

COUNCIL BILL NO. 22-070
ORDINANCE NO. 4818

AN ORDINANCE AMENDING SECTION 102-206 OF CHAPTER 102, UTILITIES, OF THE ARVADA CITY CODE PERTAINING TO WASTEWATER USERS RATES AND BIMONTHLY SERVICE CHARGES AND SECTION 102-355 OF CHAPTER 102, UTILITIES, OF THE ARVADA CITY CODE PERTAINING TO STORMWATER USERS RATES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Section 102-206, User charges, of Article II, Water and Sewer, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Sec. 102-206. User charges.

Each connected property owner or user of the city sewer system is required to pay to the city a user charge based upon the following rate schedule according to the classified strength of sewage:

(1) Normal strength charges:

Bi-monthly usage (gallons)	Rate
a. Service charge, regardless of usage	\$6.44
b. All usage, per 1,000 gallons	\$5.82

(2) Plus, extra strength charges as follows:

	Per Pound
a. BOD in excess of 300 mg/l	\$0.60
b. SS in excess of 330 mg/l	\$0.64
c. TKN in excess of 35 mg/l	\$1.24

”

Section 2. Section 102-355, Stormwater management utility service charge established, of Article VI, Arvada Stormwater Management Utility Ordinance, of Chapter 102, Utilities, of the Arvada City Code is hereby amended to read as follows:

“Sec. 102-355. Stormwater management utility service charge established.

(a) There is hereby imposed on the owner of each and every lot or parcel of land within the city containing an impervious surface, except as specifically provided in subsection (b) of this section, a stormwater management utility service charge. This service charge is deemed

reasonable and necessary to pay for the project costs of the existing city stormwater facilities and stormwater quality programs; and project costs of future city stormwater facilities and stormwater quality programs. The proceeds of said charge, upon collection, are made as payment for the use of the city's stormwater facilities by owners of real property upon which the service charge is imposed.

- (b) All public and private highways, roadways, streets and alleys and associated sidewalks and bike paths shall be part of the stormwater facilities, and, therefore, shall be exempt from all charges imposed by this article. The exemption provided herein shall not apply to public or private parking lots, driveways, service drives, drive aisles or internal site roadways, beltways, access drives or lanes, and sidewalks.
- (c) The charge provided herein shall be based upon the extent to which the city's stormwater facilities are used by persons within the city. Use of stormwater facilities shall be based upon a calculation of runoff from the impervious surfaces of parcels of land located within the city.
- (d) The city shall bill, as part of its regular utility bill or as a separate bill in cases where a parcel of real property is not served or serviced by city water or sewer utilities, for the service charge provided in this article. The bill shall be made to the owner of record of the property as set forth in the records of the city, or to such other person as the owner may designate in writing to accept the bill and the recipient of the bill shall pay the bill upon receipt thereof. Nothing in this subsection shall serve to relieve the owner of responsibility for ensuring that payment of the service charge is made is the bill sent to some other person designated by the owner as recipient.
- (e) The bimonthly service charge as provided in this article shall be \$0.003101 per square foot of impervious surface located on the property. The charge described in this subsection is imposed on each and every improved lot and parcel of land within the city upon which an impervious surface exists. The service charge shall be billed by the city and shall be paid upon receipt thereof.
- (f) In the calendar year 2001, to be effective in the calendar year 2002, the director shall determine or cause the determination to be made, of the estimated number of square feet of impervious surface in or on the real property of each owner within the city, using the definition of impervious surface set forth in this article. The director may make such measurement based upon any reasonable means, including, but not by way of limitation, aerial survey and statistical analysis of real property and impervious surfaces located thereon. The service charge for the stormwater management utility shall be calculated by dividing the estimated cost of providing stormwater facilities and project costs by the estimated square footage of impervious surface within the boundaries of the city, which product shall yield the per square footage cost of service. The director may update the measurement of impervious surface area at such times as he deems reasonable and necessary to do so, but in any event, not less than once each ten years, with any change to be effective in the next calendar year. If, for any reason, a recalculation of the service charge does not occur, then the most recent rate charged shall continue until the recalculation is

made. No failure to make a recalculation of the service charge shall repeal, amend, or suspend operation of this article.

- (g) Each development occurring within the city after adoption of this article that results in an increase or decrease in impervious surface area shall be subject to the provisions of this article. The director shall be entitled to measure an increase or decrease to any impervious surface area resulting from a development, and add the resulting increase to or deduct the resulting decrease from, the service charge to the city utility bill for the property wherein the development occurred. The director shall establish such administrative rules in accordance with section 102-359 for determining when an increase or decrease to impervious surface areas has occurred as may be reasonable and necessary to give effect to this subsection.
- (h) The service charge provided in this article shall be subject to additional fees for delinquent payment, uncollectible checks, liens and any other penalties which are the same as those imposed with city water or sewer utility charges as provided in this chapter, or pursuant to the provisions of chapter 59 entitled "municipal liens." "

Section 3. Severability. Should any provision of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. This ordinance shall take effect on January 1, 2023

INTRODUCED, READ AND ORDERED PUBLISHED this 3rd day of October, 2022.

