

**ORDINANCE NO. 2149**  
**INTRODUCED BY: Scott**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING TITLE 13 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO WATER, WASTEWATER AND STORM DRAINAGE 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 City Council has been advised by the City Manager that certain fees and charges should be amended to offset the City's costs for the provision of water, wastewater and storm drainage services, especially as related to new development; and

**WHEREAS**, The City Manager has recommended and the City Council agrees that the rates, fees, and charges adopted herein shall become effective on the dates specified herein; and

**WHEREAS**, The City Manager has recommended and the City Council agrees that the name of the Stormwater Drainage Management Utility and references to "stormwater" in the ordinances should be changed to Storm Drainage Management Utility and "storm drainage."

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

**Section 1.** Section 3 of Ordinance No. 1907 and Section 13-4-120 of the Brighton Municipal Code are hereby amended to read as follows:

13-4-120 New accounts; Delinquent payments; Discontinuance of service.

**Section 2.** Section 1 of Ordinance No. 2124 and Section 13-4-130 of the Brighton Municipal Code are hereby amended to read as follows:

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 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 Effective with all utility bills dated after February 1, 2013, a monthly fixed charge of **\$12.36** shall be billed to all water accounts whether there is water usage, or not.

(b) Residential, and Residential Irrigation Volume-Based Water Rates Monthly Charge Per 1,000 Gallons of Usage. Effective with all utility bills dated after February 1, 2013, the following monthly volume-based charge will be added to the monthly fixed charge as stated in subsection (a) above. The monthly volume-based water rates shall be as follows:

(1) The monthly volume-based water rates shall be as follows for all water usage from zero (0) gallons up to and including twenty five thousand (25,000) gallons:

- a. Residential **\$4.25**
- b. Irrigation – Residential Only **4.25**

(2) The monthly volume-based water rates shall be as follows for all water usage from twenty six thousand (26,000) gallons up to and including thirty thousand (30,000) gallons:

- a. Residential **\$4.67**
- b. Irrigation – Residential Only **4.67**

(3) The monthly volume-based water rates shall be as follows for all water usage from thirty one thousand (31,000) gallons up to and including thirty five thousand (35,000) gallons:

- a. Residential **\$4.88**
- b. Irrigation – Residential Only **4.88**

(4) The monthly volume-based water rates shall be as follows for all water usage from thirty six thousand (36,000) gallons up to and including forty thousand (40,000) gallons:

- a. Residential **\$5.31**
- b. Irrigation – Residential Only **5.31**

(5) The monthly volume-based water rates shall be as follows for all water usage over forty thousand (40,000) gallons:

- a. Residential **\$5.73**
- b. Irrigation – Residential Only **5.73**

(c) Residential senior citizen and permanently disabled discount. Any resident of the city over the age of sixty (60) years or any permanently disabled resident of the city may apply for a discount on their water bill. To be eligible, the applicant must certify on forms provided by the City that the water account is for their principal residence, and they are either over sixty (60) years of age, or permanently disabled. Any applicant who

provides false or misleading information on the forms is subject to a \$100.00 penalty that shall be assessed against their utility account. Effective with all utility bills dated after February 1, 2013, for the existing senior citizens and permanently disabled utility accounts, the monthly fixed charge for water shall be **\$12.36**. Effective with all utility bills dated after February 1, 2013 a volume-based monthly rate of **\$1.53** per 1,000 gallons of usage for the first **3,000** gallons of usage, then **\$4.25** per 1,000 gallons of usage up to and including twenty five thousand (25,000) gallons, then **\$4.67** per 1,000 gallons of usage for twenty six thousand (26,000) gallons up to and including thirty thousand (30,000) gallons, then **\$4.88** per 1,000 gallons of usage for thirty one thousand (31,000) gallons up to and including thirty five thousand (35,000) gallons, then **\$5.31** per 1,000 gallons of usage for thirty six thousand (36,000) gallons up to and including forty thousand (40,000) gallons, then **\$5.73** per 1,000 gallons of usage for all usage over forty thousand (40,000) gallons will be charged.

