

ORDINANCE NO. 10

Series 2024

A BILL FOR AN ORDINANCE AMENDING THE CODE PERTAINING TO WATER SERVICE CHARGES.

WHEREAS, in February of 2022, the Town of Breckenridge commissioned a rate study to be conducted by a third-party consultant, Raftelis, specializing in helping communities fairly and equitably price utility services, to perform the study;

WHEREAS, Town Council created a committee that included members of the Council and representatives from the community, including commercial and residential stakeholders, to provide policy guidance and feedback on the process;

WHEREAS, Town staff gathered historical data along with budget figures and planned capital investments to provide underlying data to the consultant and committee members;

WHEREAS, in November of 2023, the Town Council adopted the rates, charges, and fees in the underlying study to be effective January 1, 2024; and,

WHEREAS, the Town Council is now updating the municipal code consistent with the newly adopted rates, charges and fees.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. That section 12-1-6 is amended to delete the language stricken to read as follows:

12-1-6: DEFINITIONS; GENERAL:

BILLING CYCLE: A bimonthly billing period for water charges incurred at a water using property during such time period. The billing cycle shall be established by the finance director.

Section 2. That section 12-4-11 is amended to delete the language stricken

and add the language underlined to read as follows:

12-4-11: WATER USER FEES; RESIDENTIAL:

A. The in Town base rate user fee for all residential water users, regardless of the size of the water meter, includes a usage allowance of not to exceed ~~ten~~three thousand (403,000) gallons of water per SFE per billing cycle, and shall be computed according to the following table:

Water Use Date	Base User Fee
Effective January 1, 201 <u>6</u> <u>24</u>	\$34.45 <u>26.66</u> per billing cycle per SFE

B. In addition to the base user fee set forth in subsection A of this section, each in Town residential water user shall pay an excess use charge for each one thousand (1,000) gallons of metered water, or fraction thereof, used per SFE per billing cycle in excess of the usage allowance of ~~ten~~three thousand (403,000) gallons of water per SFE per billing cycle. The amount of the excess use charge shall be computed according to the following table:

Water Use Date	Excess Use Charge
Effective January 1, 201 <u>6</u> <u>24</u>	<u>Tier 1: 3,001-10,000 gallons \$8.13</u> <u>Tier 2: \$5.25 > 10,000 gallons \$12.19</u>

Section 3. That section 12-4-12 is amended to delete the section stricken and add the language underlined to read as follows:

12-4-12: WATER USER FEES; NONRESIDENTIAL:

A. The in Town ~~base rate user fee, regardless of the size of the water meter, is charged at a flat rate for each one thousand (1,000) gallons of metered water, or fraction thereof, used per billing cycle, and shall be computed according to the following~~

~~table: and the usage allowance per SFE per billing cycle for all nonresidential water users shall be determined based upon the size of the water meter which connects the water using property to the water system, as follows:~~

<u>Water Use Date</u>	<u>User Fee</u>
<u>Effective January 1, 2024</u>	<u>\$8.13 per 1,000 gallons per billing cycle</u>

~~For water used commencing January 1, 2016:~~

Meter Size	Base Water Fee	Usage Allowance
	Per Account	Per Account (Gallons)
Less than 1 inch	\$ 39.46	13,000
1 inch	59.19	20,000
1 1/2 inch	103.29	35,000
2 inch	162.64	54,000
3 inch	312.72	105,000
4 inch	483.42	162,000
6 inch	949.84	318,000

~~(Ord. [33](#), Series 2015)~~

~~B. In addition to the base user fee set forth in subsection [A](#) of this section, each in-Town nonresidential water user shall pay an excess use charge for water used in excess of the usage allowance for the applicable meter size set forth in the table in~~

subsection A of this section. The amount of the ~~excess use charge~~ for nonresidential water users shall be calculated at the same rate for each one thousand (1,000) gallons of metered water used, or fraction thereof, as the residential ~~excess use charge~~ set forth in subsection 12-4-11B of this chapter. (Ord. 30, Series 2005)

Section 4. That section 12-4-13 is amended to delete the language stricken and add the language underlined to read as follows:

12-4-13: WATER USER FEES; MIXED USE:

The in Town ~~base rate user fee and the usage allowance~~ per billing cycle for all mixed use water using properties shall be calculated based upon the predominant use of the water using property as determined by the finance director. ~~In addition to the base user fee, each in Town mixed use water user shall pay an excess use charge of five dollars twenty five cents (\$5.25) per one thousand (1,000) gallons of metered water, or fraction thereof, used per billing cycle in excess of the applicable usage allowance.~~

Section 5. That section 12-4-14 is amended to delete the language stricken and add the language underlined to read as follows:

12-4-14: BULK WATER:

The rate for each one thousand (1,000) gallons of bulk water sold by the town shall be ~~twenty one~~ thirty two dollars and fifty cents ~~dollars~~ (\$21.0032.50). In addition, a connection fee of one hundred dollars (\$100.00), and a one thousand dollar (\$1,000.00) deposit shall be collected at the time of each bulk water sale. The damage deposit, less any amount necessary to reimburse the town for damage to the town's water meter and hydrant arising from the sale and delivery of the bulk water, shall be returned to the purchaser of the bulk water within thirty (30) days after the sale.