PASSED, ADOPTED AND APPROVED this 17th day of October, 2022.

ATTEST:

City Clerk

Marc Williams, Mayor

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: _____

Publication Dates: October 6, 2022
October 20, 2022

REDLINE/STRIKETHROUGH VERSION

FOR INFORMATION ONLY – NOT PART OF THE ORDINANCE

Underlined indicates new material

~~Strikethrough~~ indicated deleted material

Sec. 102-206. User charges.

Each connected property owner or user of the city sewer system is required to pay to the city a user charge based upon the following rate schedule according to the classified strength of sewage:

- (1) Normal strength charges:

Bi-monthly usage (gallons)	Rate
a. Service charge, regardless of usage	\$4.44 <u>6.44</u>
b. All usage, per 1,000 gallons	\$5.30 <u>5.82</u>

- (2) Plus, extra strength charges as follows:

	Per Pound
a. BOD in excess of 300 mg/l	\$0.55 <u>0.60</u>
b. SS in excess of 330 mg/l	\$0.58 <u>0.64</u>
c. TKN in excess of 35 mg/l	\$1.13 <u>1.24</u>

Sec. 102-355. Stormwater management utility service charge established.

- (a) There is hereby imposed on the owner of each and every lot or parcel of land within the city containing an impervious surface, except as specifically provided in subsection (b) of this section, a stormwater management utility service charge. This service charge is deemed reasonable and necessary to pay for the project costs of the existing city stormwater facilities and stormwater quality programs; and project costs of future city stormwater facilities and stormwater quality programs. The proceeds of said charge, upon collection, are made as payment for the use of the city's stormwater facilities by owners of real property upon which the service charge is imposed.

- (b) All public and private highways, roadways, streets and alleys and associated sidewalks and bike paths shall be part of the stormwater facilities, and, therefore, shall be exempt from all charges imposed by this article. The exemption provided herein shall not apply to public or private parking lots, driveways, service drives, drive aisles or internal site roadways, beltways, access drives or lanes, and sidewalks.
- (c) The charge provided herein shall be based upon the extent to which the city's stormwater facilities are used by persons within the city. Use of stormwater facilities shall be based upon a calculation of runoff from the impervious surfaces of parcels of land located within the city.
- (d) The city shall bill, as part of its regular utility bill or as a separate bill in cases where a parcel of real property is not served or serviced by city water or sewer utilities, for the service charge provided in this article. The bill shall be made to the owner of record of the property as set forth in the records of the city, or to such other person as the owner may designate in writing to accept the bill and the recipient of the bill shall pay the bill upon receipt thereof. Nothing in this subsection shall serve to relieve the owner of responsibility for ensuring that payment of the service charge is made is the bill sent to some other person designated by the owner as recipient.
- (e) The bimonthly service charge as provided in this article shall be \$ ~~0.001520~~ 0.003101 per square foot, ~~per month~~, of impervious surface located on the property. The charge described in this subsection is imposed on each and every improved lot and parcel of land within the city upon which an impervious surface exists. The service charge shall be billed by the city and shall be paid upon receipt thereof.
- (f) In the calendar year 2001, to be effective in the calendar year 2002, the director shall determine or cause the determination to be made, of the estimated number of square feet of impervious surface in or on the real property of each owner within the city, using the definition of impervious surface set forth in this article. The director may make such measurement based upon any reasonable means, including, but not by way of limitation, aerial survey and statistical analysis of real property and impervious surfaces located thereon. The service charge for the stormwater management utility shall be calculated by dividing the estimated cost of providing stormwater facilities and project costs by the estimated square footage of impervious surface within the boundaries of the city, which product shall yield the per square footage cost of service. The director may update the measurement of impervious surface area at such times as he deems reasonable and necessary to do so, but in any event, not less than once each ten years, with any change to be effective in the next calendar year. If, for any reason, a recalculation of the service charge does not occur, then the most recent rate charged shall continue until the recalculation is made. No failure to make a recalculation of the service charge shall repeal, amend, or suspend operation of this article.
- (g) Each development occurring within the city after adoption of this article that results in an increase or decrease in impervious surface area shall be subject to the provisions of this article. The director shall be entitled to measure an increase or decrease to any impervious

surface area resulting from a development, and add the resulting increase to or deduct the resulting decrease from, the service charge to the city utility bill for the property wherein the development occurred. The director shall establish such administrative rules in accordance with section 102-359 for determining when an increase or decrease to impervious surface areas has occurred as may be reasonable and necessary to give effect to this subsection.

- (h) The service charge provided in this article shall be subject to additional fees for delinquent payment, uncollectible checks, liens and any other penalties which are the same as those imposed with city water or sewer utility charges as provided in this chapter, or pursuant to the provisions of chapter 59 entitled "municipal liens."