(d) Budget Billing. Any homeowner in the City who has timely paid their water bill for the prior twelve months, may be eligible for budget billing, as defined herein. Homeowners may apply for budget billing on forms provided by the City. New homeowners may apply for budget billing based upon previous annual average consumption at that address. Each year, in March, the next year's budget billing amount shall be computed; any underpayment shall be billed to the homeowner; any overpayment shall be credited to the homeowner.

(e) Commercial, Municipal Potable, Irrigation, Non-Potable Irrigation, Industrial, Mixed Use, Private Fire, Bulk and Schools Monthly Fixed Charge By Meter Size. Effective February 1, 2013, the following monthly fixed charge shall be billed to all water accounts whether there is water usage, or not:

(1) Three-fourths-inch meter	<b>\$12.36</b>
(2) One-inch meter	<b>20.52</b>
(3) One and one-half-inch meter	<b>65.87</b>
(4) Two-inch meter	<b>82.45</b>
(5) Three-inch meter	<b>309.00</b>
(6) Four-inch meter	<b>514.92</b>
(7) Six-inch meter	<b>1,029.95</b>

(f) Commercial, Industrial, Mixed Use, Municipal Potable, Private Fire, Bulk and Non-Potable Irrigation Volume-Based Water Rates Monthly Charge Per 1,000 Gallons of Usage. Effective February 1, 2013, the following monthly volume-based charge will be added to the monthly fixed charge as stated in subsection (e) above.

- (1) The monthly volume-based water rates shall be as follows for all base rate categories:
- a. Commercial, Industrial, Mixed Use **\$4.38**
  - b. Municipal potable **4.94**
  - c. Private fire (there is no charge for water)

for fire protection purposes)	<b>0.00</b>
d. Bulk	<b>4.94</b>
e. Non-potable irrigation	<b>2.64</b>

(2) The monthly volume-based water rates shall be as follows for all water usage from 101% up to and including 110% above the base rate category:

a. Commercial, Industrial, Mixed Use	<b>\$4.82</b>
b. Municipal potable	<b>5.43</b>
c. Private fire (there is no charge for water for fire protection purposes)	<b>0.00</b>
d. Bulk	<b>5.43</b>
e. Non-potable irrigation	<b>2.90</b>

(3) The monthly volume-based water rates shall be as follows for all water usage from 111% up to and including 115% above the base rate category:

a. Commercial, Industrial, Mixed Use	<b>\$5.04</b>
b. Municipal potable	<b>5.68</b>
c. Private fire (there is no charge for water for fire protection purposes)	<b>0.00</b>
d. Bulk	<b>5.68</b>
e. Non-potable irrigation	<b>3.04</b>

(4) The monthly volume-based water rates shall be as follows for all water usage from 116% up to and including 125% above the base rate category:

a. Commercial, Industrial, Mixed Use	<b>\$5.47</b>
b. Municipal potable	<b>6.18</b>
c. Private fire (there is no charge for water for fire protection purposes)	<b>0.00</b>
d. Bulk	<b>6.18</b>
e. Non-potable irrigation	<b>3.31</b>

(5) The monthly volume-based water rates shall be as follows for all water usage from 126% and above the base rate category:

a. Commercial, Industrial, Mixed Use	<b>\$5.91</b>
b. Municipal potable	<b>6.68</b>
c. Private fire (there is no charge for water for fire protection purposes)	<b>0.00</b>
d. Bulk	<b>6.68</b>
e. Non-potable irrigation	<b>3.56</b>

(6) Schools, and HOAs, commercial, industrial or mixed use irrigation accounts with a separate tap volume-based water rates monthly charge per one thousand (1,000) gallons of usage: the monthly volume-based charge will be added to the monthly fixed charge as stated in Subsection (e) above.

