

ORDINANCE NO. 34

Series 2009

AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL WATER USER FEES
EFFECTIVE JANUARY 1, 2010

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

Section 1. The Town Council of the Town of Breckenridge hereby finds and determines as follows:

A. The Town of Breckenridge is a home rule municipal corporation organized and existing pursuant to Article XX of the Colorado Constitution.

B. The Town owns and operates a municipal water utility pursuant to the authority granted by Section 13.1 of the Breckenridge Town Charter and §31-35-402(1)(b), C.R.S.

C. Section 13.3 of the Breckenridge Town Charter provides that "(t)he council shall by ordinance establish rates for services provided by municipality-owned utilities."

D. The rates, fees, tolls and charges imposed in connection with the operation of a municipal water system should raise revenue required to construct, operate, repair and replace the water works, meet bonded indebtedness requirements, pay the overhead and other costs of providing service. Such rates, fees, tolls and charges may also recover an acceptable rate of return on investment. The rates, fees, tolls and charges imposed by this ordinance accomplish the Town's goals and objectives of raising revenue required to construct, operate, repair and replace the Town's water works and to service the bonded indebtedness of the Town's enterprise water fund.

E. The action of the Town Council in setting the rates, fees, tolls, and charges to be charged and collected by the Town in connection with the operation of its municipal water system is a legislative matter.

Section 2. Section 12-4-11 of the Breckenridge Town Code is hereby amended so as to read in its entirety 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 twelve thousand (12,000) gallons of water per SFE per billing cycle, and shall be computed according to the following table:

<u>Water Use Date</u>	<u>Base User Fee</u>
Effective January 1, 2010	\$30.04 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 twelve thousand (12,000) gallons of water per SFE per billing cycle. The amount of the excess use charge shall be computed according to the following table:

<u>Water Use Date</u>	<u>Excess Use Charge</u>
Effective January 1, 2010	\$2.99

Section 3. Section 12-4-12(A) of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

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

- A. The in town base rate user fee per SFE per billing cycle 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:

For water used commencing January 1, 2010

<u>Meter Size</u>	<u>Base Water Fee Per Account</u>	<u>Usage Allowance Per Account (Gallons)</u>
Less than 1 inch	\$ 34.40	13,000
1 inch	51.60	20,000
1 ¹ / ₂ inch	90.04	35,000
2 inch	141.77	54,000
3 inch	272.58	105,000
4 inch	421.38	162,000
6 inch	827.91	318,000

Section 4. Section 12-4-13 of the Breckenridge Town Code is hereby amended so as to read in its entirety 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 two dollars ninety nine cents (\$2.99) 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. Section 12-4-20 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

Commencing with the billing statement issued by the town in March 2010 (for water service provided during the months of January-February 2010 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 four dollars (\$4.00) 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. (Ord. 15, Series 2006)

Section 6. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

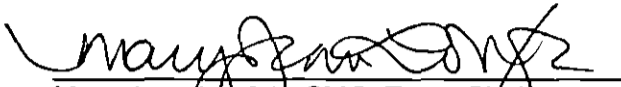
Section 7. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of Section 31-35-402(1)(f), C.R.S., and the powers possessed by home rule municipalities in Colorado.

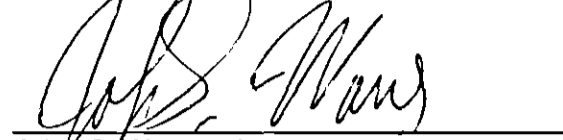
Section 8. This ordinance shall be published as provided by Section 5.9 of the Breckenridge Town Charter and shall become effective January 1, 20092010.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 10th day of November, 2009. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24th day of November, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk

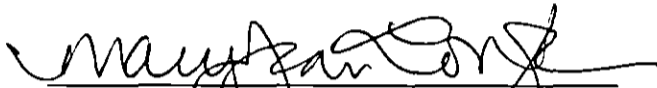

John G. Warner, Mayor


The public hearing on this ordinance was held on November 24, 2009.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 24th day of November, 2009. This ordinance is available for inspection in the office of the Town Clerk.

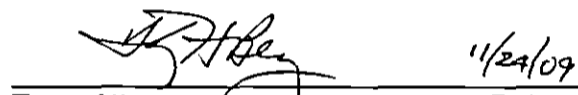
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


John G. Warner, Mayor

APPROVED IN FORM


Town Attorney

11/24/09
Date

This ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on December 4, 2009.