

ORDINANCE NO. 2320  
INTRODUCED BY: Johnston

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AMENDING TITLE 13 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO WATER AND WASTEWATER FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID RATES, FEES AND CHARGES; AND OTHER DETAILS RELATED THERETO

WHEREAS, authority is granted by the Charter to the governing body of the City of Brighton, Colorado, to assess fees and charges for services provided by the City; and

WHEREAS, the Utilities Department has completed a cost of service review and rate study analysis through consultation with Stantec Financial Services; and

WHEREAS, the analysis included a thorough review of current and future operational and capital expenditures required to operate City utilities in a conscientious and sustainable manner; and

WHEREAS, the City Council has been advised by the City Manager that certain fees and charges should be amended to align with the City's costs of service for the provision of water, wastewater and storm drainage services; and

WHEREAS, the City Manager has recommended and the City Council agrees that the rates, fees, and charges adopted herein are reasonable, necessary, supported by the Stantec analysis, and shall become effective on the dates specified herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH THE WATER ACTIVITY ENTERPRISE, AS FOLLOWS:

**Section 1.** The following amendments shall be effective January 1, 2020.

**Section 2.** Section 13-4-90 (e) of the Brighton Municipal Code is hereby amended to read as follows:

(e) The water plant investment fees shall be as follows:

- (1) Plant Investment Fees for single-family detached, mixed use, commercial, industrial, and other uses not specifically delineated herein shall be assessed based on tap size and whether water rights are being dedicated in conjunction with the new tap purchase. The With Water Rights Plant Investment Fee shall apply if water shares are to be dedicated in conjunction with the purchase of the tap. The Without Water Rights Plant Investment Fee shall apply if no water shares are to be dedicated in conjunction with the purchase of the tap. These Plant Investment Fees shall be as

follows:

- a. Three-quarter inch tap
  - With Water Rights \$13,354
  - Without Water Rights \$24,354
- b. One inch tap
  - With Water Rights \$22,257
  - Without Water Rights \$38,834
- c. One-and-one-half inch tap
  - With Water Rights \$44,513
  - Without Water Rights fees for taps greater than 1 inch will be developed based on water demands and determined by the City's specific site review at prevailing rates for water acquisition
- d. Two-inch tap
  - With Water Rights \$71,221
- e. Three-inch tap
  - With Water Rights \$142,443
- f. Four-inch tap
  - With Water Rights \$222,557
- g. The fees for taps larger than four inches shall be determined on a case by case basis, after review by the Utilities Department.

(2) Water Plant Investment Fees for multi-family dwellings, including apartment buildings or condominiums, single-family attached (such as duplexes or townhomes), and single-family detached with carriage unit shall be assessed based on number of units. A carriage unit that is detached from the main structure will pay the fee for an additional unit. If the carriage unit is restricted to prohibit rental of the unit separate from the main structure, fees shall be as detailed in Paragraph (1). The With Water Rights Plant Investment Fee shall apply if water shares are to be dedicated in conjunction with the purchase of the tap. The Without Water Rights Plant Investment Fee shall apply if no water shares are to be dedicated in conjunction with the purchase of the tap. These Plant Investment Fees shall be as follows:

- a. With Water Rights
  - First Living Unit \$13,354
  - Each Additional Unit \$8,012

|                         |          |
|-------------------------|----------|
| b. Without Water Rights |          |
| First Living Unit       | \$24,354 |
| Each Additional Unit    | \$13,665 |

- (3) Water Plant Investment Fees for mobile home parks shall be assessed on a per user unit basis. The With Water Rights Plant Investment Fee shall apply if water shares are to be dedicated in conjunction with the purchase of the tap. The Without Water Rights Plant Investment Fee shall apply if no water shares are to be dedicated in conjunction with the purchase of the tap. These Plant Investment Fees shall be as follows:

|                         |          |
|-------------------------|----------|
| a. With Water Rights    | \$13,354 |
| b. Without Water Rights | \$24,354 |