a. Schools	<b>\$4.38</b>
b. HOAs, Commercial, Industrial, Mixed Use irrigation – separate tap – 0 to 500,000 gallons	<b>5.66</b>
c. HOAs, Commercial, Industrial, Mixed Use irrigation – separate tap – 500,000 gallons and above	<b>6.23</b>

13-4-225 Procedure for replacing, calibrating, relocating meter.

a. Any customer may request that a water meter be replaced at no charge. If the customer requests replacement of the water meter more often than once in a six-month period, the customer’s account shall be assessed in accordance with the schedule of fees, rates and charges as adopted by the Annual Fee Resolution, ordinance or otherwise, as the same may be amended from time to time.

b. Any customer may request that a water meter be calibrated, tested or relocated. The customer’s account shall be assessed for such services in accordance with the schedule of fees, rates and charges as adopted by the Annual Fee Resolution, ordinance or otherwise, as the same may be amended from time to time.

**Section 3.** Section 1 of Ordinance No. 2125, and Section 13-16-25 (e) of the Brighton Municipal Code are hereby amended as follows:

13-16-25 Wastewater Plant Investment Fees and Connection Charges – Schedule.

(e) A wastewater plant investment fee shall be paid for 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 service line. The South Platte Wastewater Plant Investment Fees shall be as follows:

(1) Single-Family Residential Equivalent (SFRE)	<b>\$5,260.00</b>
(2) All sewer connections which are not Single Family Residential Equivalents:	
a. Three-Fourths-Inch Tap	<b>\$9,994.00</b>
b. One-Inch Tap	<b>23,670.00</b>
c. One And One-Half-Inch Tap	<b>57,860.00</b>
d. Two-Inch Tap	<b>105,200.00</b>
e. Three-Inch Tap	<b>220,920.00</b>
f. Four-Inch Tap	<b>399,760.00</b>

- (3) For water service taps six inches or larger, the number of SFRE's for calculating the sewer connection charge shall be determined from the following formula:

$$\text{SFREs} = \frac{\text{Flow} \times \text{F}}{0.5175} + \frac{\text{BOD} \times \text{B}}{0.2359} + \frac{\text{SS} \times \text{S}}{0.1696} + \frac{\text{TKN} \times \text{T}}{0.0770}$$

Where:           Flow = estimated flow, gpd (peak month)  
                       BOD = estimated BOD, lbs/day (peak month)  
                       SS   = estimated SS, lbs/day (peak month)  
                       TKN = estimated TKN, lbs/day (peak month)

The Metro Wastewater Reclamation District shall provide the estimated flow, BOD, SS, and TKN information for each new wastewater connection which is subject to the above formula.

**Section 4.** Section 9 of Ordinance No. 2113 and Section 13-16-50 of the Brighton Municipal Code are hereby amended to read as follows:

**13-16-50 Surcharge.**

(c) The City may assess other surcharges as the City may deem necessary to carry out the requirements contained in the Chapter. These surcharges shall be related solely to the matters covered by this Chapter and are separate from all other fees, fines and penalties chargeable by the City. The formulae for calculating any surcharges shall be established by the Utilities Director and adopted by the City Council. The amounts of any such surcharges shall be set forth in the City's annual fee resolution.

**Section 5.** Section 3 of Ordinance No. 2124 and Section 13-16-70 of the Brighton Municipal Code are hereby amended to read as follows:

**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. Every user of the City wastewater system will be charged the monthly wastewater service charge whether matter is discharged into the system, or not. This service charge will be added to either the flat wastewater rates as calculated pursuant to either subsection (b) or subsection (c) hereof, as applicable.
- (b) Effective February 1, 2013, the following shall be the schedule of monthly wastewater service rates for the processing of wastewater in the City:

Residential Monthly Fixed Charge. The following monthly fixed charge shall be billed to all residential wastewater accounts whether there is wastewater usage, or not:

