

ORDINANCE NO. 33

Series 2015

AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL  
WATER USER FEES EFFECTIVE JANUARY 1, 2016

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.

Section 2. Effective January 1, 2016, 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, 2016	\$34.45 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, 2016	\$5.25

Section 3. Effective January 1, 2016, 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, 2016

<u>Meter Size</u>	<u>Base Water Fee Per Account</u>	<u>Usage Allowance Per Account (Gallons)</u>
Less than 1 inch	\$ 39.46	13,000
1 inch	59.19	20,000
1 <sup>1</sup> / <sub>2</sub> 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

Section 4. Effective January 1, 2016, Section 12-4-13 of the Breckenridge Town Code is 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 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. Effective January 1, 2016, Section 12-4-14 of the Breckenridge Town Code is amended so as to read in its entirety 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 dollars (\$21.00). 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. 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 10th day of November, 2015.

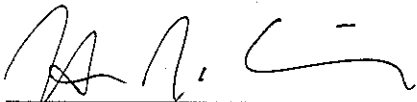
This ordinance was published in full on the Town of Breckenridge website on November 11, November 12, November 13, November 14 and November 15, 2015.

A public hearing on this ordinance was held on November 24, 2015.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE  
TOWN'S WEBSITE this 24th day of November, 2015. A copy of this Ordinance is available for  
inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

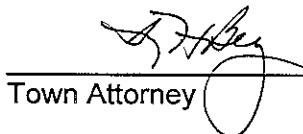


Helen Cospolich, Town Clerk



John G. Warner, Mayor

APPROVED IN FORM



Town Attorney

11/24/15  
Date

This Ordinance was published on the Town of Breckenridge website on November 25, November 26, November 27, November 28 and November 29, 2015. This ordinance shall become effective on December 29, 2015.