- (4) A Water Resource Fee of Twenty-two thousand seven hundred and seventy dollars (\$22,770.00) per acre-foot is required for public land donations when the development is paying the Water Plant Investment Fees under the "without water rights" schedule. The requirement will be calculated according to the then-applicable "water dedication worksheets" prepared by the Utilities Department. The developer will make all taps in new construction and shall pay a fifty-dollar (\$50.00) inspection fee for each tap. If the inspection reveals deficiencies in the installation of a new water meter by the water user or a plumber, the inspector shall provide to the water user a written notice of those deficiencies. If the Utilities Department has to return to a site for an installation inspection more than two (2) times after the written notice of deficiencies, the water user shall pay seventy-five dollars (\$75.00) for each additional inspection until the deficiencies are cured.
- (5) For any connection greater than two (2) inches and for all industrial users, the owner shall provide to the City an acceptable water resource report authored by a registered professional engineer experienced in water resources in addition to payment of the water plant investment fee.

**Section 3.** Section 13-4-120 (b), (d), (e), and (f) of the Brighton Municipal Code is hereby amended to read as follows:

- (b) It shall be the duty of the Finance Director to administer appropriate programs to disconnect supply of water for such delinquent users.
- (d) If the bill is not paid by the due date, a reminder notice will be sent to the user.
- (e) If payment or acceptable arrangement for payment is not made, disconnection of water services may occur.
- (f) If service has been discontinued for nonpayment, a fee will be applied to the next billing statement. The amount past due must be paid in full before service will be reconnected.

**Section 4.** Section 13-4-130 of the Brighton Municipal Code is hereby amended to read as follows:

Sec. 13-4-130 Charges; monthly water service; schedule

All water rate charges for use of water in the City shall be assessed pursuant to a schedule of fees to be set by ordinance duly adopted by the City Council after review of such fee schedule as the City Council from time to time deems necessary. The following shall be the schedule of monthly water service rates for the use of water in the City on a metered rate basis.

- (a) Residential monthly fixed charge for water service. Effective for all bills dated after January 1, 2020, a monthly fixed charge shall be billed to all water accounts whether there is water usage or not. This charge shall be billed as follows:

|                                       |         |
|---------------------------------------|---------|
| Residential Monthly Water Service Fee | \$14.72 |
|---------------------------------------|---------|

- (b) Residential and Residential Irrigation Volume-Based Water Rates Monthly Charge per following monthly volume-based charge will be added to the monthly fixed charge. The following monthly volume-based water rates shall apply per one thousand (1,000) gallons used:

|                                                                                                   |        |
|---------------------------------------------------------------------------------------------------|--------|
| (1) Zero (0) gallons up to and including three thousand (3,000) gallons                           | \$2.58 |
| (2) Three thousand and one (3,001) gallons up to and including twenty thousand (20,000) gallons   | \$4.73 |
| (3) Twenty thousand and one (20,001) gallons up to and including thirty thousand (30,000) gallons | \$5.10 |
| (4) Thirty thousand and one (30,001) gallons up to and including forty thousand (40,000) gallons  | \$5.52 |
| (5) Forty thousand and one (40,001) gallons and greater                                           | \$6.44 |

- (c) Budget billing. Any homeowner in the City may be eligible for budget billing, as defined herein. Homeowners may apply for budget billing based upon previous annual average consumption at that address. If the homeowner has less than twelve months history at that address, the previous occupant's usage may be used to calculate the annual average. Each year, in March, the next year's budget billing amount shall be computed. Any underpayment shall be billed to the homeowner. Any over-payment shall be credited to the homeowner.

- (d) Multi-family Residential Volume-Based Water Rates. Effective with all utility bills dated after January 1, 2020, the following monthly volume-based charge will be added to

the monthly fixed charge. The following monthly volume-based water rates shall apply per one thousand (1,000) gallons used:

|                                                                                 |        |
|---------------------------------------------------------------------------------|--------|
| (1) All usage from zero (0) up to and including forty thousand (40,000) gallons | \$5.17 |
|---------------------------------------------------------------------------------|--------|

|                                                |        |
|------------------------------------------------|--------|
| (2) Usage over forty thousand (40,000) gallons |        |
| a. Combined or Indoor Multi-family Use         | \$6.44 |
| b. Multi-Family Irrigation                     | \$8.42 |

