

ORDINANCE NO. 2315
INTRODUCED BY: Edwards

AN ORDINANCE OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTION 13-4-140 OF THE BRIGHTON MUNICIPAL CODE REGARDING WATER SERVICE ALONG BRIGHTON ROAD BETWEEN 120TH AND 128TH AVENUES

WHEREAS, a water distribution line was conveyed to the City of Brighton, Colorado (“City”), by the South Adams County Water and Sanitation District pursuant to a 1997 settlement agreement, as amended in 2010, in order to provide water service to certain qualifying homes in Brighton’s growth and planning area north of 120th Avenue in the Henderson, Colorado, area due to groundwater quality issues; and

WHEREAS, capacity within that distribution line could accommodate additional customers at the discretion of City Council; and

WHEREAS, Brighton City Code (“City Code”) currently prohibits the provision of new water service outside city limits; and

WHEREAS, City Code Section 13-4-140 prohibiting such service was part of a 1998 amendment to Chapter 13 regarding water and wastewater fees and charges related to the financial stability of water and wastewater funds.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Section 13-4-140 of the Brighton Municipal Code is amended to read as follows:

Sec. 13-4-140. – Service outside the City.

Any existing water service outside the City limits is hereby approved. Monthly water rates for existing service shall be double the rate for service within the City. No new service outside the City limits will be provided, **with the exception of the 8-inch City water line running from 120th Avenue to 128th Avenue along Brighton Road located in Henderson, Colorado (“120th-128th Brighton Road 8-Inch Line”).** Water service to the 120th-128th Brighton Road 8-Inch Line may, at the sole discretion and approval of City Council with such approval by resolution, be provided by the City under the following conditions:

- 1. The rate charged for metered water shall be the same as the rate that would be charged for an in-city water customer.**
- 2. Payment of any fees or other charges or water dedication shall be required that would normally be charged or required for property to be provided water service within the City.**
- 3. Upon request by the City, the property owner shall submit a petition for annexation at such time as the served property becomes eligible for annexation to the City in accordance with Colorado law.**

4. A property may only be served if adjacent to or nearby the 120th-128th Brighton Road 8-Inch Line and if such service can be provided in a manner that is consistent with the City's standards and specifications for utility service.
5. City Council may impose additional conditions as it deems necessary and/or appropriate.
6. All conditions and obligations imposed by the City for water service shall be binding on future property owners, successors, and assigns, and shall be recorded with the Clerk and Recorder of Adams County, Colorado, at property owner's expense.
7. City Council may, at its sole discretion, waive or modify conditions 1 through 6 above when the water user will be a governmental entity.

Section 2. The purpose of this Ordinance is to provide for the health, safety, and welfare of the people.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED
THIS 6th DAY OF August, 2019.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY THIS 3rd DAY OF September, 2019.

CITY OF BRIGHTON, COLORADO

KENNETH J. KREUTZER, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

JACK D. BAJOREK, City Attorney