

**CITY OF BRIGHTON**

**CITY COUNCIL ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING, REPEALING AND ADOPTING SPECIFIED SECTIONS AND SUBSECTION OF CHAPTER 13, WATER AND SEWER, OF THE BRIGHTON MUNICIPAL CODE; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

**ORDINANCE NO.: 2259**

**INTRODUCED BY: Baca**

**WHEREAS**, Certain amendments have been proposed by the Utilities Department to Chapter 13, **Water and Sewer** in its efforts to update, clarify and render more efficient, the existing Chapter 13; and

**WHEREAS**, specifically the proposed changes include,

- a) adding definitions related to the Director of the Utilities Department and the Director's responsibilities
- b) amending Section 13-4-120 setting forth procedures for enforcement and collection of delinquent utility accounts including discontinuance of service;
- c) amending Section 13-4-130 adding a municipal rate for City water usage to the schedule of rates and fees;
- d) amending Section 13-16-20 deleting the reference to the Wastewater Facilities Replacement Fund;
- e) amending Section 13-16-70 to eliminate inconsistencies under commercial water usage provisions;
- f) amending Section 13-16-80 related to the wastewater service charge system;
- g) repealing Article 13-20, related to the Storm Drainage Management Utility and relocating the same in Chapter 14, **Stormwater Drainage and Quality**; and
- h) other related details related to the foregoing.

**WHEREAS**, The City Council finds and determines that Chapter 13 of the Brighton Municipal Code related to the City water and sewer utilities should be amended to update, clarify and render more efficient the applicable terms and provisions thereof as recommended by the Utilities Department and the City Manager; and

**WHEREAS**, The City Council finds that the amendment to Chapter 13 as adopted herein are in the best interest of the public health, safety and welfare.

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

**Section 1.** Section 13-4-05, **Definitions** of Chapter 13 of the Brighton Municipal Code is amended by the addition of definitions of "Director" and "fees" to read as follows:

Any references in this Chapter 13, **Water and Sewer**, including rules, regulations, standards or specifications related thereto; to "City Manager," "Director of Finance," "Director of Public Works," "Director," "Public Works" or "Public Works Department" which relate to the City's water, sanitary sewer, drainage, storm water systems and related improvements of whatever kind or nature shall be deemed to reference the Department of Utilities, the Director thereof, or the Director's designee as the context shall require.

"The fees and charges assessed in this Chapter 13, **Water and Sewer** shall be applicable to water and sewer utility services from the City unless otherwise subsequently amended or changed in the City Council's annual fee resolution or ordinance,"

**Section 2.** The following Sections and/or subsections of Chapter 13 of the Brighton Municipal Code are amended by deleting the references to Director of Finance, Director of Public Works, Public Works or Public Works Department, or Utilities Department and changing the same to "Director" as defined in Section 13-4-05:

Sec. 13-4-10,	<b>Supply; application required;</b>
Sec. 13-4-20(b),	<b>Connection work; authorization required;</b>
Sec. 13-4-30,	<b>Permit required for supply extension, alteration;</b>
Sec. 13-4-40,	<b>Inspection of facilities;</b>
Sec. 13-4-50(a)(1), (2),	<b>Temporary discontinuance;</b>
Sec. 13-4-50(b)(1)(4),	<b>Permanent discontinuance;</b>
Sec. 13-4-70,	<b>Meter bypass prohibited;</b>
Sec. 13-4-80(b),	<b>Prohibited acts by plumbers</b>
Sec. 13-4-90(4),	<b>Water plant investment fees shall be as follows;</b>
Sec. 13-4-95,	<b>Dual system fees;</b>
Sec. 13-4-160,	<b>User to report changes affection rate;</b>
Sec.13-4-170)(a),	<b>Unauthorized use of fire hydrants prohibited; and</b>
Sec. 13-16-40(a)(e),	<b>Determination of individual wastewater contribution percentage.</b>

**Section 3.** Subsection 13-4-90(e)(4) of Chapter 13 of the Brighton Municipal Code is repealed and reenacted to read as follows:

Sec. 13-4-90. - **Water plant investment fee schedule.**

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

- (4) A water resource fee of ~~nineteen thousand nine hundred dollars (\$19,150.00)~~ per acre foot twenty-two thousand dollars (\$22,000) 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 ~~Department of Public Works~~ 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 ~~Water~~ 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.