(e) Commercial, Municipal Potable, Irrigation, Non-Potable Irrigation, Industrial, Mixed Use, Bulk and Schools Monthly Fixed Charges. Effective for all utility bills dated after January 1, 2020, the following monthly fixed charge shall be billed to all water accounts whether there is water usage or not. These fees shall be applied based on tap size.

|                           |          |
|---------------------------|----------|
| (1) Three-quarter inch    | \$14.72  |
| (2) One inch              | \$24.51  |
| (3) One-and-one-half inch | \$48.76  |
| (4) Two inch              | \$78.26  |
| (5) Three inch            | \$147.20 |
| (6) Four inch             | \$245.12 |
| (7) Six inch              | \$487.28 |

(f) Commercial, Industrial, Mixed Use, Municipal Potable, Schools, Bulk (Hydrant Meter Use), and Non-Potable Irrigation Volume-Based Water Rates. Effective with all utility bills dated after January 1, 2020, the following monthly volume-based charge will be added to the monthly fixed charges. The following monthly volume-based water rates shall apply per one thousand (1,000) gallons used:

|                                     |        |
|-------------------------------------|--------|
| (1) Indoor Use                      | \$4.90 |
| (2) Indoor and Outdoor Combined Use | \$6.21 |
| (3) Municipal Potable               | \$3.22 |
| (4) Irrigation Use                  | \$8.42 |
| (5) Bulk Use                        | \$8.42 |
| (6) Non-Potable Irrigation          | \$3.22 |

(g) Contract Water Surcharge. All taps shall be assessed the following monthly flat fee based on tap size, with or without water usage.

|                           |         |
|---------------------------|---------|
| (1) Three-quarter inch    | \$4.60  |
| (2) One inch              | \$7.68  |
| (3) One-and-one-half inch | \$15.32 |

|                |          |
|----------------|----------|
| (4) Two inch   | \$24.52  |
| (5) Three inch | \$46.00  |
| (6) Four inch  | \$76.68  |
| (7) Six inch   | \$153.32 |

Meters larger than six inches shall be determined on a case by case basis, after review by the Utilities Department.

**Section 5.** Section 13-16-25 of the Brighton Municipal Code is hereby amended to read as follows:

**Sec. 13-16-25 Wastewater plant investment fees and connection charges**

- (a) A wastewater plant investment fee (PIF) for City collection system infrastructure shall be paid for each separate tap to any sanitary sewer line within the City. The amount of the fee shall be based on the size of the water service line. The wastewater plant investment fees shall be as follows:

- (1) Single family detached, mixed use, commercial, industrial, and other uses not specifically delineated herein shall be assessed a Wastewater Plant Investment Fee based on the associated water tap size in the following amounts:

|                                                                                |          |
|--------------------------------------------------------------------------------|----------|
| a. Three-quarter inch                                                          | \$837    |
| b. One inch                                                                    | \$1,395  |
| c. One-and-one-half inch                                                       | \$2,790  |
| d. Two inch                                                                    | \$4,464  |
| e. Three inch                                                                  | \$8,928  |
| f. Four inch                                                                   | \$13,950 |
| g. Meters larger than four inches shall be considered on a case by case basis. |          |

- (2) Wastewater Plant Investment Fees for multi-family dwellings, including apartment buildings or condominiums, single-family attached serviced by common tap (such as a duplex or townhomes); and single-family detached with carriage unit shall be assessed based on number of units. A carriage unit that is detached from the main structure will pay the fee for an additional unit. If the carriage unit is restricted to prohibit rental of the unit separate from the main structure, wastewater Plant Investment Fees shall be as detailed in Paragraph (1). These Wastewater Plant Investment Fees shall be as follows:

|                         |       |
|-------------------------|-------|
| a. First Living Unit    | \$837 |
| b. Each Additional Unit | \$543 |

- (3) Mobile home parks shall be charged on a per user unit basis. These fees shall be as shown below:

