

ORDINANCE NO. 33

Series 2014

AN ORDINANCE AMENDING TITLE 12 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL WATER SYSTEM OF THE TOWN EFFECTIVE JANUARY 1, 2015; MODIFYING THE AMOUNT OF ANNUAL INCREASE OF THE TOWN'S PLANT INVESTMENT FEE FOR YEARS 2015, 2016, AND 2017; PROVIDING FOR A DECREASE IN THE BASE WATER ALLOWANCE FOR RESIDENTIAL WATER USERS; AND PROVIDING FOR AN INCREASE IN CERTAIN MUNICIPAL WATER FEES AND CHARGES

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

Section 1. The Town Council of the Town of Breckenridge 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. On April 1, 1980 the people of the Town of Breckenridge adopted the Breckenridge Town Charter.

C. Section 13.1 of the Breckenridge Town Charter provides in pertinent part as follows:

The town shall have and exercise with regard to all utilities . . . all municipal powers, including, without limitation, all powers now existing and which may be hereafter provided by the Constitution and the statutes.

D. Section 13.1 of the Breckenridge Town Charter further provides that "the right of the town to construct . . . any public utility, work or way, is expressly reserved."

E. Section 31-35-402(1)(b), C.R.S., authorizes a municipality to operate and maintain water facilities for its own use and for the use of public and private consumers and users within and without the territorial boundaries of the municipality.

F. Pursuant to the authority granted by the Breckenridge Town Charter and Section 31-35-402(1)(b), C.R.S., the Town owns and operates a municipal water system.

G. 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."

H. Section 31-35-402(1)(f), C.R.S., authorizes a municipality with respect to a municipal water system:

To prescribe, revise, and collect in advance or otherwise, from any consumer or any owner or occupant of any real property connected therewith or receiving service therefrom, rates, fees, tolls, and charges or any combination thereof for the services furnished by, or the direct or indirect connection with, or the use of, or any commodity from such water facilities . . . , including, without limiting the generality of the foregoing, . . . tap fees.

I. Section 31-35-402(1)(f), C.R.S., further provides that the governing body of a municipality is empowered to establish and collect the rates, fees, tolls, and charges in connection with the operation of its municipal water system "without any modification, supervision, or regulation of any such rates, fees, tolls, or charges by any board, agency, bureau, commission or official other than the governing body collecting them."

J. 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.

K. In connection with the adoption of this ordinance, the Town has reviewed, considered, and relied upon a study of the reasonably anticipated current and future maintenance and expansion costs for the Town's municipal water system as prepared by the Town's staff, and all other matters, materials and information related thereto or submitted to the Town in connection therewith. All such materials are to be considered part of the record of the

proceedings related to the adoption of this ordinance.

L. The rates, fees, tolls, and charges imposed in connection with the operation of a municipal water system should raise revenue required, among other things, to construct, operate, repair, maintain, upgrade, expand and replace the water system.

M. The increase in the amount of the annual increase of the Plant Investment Fee for the years 2015, 2016, and 2017 imposed by this ordinance accomplishes the Town's goals and objectives of raising revenue that will be required in the future to expand and replace the Town's water system.

Section 2. Effective January 1, 2015, Section 12-4-4 of the Breckenridge Town Code is amended to read as follows:

12-4-4: PLANT INVESTMENT FEE; AUTOMATIC ANNUAL ADJUSTMENT:

On January 1 of each year, commencing in 2007, the amount of the PIF to be paid to the town pursuant to section 12-4-3 of this chapter shall be increased by an amount equal to five percent (5%) of the previous year's PIF; provided, however, that for the years 2015, 2016, and 2017 the amount of the PIF to be paid to the town pursuant to section 12-4-3 of this chapter 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. Not later than thirty (30) days after the PIF is adjusted each year as provided in this section, the town clerk shall cause to be published a public notice setting forth the amount of the adjusted PIF. Such notice shall be published one time in a newspaper of general circulation in the town; provided, however, that the failure of the town clerk to cause such notice to be published shall not affect the validity of the adjustment to the PIF as made by the finance director pursuant to this section.

Section 3. Effective January 1, 2015, Section 12-4-11 of the Breckenridge Town Code is 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 ten thousand (10,000) 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, 2015	\$32.81 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 thousand (10,000) 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, 2015	\$5.00

Section 4. Effective January 1, 2015, Section 12-4-12(A) of the Breckenridge Town Code is 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, 2015

<u>Meter Size</u>	<u>Base Water Fee Per Account</u>	<u>Usage Allowance Per Account (Gallons)</u>
Less than 1 inch	\$ 37.58	13,000
1 inch	56.37	20,000
1½ inch	98.37	35,000
2 inch	154.90	54,000
3 inch	297.83	105,000
4 inch	460.40	162,000
6 inch	904.61	318,000

Section 5. Effective January 1, 2015 Section 12-4-21(A) of the Breckenridge Town Code is amended to read as follows

A. Commencing with the periodic billing statement issued by the Town in March 2015 (for water service provided during the months of January-February 2015), 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 dollars (\$15.00) 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 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 contained in the Breckenridge Town Charter.

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

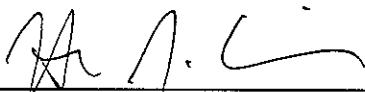
INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 11th day of November, 2014.

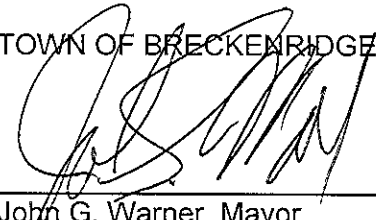
This ordinance was published in full on the Town of Breckenridge website on November 13, November 14, November 15, November 16 and November 17, 2014.

A public hearing on this ordinance was held on November 25, 2014.

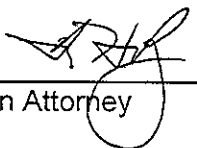
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 25th day of November, 2014. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:


 Helen Cospolich, Town Clerk

TOWN OF BRECKENRIDGE

 John G. Warner, Mayor

APPROVED IN FORM



Town Attorney

11/25/14

Date

This Ordinance was published on the Town of Breckenridge website on November 26, November 27, November 28, November 29 and November 30, 2014. This ordinance shall become effective on December 30, 2014.