**\$8.15**

Commercial, Industrial, Mixed Use, and Schools Monthly Fixed Charge By Meter Size. The following monthly fixed charge shall be billed to all Commercial, industrial, mixed use, school wastewater accounts whether there is wastewater usage, or not:

(1) Three-fourths-inch meter	<b>\$15.49</b>
(2) One-inch meter	<b>36.68</b>
(3) One and one-half-inch meter	<b>89.65</b>
(4) Two-inch meter	<b>163.00</b>
(5) Three-inch meter	<b>342.30</b>
(6) Four-inch meter	<b>619.40</b>
(7) Six-inch meter	<b>1670.75</b>

(c) Flat Wastewater Rate – Metered Water Usage. Effective February 1, 2013, 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. This flat wastewater rate may be changed annually, and will vary in amount, based on classification. Monthly volume-based rates per 1,000 gallons of water usage are as follows:

(1) Residential	<b>\$4.24</b>
(2) Commercial	<b>5.17</b>
(3) Municipal	<b>4.24</b>

(d) Flat Wastewater Rate – Non-Metered Water Usage. Effective February 1, 2013, those users of the wastewater system who are not metered for water usage will be billed a flat wastewater rate each month. The flat wastewater rates will vary in amount, based on classification. The monthly flat wastewater rates for non-users metered water are as follows:

(1) Residential	<b>\$22.55</b>
(2) Multi-family	Number of dwelling units x <b>22.55</b>
(3) Commercial (discharging restrooms only)	<b>22.95</b>
(4) Commercial (discharging other than restrooms)	<b>45.91</b>

(e) Commercial Property – Rated Based on Actual Water Usage. Effective February 1, 2013 any owner of commercial property in the City which receives City wastewater service may request to 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 monthly billing after such written request is approved. Monthly volume-based

rates per 1,000 gallons of water usage for approved commercial users shall be as follows:

Commercial \$5.17

**Section 6 .** Storm Drainage Management Utility

Section 4 of Ordinance No. 2124, and Section 13-20-81 of the Brighton Municipal Code are hereby amended to read as follows:

13-20-81 Storm Drainage Maintenance Fee – Rates .

- (a) The storm drainage maintenance fee shall be used solely for administration, engineering, professional services, design, installation, repair, maintenance, operation, management, improvement, of storm drainage facilities in the City necessary for the Utility to reasonably manage storm drainage in the City.
- (b) All storm drainage maintenance fee charges 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 storm drainage maintenance fees.

Residential, commercial, municipal potable, municipal non-potable, industrial, mixed-use, bulk and schools monthly fixed charge by customer type. The following monthly fixed charges shall be billed to all water and sewer accounts.

Monthly Fixed Charges. Effective February 1, 2013, the following monthly fixed charges shall be billed to all water and sewer accounts whether there is water usage, or not:

Single-family residence	<b>\$1.84</b>
Multi-family residence	<b>2.36</b>
Nonresidential, commercial, mixed use or industrial	<b>5.25</b>
Schools	<b>5.25</b>

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED this 18<sup>th</sup> day of December, 2012.

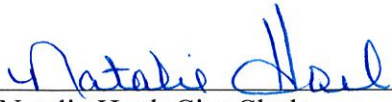
CITY OF BRIGHTON, COLORADO



Richard N. McLean, Mayor

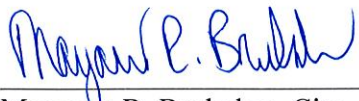


ATTEST:

  
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Natalie Hoel, City Clerk

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Approved as to form


  
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Margaret R. Brubaker, City Attorney

INTRODUCED, PASSED ON SECOND READING AND ORDERED PUBLISHED  
BY TITLE ONLY this 15<sup>th</sup> day of January, 2013.

CITY OF BRIGHTON, COLORADO

  
\_\_\_\_\_  
Richard N. McLean, Mayor

ATTEST:

  
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Natalie Hoel, City Clerk

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