Section 6. That section 12-4-20 is amended to delete the language stricken and add the language underlined to read as follows:

12-4-20: WATER SYSTEM MAINTENANCE FEE:

There shall be included with each billing statement for water service, and there shall be assessed and paid by each owner whose water using property was connected to the town's water system during any portion of the billing cycle, in arrears, a WSMF fee in the amount of ~~twelve~~six dollars and thirty cents (~~\$12.00~~6.30) per SFE per billing cycle. The WSMF shall be a water charge within the meaning of section [12-1-6](#) of this title, and shall be due and payable to the town at the same time and in the same manner as other water charges are due and payable to the town under this chapter. Unpaid WSMFs may be collected by the town as provided by chapter [6](#) of this title.

Section 7. That section 12-4-21 is amended to delete the language stricken and add the language underlined to read as follows:

12-4-21: FEE FOR PAPER STATEMENTS; ACCOUNT SETUP FEE:

A. Commencing with the periodic billing statement issued by the town in ~~March 2015~~February 2024 (for water service provided during the months of January ~~February 2015~~24), there shall be added to each paper billing statement mailed by the town through the United States postal service, and there shall be assessed and paid by the owner of the property that is the subject of the billing statement, a statement fee in the amount of ~~fifteen~~ten dollars (~~\$15~~10.00) per statement per billing cycle. The statement fee shall be a water charge within the meaning of section [12-1-6](#) of this title, and shall be due and payable to the town at the same time and in the same manner as other water charges are due and payable to the town under this chapter. There shall be no statement fee charged if the owner elects to have the billing statement delivered by electronic means.

Section 8. That section 12-4-23 is amended to delete the language stricken and add the language underlined to read as follows:

12-4-23: ANNUAL ADJUSTMENT OF CERTAIN FEES AND CHARGES:

A. On January 1 of each year, commencing in ~~2018~~24 and continuing thereafter, the amount of the following fees and charges payable to the town pursuant to Chapter shall be increased as follows:

1. On January 1, 2018~~24~~ the amount of the PIF to be paid to the town pursuant to Section [12-4-3](#) shall be increased by an amount equal to ~~twenty~~ten (20~~10~~%) percent of the previous year's PIF. ~~On January 1, 2019, and each year thereafter, the amount of the PIF to be paid to the town pursuant to Section [12-4-3](#) shall be increased by an amount equal to ten percent (10%) of the previous year's PIF.~~ The increased PIF rate shall apply to all applications for water service that have not been fully paid by the effective date of such rate increase.
2. The amount of the in Town base user fee for all residential water users to be paid to the town pursuant to Section [12-4-11A](#) shall be increased by an amount equal to (~~5~~10%) of the previous year's base user fee.
3. The amount of the excess use charge to be paid to the town pursuant to Section [12-4-11B](#) shall be increased by an amount equal to ~~five~~ten percent (~~5~~10%) of the previous year's excess use charge.
4. Each of the in Town base user fees for all nonresidential water users to be paid to the town pursuant to Section [12-4-12A](#) shall be increased by an amount equal to ~~five~~ten percent (~~5~~10%) of the previous year's base user fee.
5. The water service maintenance fee due to the town pursuant to Section [12-4-13](#) shall be increased by an amount equal to five percent (5%) of the previous year's fee.
6. The bulk water fee due to the town pursuant to Section [12-4-14](#) shall be increased by an amount equal to ~~five~~ten percent (~~5~~10%) of the previous year's bulk water fee. The connection fee and deposit required by Section [12-4-14](#) shall not be increased.

Section 9. That section 12-5-6-1 is amended to delete the language stricken and add the language underlined to read as follows:

12-5-6-1: WATER SYSTEM MAINTENANCE FEE:

There shall be included with each billing statement for out of town water service, and there shall be assessed and paid by each owner whose out of town water using property was connected to the town's water system during any portion of the billing cycle, in arrears, a WSMF in the amount of ~~twelve~~six dollars and thirty cents

(~~\$12.006.30~~) per SFE per billing cycle. The WSMF shall be a water charge within the meaning of section [12-1-6](#) of this title, and shall be due and payable to the town at the same time and in the same manner as other water charges are due and payable to the town under this chapter. Unpaid WSMFs due from out of town water users may be collected by the town as provided by chapter [6](#) of this title.

Section 10. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 27th day of February, 2024.

This ordinance was published in full on the Town of Breckenridge website on February 29, March 1, March 2, March 3 and March 4, 2024.

A public hearing on this ordinance was held on March 12, 2024.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 12th day of March, 2024. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

Helen Cospolich, CMC, Town Clerk

Kelly Owens, Mayor Pro Tem

APPROVED IN FORM

Town Attorney

Date

This Ordinance was published on the Town of Breckenridge website on March 13, March 14, March 15, March 16 and March 17, 2024. This ordinance shall become effective on April 16, 2024.