**Section 4.** Subsection 13-4-95 of Chapter 13 of the Brighton Municipal Code is repealed and reenacted to read as follows:

**Sec. 13-4-95. - Dual system fees.**

Non-potable water systems which have been approved by the City for the provision of non-potable water for irrigation within the corporate limits of the City shall be eligible for a reduction in the water plant investment fees. The amount of said reduction shall be determined according to an analysis conducted by the ~~Department of Public Works~~ Utilities Department which takes into consideration the land use for which the non-potable system will be implemented, the area to be irrigated by the non-potable system, the source of water for the non-potable system, the capacity and capability of the non-potable system, the extent to which the non-potable system is independently and privately owned and operated, the operational and maintenance requirements for the non-potable system and such other factors and considerations as the ~~Department of Public Works~~ Utilities Department deems appropriate and necessary for its analysis.

**Section 5.** Subsection 13-4-100 of Chapter 13 of the Brighton Municipal Code is repealed and reenacted to read as follows:

**Sec. 13-4-100. - Disconnection and reconnection fees.**

*There shall be assessed a fee for the City disconnecting water service and reconnecting water service if such action becomes necessary as a result of nonpayment of the utilities bill property or the owner requests repair or maintenance of the service line from the stop box on private property. ~~provided that such~~ The fee shall be increased if such action is taken by the City ~~during hours other than 8:00 a.m. to 5:00 p.m., any day of the week~~ outside of normal business hours (7:00 a.m. to 4:00 p.m. M-F). The disconnection and reconnection fees and any increase thereof shall be in accordance with a schedule of fees, rates and charges as adopted by the Annual Fee Resolution, ordinance or otherwise.*

**Section 6.** Subsections 13-4-120(a)(b)(d)(e) of Chapter 13 of the Brighton Municipal Code are repealed and reenacted to read as follows:

**Sec. 13-4-120. - New accounts; delinquent payments; discontinuance of service.**

(a) The City shall bill all users in accordance with the monthly charges as provided in this Article. The billing shall be prepared and forwarded on a monthly basis. Should any user fail, refuse or neglect to pay any monthly bill on or before twenty eight (28) days following the date of such billing, the user shall be considered delinquent and subject to a delinquent/late fee.

(b) ~~It shall be the duty of the Director of Finance to notify the Director of Public Works of those persons who are delinquent, and it shall then be the duty of the Director of Public Works to discontinue the supply of water for such delinquent user.~~ It shall be the duty of the Director of Utilities to administer appropriate programs to disconnect supply of water for such delinquent users.

(d) If the bill is not paid within ~~thirty (30)~~ eleven (11) calendar days after mailing, the due date, written notice will be sent to the user giving an additional eight (8) calendar days to pay before service is discontinued.

(e) If payment or arrangement for payment is not received within eight (8) days after the notice of discontinuance of service is mailed, ~~a door hanger will be posted on the user's door, giving an additional forty-eight hours to pay or make arrangements to pay. A charge will be assessed to those persons notified by a door hanger. disconnection of water services will occur.~~ disconnection of water services will occur.

**Section 7.** Subsections 13-4-130(a)(f) of Chapter 13 of the Brighton Municipal Code are repealed and reenacted 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, ~~2016~~ 2017, a monthly fixed charge shall be billed to all water accounts whether there is water usage or not. This charge shall be in accordance with a schedule of fees, rates and charges as adopted by the annual fee resolution, ordinance or otherwise.

(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, 2016 ~~2017~~, 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	\$5.33
(2) Indoor and outdoor combined use	\$6.75
(3) <u>Municipal Potable</u>	<u>\$3.50</u>
(4) Irrigation use	\$9.15
(5) Bulk use	\$9.15
(6) Non-potable irrigation	\$3.50

**Section 8.** Subsection 13-4-150 of Chapter 13 of the Brighton Municipal Code is repealed and reenacted to read as follows:

**Sec. 13-4-150. - Charges during building construction.**

~~Water and sewer billing~~ Charges for water and sewer services shall begin when the water meter is installed. A water meter must be installed prior to the installation of outside seeding, sodding or other live landscaping. An amount for water used during the construction period will be charged at the time a building permit is issued and will be determined in accordance with a schedule of fees, rates and charges as adopted by the annual fee resolution, ordinance or otherwise.

