meter reading be rechecked and the recheck confirms the original reading; provided that there is no charge for the first two rechecks in any year)</i>	25.00
Returned check fee	25.00
Meter testing fee	50.00

Plugging of Service main	250.00
Removal of illegal jumper	75.00
Meter removal, Meter Locked, Meter reinstalled	100.00

(Ord. No. 0-2004-93, 11/24/04) (0-2006-79; 9-13-2006)

g. No changes...

h. No changes... (Ord. No. 0-96-54, 6-26-96) (Ord. No. 0-98-74, 9/2/98) (Ord. No. 0-99- 70, 10-1-99 (Ord 0-2003-42, 9-10-2003))

Sec. 19-61. Averaging charge in case of defective meter. No changes...

(Ord. No. 0-96-54, 6-26-96) (Ord. No. 0-99- 70, 10-1-99)

Sec. 19-62. Reserved.

Sec. 19-63. Billing; delinquency; reconnection charge. No changes...

(Ord. No. 0-96-54, 6-26-96) (Ord. No. 0-99- 70, 10-1-99)

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	
Meter size (in.)	October 1, 2006
5/8	8.68
1	8.68
1 1/2	8.68
2	11.26
3	13.74
4	24.08
6	39.54
8	55.03
10	80.81
12	104.88

MINIMUM MONTHLY RATES – OUTSIDE CITY

Meter size (in.)	October 1, 2006
5/8	13.02
1	13.02
1 1/2	13.02
2	16.88
3	20.61
4	36.11
6	59.31
8	82.55
10	121.21
12	157.32

(Ord 0-2003-42, 9-10-2003) (0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006)

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	Oct 1, 2006
First 2k	Min.
Next 23k	1.51
Next 975k	1.41
Next 4mil	1.03
Over 5mil	0.80

VOLUME	
Volume Charge – Outside City (per 1k gal)	
Volume	October 1, 2006
First 2k	Min
Next 23k	2.27
Next 975k	2.12
Next 4mil	1.54
Over 5mil	1.21

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)

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 Operations manager.

For residential structures not supplied water from the City of Tyler, sewer service will be based on established rates and 10,000 gallons water consumed (maximum residential sewer charge).

(Ord 0-2003-42, 9-10-2003) (0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006)

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

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 Operations Manager. The following charge shall be made for sewer connections, payable in advance:

Sewer Tap Fee	
Size of Service	Charge
4-inch	\$ 214.00

(0-2006-79; 9-13-2006)

b. No changes...
(Ord. No. O-96-54, 6-26-96) (Ord. No. 0-99- 70, 10-1-99) (Ord 0-2003-42, 9-10-2003)

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, 2006
5/8	52.52
1	52.52
1 1/2	52.52
2	52.52
3	52.52
4	52.52
6	52.52
8	55.76
10	82.26

12	104.66
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MINIMUM MONTHLY RATES – OUTSIDE CITY	
Meter size (in.)	October 1, 2006
5/8	78.77
1	78.77
1 1/2	78.77
2	78.77
3	78.77
4	78.77
6	78.77
8	83.64
10	123.39
12	160.20

(Ord 0-2003-42, 9-10-2003) (0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006)

**TABLE (A2)
VOLUME CHARGE FOR WATER USED¹ (per 1,000 gallons):**

Volume Charge – Inside City (per 1k gal)		
Volume		October 1, 2006
First	2k	Min
Next	998k	1.07
Next	4mil	0.89
Over	5mil	0.80

Volume Charge – Outside City (per 1k gal)		
Volume		October 1, 2006
First	2k	Min.
Next	998k	1.61
Next	4mil	1.34
Over	5mil	1.21

SURCHARGE FOR EXTRA STRENGTH DISCHARGE	
Based on water used at \$ per mg/1 per 1,000 gallons	
	October 1, 2006
BOD5	0.001751
COD	0.000846
TSS	0.000982

(Ord 0-2003-42, 9-10-2003) (Ord. 0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006)

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)		
Gallons	Inside City	Outside City
First 2,000	Minimum	Minimum
Next 998,000	<i>1.37</i>	<i>2.05</i>
Next 4,000,000	<i>1.17</i>	<i>1.75</i>
Over 5,000,000	<i>1.05</i>	<i>1.57</i>

SURCHARGE FOR EXTRA STRENGTH DISCHARGE	
Based on sewage discharged \$ per mg/l per 1,000 gallons	
October 1, 2006	
BOD5	<i>0.002500</i>
COD	<i>0.001209</i>
TSS	<i>0.001403</i>

(Ord 0-2003-42, 9-10-2003) (Ord. 0-2005-77, 9-28-2005) (0-2006-79; 9-13-2006)

- c. No changes...
- d. No changes...
- e. No changes...
- f. No changes... (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. 19-67. Storm Water/Drainage Surcharge. No changes...
(Ord. 0-2005-13, 1/26/05)

Sec. 19-68. Reclaimed irrigation water.

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

a. Monthly minimum.

Meter Size	Inside City	Outside City
1-inch	<i>\$7.36</i>	<i>\$11.06</i>

b. Rate per 1000 gallons.

Gallons	Inside City	Outside City
First 2k	Min.	Min.
Over 2k	<i>\$1.10</i>	<i>\$1.65</i>

(0-2006-79; 9-13-2006)

Secs. 19-69 - 19-71. Reserved.

PART 10. That Tyler City Code Chapter 10, "Zoning," Article III, "Development", Division A, "Subdivision Rules", Section 10-44., "Construction & Inspection Procedures", subsection c.7 is hereby amended to read as follows:

7. Quality control testing, inspections and fees: It will be the responsibility of the paving contractor to pay to the City of Tyler an amount of money equal to *one (1) percent* for projects inside the City or *three (3) percent* for projects outside the City, of the cost of construction of a public street or streets prior to the beginning of construction. The cost of construction shall include, but not be limited to, the cost of the following items: clearing, excavation, embankment, subgrade preparation, base, surfacing, curb and gutter, valley gutters, retaining walls, water and sanitary sewer improvements, under-drains and storm sewer facilities. (0-2006-79; 9-13-2006)

PART 11: 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 12: 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 become effective upon its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas. The effective date of this Ordinance shall be October 1, 2006.

PASSED AND APPROVED this 13th day of September, A. D., 2006.

JOSEPH O. SEEBER, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY