

ORDINANCE 0-2008-128

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 1, "MUNICIPAL COURT", RELATING TO JUVENILE FEES; AMENDING CITY CODE CHAPTER 12, "AIRPORT AND TRANSIT", RELATING TO AIRPORT PARKING FEES, AND AMENDING CHAPTER 19, "UTILITIES", RELATING TO CERTAIN WATER AND SEWER FEES, OF THE CODE OF ORDINANCES, CITY OF TYLER, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, miscellaneous fees for service are set forth in the Tyler City Code;
and

WHEREAS, it is important to amend to certain fees for services;

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

PART 1: That Tyler City Code Chapter 1, "General Provisions", Article VIII., "Municipal Court", is hereby amended by amending Section 1-90 to read as follows:

Sec. 1-90. Juvenile case manager fund.

a. A defendant convicted of a misdemeanor offense in the Municipal Court shall pay a juvenile case manager fee of four dollars (\$4.00) as a cost of Court. A person shall be considered convicted if a sentence is imposed on the person or the person receives deferred disposition, including deferred proceedings under Texas Code of Criminal Procedure Article 45.052 or 45.053.

b. No changes...

c. No changes...
(Ord. No. 0-2006-90, 10/24/06) (0-2008-128; 9/24/08)

PART 2: That Tyler City Code Chapter 12, "Airport", Article III., "Commercial Activities", is hereby amended by amending Section 12-31 to read as follows:

Sec. 12-31. Fees and rentals.

a. No changes...

b. No changes...

c. No changes...

d. No changes...

e. No changes...

f. Parking fees. A parking fee of *one dollar (\$1.00)* per hour with a maximum daily rate of *eight dollars (\$8.00)* per day shall be collected from all vehicles using the City-provided parking lot for short-term parking. A parking fee of *seventy-five cents (\$0.75)* per hour with a maximum daily rate of *five dollars (\$5.00)* per day shall be collected from all vehicles using the City-provided parking lot for long-term parking. Patrons using the restaurant located at Tyler Pounds Regional Airport may park free for the first ninety (90) minutes in either the short-term or long-term parking lot. Air transportation service crews may pay *ten dollars (\$10.00)* per month for a parking pass to park in the long-term parking lot. Terminal and Federal Aviation Administration employees shall park free in the designated employee parking lots. (Ord. No. 0-2002-22, 6-19-2002) (0-2008-128; 9/24/08)

g. No changes...

h. No changes...

i. No changes...

PART 3: That Tyler City Code Chapter 19, "Utilities", Article III., "Water and Sewer Service", is hereby amended by amending Division C., "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.)	October 1, 2008
5/8	8.35
1	8.35
1 1/2	8.35
2	10.39
3	12.55
4	20.90
6	32.61
8	45.16
10	65.23
12	85.29

MINIMUM MONTHLY RATES – OUTSIDE CITY

Meter size (in.)	October 1, 2008
5/8	12.53
1	12.53
1 1/2	12.53
2	12.59
3	18.83
4	31.35
6	48.92
8	67.74
10	97.85
12	127.94

(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)

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, 2008
First 2k	Min
Next 23k	2.57
Next 975k	1.67
Next 4mil	1.39
Over 5mil	1.33

Volume	
Volume Charge – Outside City (per 1k gal)	
Volume	October 1, 2008
First 2k	Min
Next 23k	3.86
Next 975k	2.51
Next 4mil	2.09
Over 5mil	2.00

(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)

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

No changes...

d. No changes...

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	622.22	197.16
1" tap x 1" meter	693.24	295.74
1½" tap x 1½" meter	913.72	346.62
2" tap x 2" meter	1133.14	452.62

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"	310.58
1"	5/8"	310.58
1"	1"	381.60
1½"	1½"	460.04
2"	2"	622.22

Ord 0-2003-42, 9-10-2003) (0-2006-79; 9-13-2006) (0-2008-128; 9/24/08)

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	50.00
Delinquent fee	50.00
Connection Fee <i>(Charged when service is moved to a new address)</i>	50.00
Recheck Fee <i>(Charged when customer demands that the meter reading be rechecked and the recheck confirms the original reading; First one free, \$25.00 after that within 12 month period.</i>	25.00
Additional Daytime Trip Fee	25.00
Returned check fee	35.00
Meter testing fee	50.00
Plugging of Service main	250.00
Removal of illegal jumper	100.00
Meter removal, Meter Locked, Meter reinstalled	100.00

(Ord. No. 0-2004-93, 9-13-2006) (0-2008-128; 9/24/08)

g. No changes...

h. No changes...

