

ORDINANCE NO. 921

AN EMERGENCY ORDINANCE CONCERNING WATER FEES AND CHARGES

WHEREAS, by Ordinance No. 840, adopted by the City Council on December 11, 2017, the City Council established fees and charges for the City water system, and amended disconnection fees by Ordinance No. 918, adopted by the City Council on November 30, 2021; and

WHEREAS, such fees and charges include the tap fee charged by the Central Weld County Water Conservancy District (“Central Weld”), which fee is transmitted in full to Central Weld; and

WHEREAS, Central Weld increases its tap fees from time to time, which can result in the City collecting an insufficient tap fee from new water users; and

WHEREAS, the City Council therefore finds its schedule of fees and charges should be amended as set forth herein to reflect that a water tap applicant must pay the Central Weld tap fee in effect at the time of application, plus the City tap fee; and

WHEREAS, Section 3-10(b) of the City of Dacono Home Rule Charter provides that no ordinance fixing rates charged by any municipal utility system shall be adopted as an emergency ordinance; and

WHEREAS, the City Council finds the Central Weld tap fee is not a “rate charged by [a] municipal utility system,” and therefore this change to the City’s schedule of fees and charges may be adopted by emergency ordinance; and

WHEREAS, the City Council finds an emergency exists because Central Weld has significantly increased its tap fees, necessitating an immediate update to the City’s schedule of fees and charges to ensure sufficient amounts are collected from water tap applicants to pay fees due to Central Weld.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. The following fees and charges are hereby established, effective upon adoption of this ordinance.

- (a) To obtain a water tap, an applicant must:
 - (1) dedicate raw water in an amount to be determined by the City based on the proposed usage to be served by the meter;
 - (2) pay the Central Weld tap fee in the amount established by Central Weld; and

(3) pay the City tap fee in an amount as set forth below:

Tap Size	City Tap Fee (plus actual cost for water meter and other necessary parts)	Maximum Annual Consumption (in gallons)
5/8"	\$1,000	300,000
3/4"	\$1,500	750,000
1"	\$1,500	1,500,000
1 1/2"	\$1,500	3,250,000
2"	\$1,500	6,000,000
3"	\$1,500	12,000,000

(b) A Capital Improvements Fee shall be charged each month to all water users in the following amounts. The Capital Improvements Fee is used for repayment of bonds for the water tower and other water bonds, and line replacement and other capital costs. In accordance with D.M.C. § 13-6(b), the record owner of property for which a water tap permit has been granted shall commence payment of this Capital Improvements Fee charge upon installation of the tap and certification of the tap to the Central Weld County Water District, even if water service is not then being provided to the property.

Meter Size	Charge per Month
5/8"	\$17.00
3/4"	\$42.50
1"	\$85.00
1 1/2"	\$177.50
2"	\$338.00
3"	\$676.00

(c) The monthly water usage charge established shall be as follows. In accordance with D.M.C. § 13-6(b), the record owner of property for which a water tap permit has been granted shall commence payment of this monthly water service charge upon installation of the tap and certification of the tap to the Central Weld County Water District, even if water service is not then being provided to the property. For taps that have been de-activated for a period of at least three (3) months by the property owner upon written notice to the City Clerk, and for which no actual water usage occurs at the property during the period of de-activation, the monthly water usage charge shall be one-half (1/2) of the minimum charge set forth below.

Metered Customers	Minimum Monthly Charge	Tiered Gallon Usage	Charge per Additional Thousand Gallons	Maximum Annual Consumption (metered gallons)
5/8" meter (residential)	\$30.00	0 – 5,000 5,001 – 10,000 10,001 or more	\$0.00 \$2.80 \$4.05	300,000
5/8" meter (commercial)	\$30.00	0 – 5,000 5,001 – 10,000 10,001 or more	\$0.00 \$2.60 \$3.80	300,000
3/4" meter (residential)	\$65.00	0 – 17,500 17,501 – 25,000 25,001 or more	\$0.00 \$2.80 \$4.05	750,000
3/4" meter (commercial)	\$65.00	0 – 17,500 17,501 – 25,000 25,001 or more	\$0.00 \$2.60 \$3.80	750,000
1" meter (residential)	\$143.00	0 – 40,000 40,001 – 55,000 55,001 or more	\$0.00 \$2.80 \$4.05	1,500,000
1" meter (commercial)	\$143.00	0 – 40,000 40,001 – 55,000 55,001 or more	\$0.00 \$2.60 \$3.80	1,500,000
1.5" meter (residential)	\$195.00	0 – 73,500 73,501 – 100,000 100,001 or more	\$0.00 \$2.80 \$4.05	3,250,000
1.5" meter (commercial)	\$284.00	0 – 73,500 73,501 – 100,000 100,001 or more	\$0.00 \$2.60 \$3.80	3,250,000
2" meter (commercial)	\$537.00	0 – 140,000 140,001 – 200,000 200,001 or more	\$0.00 \$2.60 \$3.80	6,000,000
3" meter (commercial)	\$1,146.00	0 – 280,000 280,001 – 360,000 360,001 or more	\$0.00 \$2.60 \$3.80	12,000,000
Hydrant Meters	\$50.00	0 or more	\$8.00	No Maximum

(d) The delinquency fee shall be as follows: \$5.00 for each month an amount is delinquent. The delinquency charge shall not be imposed if the amount due is paid in full within five days after the scheduled due date.

(e) The delinquency certification fee shall be as follows: \$30.00 for each delinquent amount certified to the County Treasurer or lien filed with the County Clerk and Recorder, plus ten percent of the delinquent amount.

(f) The disconnection fee shall be as follows: \$30.00 for owner requested discontinuation and \$50.00 for disconnection due to delinquency.

(g) The bad check fee shall be as follows: \$20.00 for each dishonored check.

(h) The courtesy emergency turn-off and turn-on fee shall be as follows: (a) \$30.00

during business hours; and (b) \$40.00 during non-business hours. This charge will be added to the monthly bill for payment.

(i) Raw water dedications for each tap size are determined based on an expected level of annual consumption for such taps. Therefore, annual consumption in excess of the maximum amounts set forth for each tap size in subparagraph (c) shall be subject to an Excess Consumption Surcharge of \$0.05 per gallon for every gallon that exceeds the maximum for such tap. Funds from this Excess Consumption Surcharge may be used by the City to purchase additional raw water rights to ensure delivery of potable water to users of the City's water system is not compromised by water users who consume water in excess of the annual maximum for their tap size.

Section 2. Ordinance No. 840 is hereby repealed.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. The City Council herewith finds, determines, and declares that this ordinance is necessary to the immediate preservation of public property, health, welfare, peace, or safety. Pursuant to Charter § 3-10, this ordinance shall be effective upon adoption.

INTRODUCED, READ, ADOPTED BY AT LEAST FIVE AFFIRMATIVE VOTES, AND ORDERED PUBLISHED AND POSTED IN FULL THIS 14th DAY OF March, 2022.

CITY OF DACONO, COLORADO

Adam Morehead, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 921 "**AN EMERGENCY ORDINANCE CONCERNING WATER FEES AND CHARGES**": Amends the City's schedule of fees and charges for water taps to reflect water tap applicants shall pay the Central Weld water tap fee in effect at the time of water tap permit application, rather than specifying the amount of the Central Weld tap fee.