Each User Unit

\$837

- (4) For any connection greater than two (2) inches, the owner shall provide the City with an acceptable wastewater impact report authorized by a registered professional engineer experienced in wastewater services in addition to payment of the wastewater plant investment fee.
- (5) The developer will make all taps in new developments. A fifty dollar (\$50) inspection fee will be charged for each tap to an existing line.
- (6) No new service lines will be provided outside the corporate limits of the City.
- (b) An additional Wastewater Plant Investment Fee shall be paid for the treatment component associated with each separate tap to any sanitary sewer line within the South Platte Basin of the City. The amount of the fee shall be based on the size of the water tap and shall be equal to the current impact fees assessed by Metro Wastewater and Reclamation District.
- (c) An additional Wastewater Plant Investment Fee shall be paid for the treatment component associated with each separate tap to any sanitary sewer connection within the Beebe Draw Basin of the City. The amount of the fee shall be based on the size of the water service line and shall be equal to the current impact fees assessed by the City of Lochbuie.

**Section 6.** Section 13-16-70 of the Brighton Municipal Code is hereby amended to read as follows:

Sec. 13-16-70 Wastewater service charges; rate; notifications

- (a) Wastewater service charge. All wastewater service charges for processing of wastewater in the City shall be assessed pursuant to a schedule of fees to be set by ordinance duly adopted by City Council after review of such fee schedule as the city Council from time to time deems necessary.
- (b) Effective for all utility bills dated after January 1, 2020, the following shall be the schedule of monthly water service rates for wastewater service:
  - (1) Residential Monthly Fixed Fee. The following monthly fixed charge shall be billed to all residential wastewater accounts whether there is usage or not. This fee shall be as follows:

Residential Monthly Fixed Fee

\$11.96

- (2) Commercial, Industrial, Municipal, Mixed Use, and Schools Monthly Fixed Fee. Effective for all utility bills dated after January 1, 2020, the following monthly fixed rate shall be billed to all water accounts whether there is water usage or not. These fees shall be applied based on tap size.

|                          |            |
|--------------------------|------------|
| a. Three-quarter inch    | \$20.57    |
| b. One inch              | \$48.62    |
| c. One-and-one-half inch | \$119.19   |
| d. Two inch              | \$216.01   |
| e. Three inch            | \$453.73   |
| f. Four inch             | \$820.93   |
| g. Six inch              | \$2,214.44 |

- (c) Flat Wastewater Rate – Metered Water Usage. Effective for all non-commercial and non-municipal utility bills dated after January 1, 2020, all users of the wastewater system who are metered for water usage will be billed a flat wastewater rate each month, based on the average water usage as reflected in the prior December, January, and February water bills. Monthly volume-based wastewater rates per one thousand (1,000) gallons of water usage are as follows

|                                                 |        |
|-------------------------------------------------|--------|
| (1) Residential (up to four (4) dwelling units) | \$4.55 |
|-------------------------------------------------|--------|

- (d) Flat Wastewater Rate – Non-Metered Water Usage. Effective for all utility bills dated after January 1, 2020, those users of the wastewater system who are not metered for water usage will be billed a flat wastewater rate each month. The monthly flat wastewater rates for non-metered water are as follows:

|                                                 |                                        |
|-------------------------------------------------|----------------------------------------|
| (1) Residential (up to four (4) dwelling units) | \$24.27                                |
| (2) Multi-Family                                | Number of Dwelling Units times \$24.27 |
| (3) Commercial                                  | \$50.85                                |

- (e) Commercial & Municipal Property – Rated Based on Actual Water Usage. Effective for all utility bills dated after January 1, 2020, any owner of a commercial property in the City which receives City wastewater service will be billed a wastewater rate based on actual water usage each month. Monthly volume-based rates per one thousand (1,000) gallons of water usage for approved commercial users shall be as follows:

|                                                     |        |
|-----------------------------------------------------|--------|
| Commercial                                          | \$5.58 |
| Multi-Family (greater than four (4) dwelling units) | \$5.58 |
| Municipal                                           | \$4.55 |

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED  
THIS 15<sup>th</sup> DAY OF October, 2019.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY  
TITLE ONLY THIS 5<sup>th</sup> DAY OF November, 2019.

CITY OF BRIGHTON, COLORADO

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KENNETH J. KREUTZER, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

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JACK D. BAJOREK, City Attorney