Sec. 19-61. Averaging charge in case of defective meter.

No changes...

Sec. 19-62. Reserved.

Sec. 19-63. Billing; delinquency; reconnection charge.

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	
Meter size (in.)	October 1, 2008
5/8	9.20
1	9.20
1 1/2	9.20
2	11.94
3	14.56
4	25.52
6	41.91
8	58.33
10	85.66
12	111.17

MINIMUM MONTHLY RATES – OUTSIDE CITY	
Meter size (in.)	October 1, 2008
5/8	13.80
1	13.80
1 1/2	13.80
2	17.91
3	21.84
4	38.28
6	62.87
8	87.50
10	128.49
12	166.76

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)

- 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, 2008
First 2k	Min.

Next 23k	1.60
Next 975k	1.49
Next 4mil	1.09
Over 5mil	0.85

VOLUME	
Volume Charge -- Outside City (per 1k gal)	
Volume	October 1, 2008
First 2k	Min.
Next 23k	2.40
Next 975k	2.24
Next 4mil	1.64
Over 5mil	1.28

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)

- c. No changes...
- 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 Operations Manager. The following charge shall be made for sewer connections, payable in advance:

Sewer Tap Fee	
Size of Service	Charge
4-inch	\$ 226.84

(0-2006-79; 9-13-2006) (0-2008-128; 9/24/08)

- 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 Operations Manager, 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 Operations Manager 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)

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, 2008
5/8	55.67
1	55.67
1 1/2	55.67
2	55.67
3	55.67
4	55.67
6	55.67
8	59.11
10	87.20
12	110.94

MINIMUM MONTHLY RATES – OUTSIDE CITY	
Meter size (in.)	October 1, 2008
5/8	83.51
1	83.51
1 1/2	83.51
2	83.51
3	83.51
4	83.51
6	83.51
8	88.67

10	130.80
12	166.41

(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)

TABLE (A2)

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

Volume Charge – Inside City (per 1k gal)		
Volume	October 1, 2008	
First 2k	Min	
Next 998k	1.13	
Next 4mil	0.94	
Over 5mil	0.85	

Volume Charge – Outside City (per 1k gal)		
Volume	October 1, 2008	
First 2k	Min.	
Next 998k	1.70	
Next 4mil	1.42	
Over 5mil	1.28	

SURCHARGE FOR EXTRA STRENGTH DISCHARGE	
Based on water used at \$ per mg/1 per 1,000 gallons	
	October 1, 2008
BOD5	0.001856
COD	0.000897
TSS	0.001041

(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)

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	1.45	2.18
Next 4,000,000	1.24	1.86
Over 5,000,000	1.11	1.67

SURCHARGE FOR EXTRA STRENGTH DISCHARGE	
Based on sewage discharged \$ per mg/l per 1,000 gallons	
October 1, 2008	
BOD5	0.002650
COD	0.001282
TSS	0.001487

(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)

- c. No changes...
- d. No changes...
- e. No changes...
- f. No changes...

Sec. 19-67. Storm Water/Drainage Surcharge. No changes...

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	\$7.80	\$11.70

- b. Rate per 1000 gallons.

Gallons	Inside City	Outside City
First 2k	Min.	Min.
Over 2k	\$1.17	\$1.76

(0-2006-79; 9-13-2006) (0-2008-128; 9/24/08)

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

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

newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be September 26, 2008.

PASSED AND APPROVED this 24th day of September, A. D., 2008.

Barbara Bass

BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

APPROVED:

Mary C Landers
CITY ATTORNEY