**Section 9.** Subsection 13-4-170(b) of Chapter 13 of the Brighton Municipal Code is repealed and reenacted to read as follows:

Sec. 13-4-170. - **Unauthorized use of fire hydrants prohibited.**

(b) A deposit shall be required for use of a fire hydrant water meter. The deposit will be refunded upon return of the meter and after deduction for any damages and payment for water usage. The fee for water usage from said hydrant meter will be billed separately at the bulk water rate as set forth in a schedule of fees, rates and charges as adopted by the Annual Fee Resolution, ordinance or otherwise.

**Section 10.** Section 13-16-20 of Article 13-16, **Sewer Rates** of Chapter 13 of the Brighton Municipal Code is repealed.

~~A reserve fund called the Wastewater Facilities Replacement Fund is established within the Wastewater Utility Fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life (twenty [20] years) of the wastewater treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed.~~

**Section 11.** Section 13-16-60 of Article 13-16, **Sewer Rates** of Chapter 13 of the Brighton Municipal Code is repealed and reenacted to read as follows:

Sec. 13-16-60. - **Billing for wastewater service charge; discontinuance of service.**

The City shall submit monthly statements to the user for the user's wastewater service charge. The wastewater service charge may be included with the monthly water and/or wastewater utility billing. Should any user fail to pay the user wastewater service charge ~~within twenty (20) days of the billing date~~ in accordance with Sec 13-4-120, the City may stop the wastewater service to the property.

**Section 12.** Subsections(a)(2), (c) and (e) of Section 13-16-70 of Article 13-16, **Sewer Rates** of Chapter 13 of the Brighton Municipal Code are repealed and reenacted to read as follows:

Sec. 13-16-70. - **Wastewater service charges; rates; notification.**

- (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.
- (2) Commercial, industrial, municipal, mixed use, and schools monthly fixed fee. Effective for all utility bills dated after January 1, ~~2016~~ 2017, 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.

- (c) Flat wastewater rate - metered water usage. Effective for all non-commercial and non-municipal utility bills dated after January 1, ~~2016~~ 2017, 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:
- (e) Commercial property - rated based on actual water usage. Effective for all utility bills dated after January 1, ~~2016~~ 2017, any owner of a commercial property in the City which receives City wastewater service ~~may request~~ will be billed a wastewater rate based on actual water usage each month. Such request shall be made annually on forms provided by the City. ~~The effective date for such billing shall be the first full billing after such written request is approved.~~ Monthly volume-based rates per one thousand (1,000) gallons of water usage for approved commercial users shall be as follows:

**Section 13.** Section 13-16-80 of Article 13-16, **Sewer Rates** of Chapter 13 of the Brighton Municipal Code is repealed and reenacted to read as follows:

**Sec. 13-16-80. - Review of wastewater service charge.**

The City shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution percentage not less often than every two (2) years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. ~~The City shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. If a significant user, such as an industry, has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the governing body, such factual information, and the city shall then determine if the user's wastewater contribution percentage is to be changed. The City shall notify the user of its findings as soon as possible.~~

**Section 14.** Article 13-20, **Storm Drainage Management Utility** of Chapter 13 of the Brighton Municipal Code is repealed to be readopted as Article 14-9, **Storm Drainage Management Utility** of Chapter 14 of the Brighton Municipal Code.

**Section 3. Validity.** If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid.

**Section 3. Repeal.** Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance. The repeal established herein shall not be construed to revive any ordinance or any part thereof that had been previously repealed by any ordinance repealed by this ordinance.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 16<sup>th</sup>  
DAY OF May, 2017

CITY OF BRIGHTON, COLORADO

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Richard N. McLean, Mayor

ATTEST:

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Natalie Hoel, City Clerk

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Approved as to Form:

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Margaret Brubaker, Esq., City Attorney

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE  
ONLY THIS 6<sup>th</sup> DAY OF June, 2017.

CITY OF BRIGHTON, COLORADO

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Richard N. McLean, Mayor

ATTEST:

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Natalie Hoel, City Clerk

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