

ORDINANCE

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 13.16 OF THE MANITOU SPRINGS MUNICIPAL CODE REGARDING WATER AND SEWER RATES.

WHEREAS, the City Council deems it to be in the public interest to protect its capacity for supplying water services by implementing a tiered rate structure for water volume charges for residential customers; and

WHEREAS, the City Council desires to revise its current water and sewer rates to ensure a healthy financial future for the water and sewer utility; and

WHEREAS, the City Council desires to implement a schedule of rate increases as ordinance to ensure the City's water and sewer utilities will be financially self-sufficient.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Chapter 13.16 of the Manitou Springs Municipal Code is hereby repealed and re-enacted as follows:

Chapter 13.16 – WATER AND SEWER RATES

13.16.010 – Water Rates Established.

13.16.020 – Sewer User Charges Established.

13.16.030 – Rates and Charges- Computation Of.

13.16.040 – Water and Sewer Account in Name of Owner.

13.16.050 – Turn Off and Turn On—Fees and Penalties.

13.16.060 – Fees – Payable When.

13.16.070 – Failure to Pay Bill – Water Turn Off.

13.16.010 – Water Rates Established.

There shall be two classifications of water customers: (1) Residential, (2) Commercial. Any customer other than a single-family dwelling unit is classified as a commercial customer.

The following is a schedule of water rates that shall be affective for all bills rendered on or after February, 1, 2012:

Service charge, per month, for all customer classes:

3/4"	\$9.50
1"	15.85
1 1/2"	31.70
2"	50.70
3"	101.35
4"	158.35
6"	316.70

Volume Charge, per 1,000 gallons, for Residential customers:

First 15,000 gallons per month, per 1,000 gallons	\$3.80
Over 15,000 gallons per month, per 1,000 gallons	\$4.60

Volume Charge, per 1,000 gallons, for commercial customers:

Uniform Volume Rate, per 1,000 gallons	\$4.35
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All water service charges and volume charges will be modified January 1st, the first day of the fiscal year, as follows:

2013	2014	2015	2016	2017	2018	2019	2020	2021
8.2%	8.2%	8.2%	8.2%	5.3%	2.1%	1.7%	1.7%	1.7%

When rates are adjusted, they will be rounded up to the nearest five cent increment.

- A. For premises located outside of the city boundaries, the monthly rates and charges computed on the basis of water used as set forth in Section 13.16.010 shall be 1.5 times the rates specified in Section 13.16.010.

13.16.020 – Sewer Rates Established.

- A. Basis of Sewer User Charges.

1. Residential. Residential sewer user charges shall be established once a year and remain in effect for a period of one year. Determination of the sewer user charge shall be based upon the amount of water billed to the residential premises during a thirty-day period commencing on or about January 15th. This period shall be known as the “measurement period.”

The finance director may designate an alternate measurement period in situations such as, but not necessarily limited to, the following:

- a. When a new owner or renter did not own or rent the residential premises when the annual sewer user rate was established;

- b. When an owner or renter is compelled to use excessive amounts of water to prevent freeze-ups during the measurement period;
 - c. When an owner or renter uses excessive amounts of water due to other abnormal or extraordinary circumstances during the measurement period;
 - d. When a meter was not read or was obviously malfunctioning during the measurement period;
 - e. When water consumption, during the measurement period, is substantially different from normal in terms of the consumption history for the residential premises, as determined by the finance office.
2. All Other. All nonresidential customers shall be billed based on actual water consumption for each billing period. The actual water consumption will be adjusted as determined by the finance director as follows:
- a. Nonresidential users who provide and install a separate water meter for their irrigation systems shall be exempt from the payment of sewer user charges on the water used for irrigation.
 - b. Payment of monthly user charges shall be suspended when the finance director is given written notice by the customer that the water meter is to be removed by city personnel or that the water service is to be turned off.

13.16.30 – Rates and Charges – Computation Of.

- A. For premises located within the city, the monthly rates and charges computed on the basis of water used as set forth in Section 13.16.020 shall be as follows:
- 1. The Customer Charge per month for each customer for all bills rendered after February 1, 2012 shall be ten dollars and fifty cents to cover operation, maintenance and capital improvements to the collection system for expenses associated with and allocated on a per customer basis as determined by the finance director.
 - 2. Normal Quantity Charge for each one thousand gallons billed for all bills rendered after February 1, 2012, is determined by the Finance Director to cover volume-related sewage expenses and is as follows:

Commodity Charge per 1,000 gallons:	\$4.30
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In the event Colorado Springs Utilities changes the amount it charges the City to treat the city’s wastewater, the commodity charge shall automatically adjust by an amount equal to the change in the Colorado Springs Utilities’ charge.

- B. For premises located outside of the city boundaries, the monthly rates and charges computed on the basis of water used as set forth in Section 13.16.020 shall be 1.5 times the rates specified in Section 13.16.030(A)(1) and (2).

- C. Surcharges. In addition to the rates and charges imposed by subsections A and B, designated nonresidential user classes will be assessed a surcharge for extra strength wastewater discharges. Designated nonresidential user classes located within and without the city, which discharge Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) which exceed the normal domestic strength BOD (280 mg/l) and TSS (270 mg/l), will be assessed a surcharge as determined and established by the city of Colorado Springs. This determination will be based on assigned classifications and will reflect average BOD and TSS strengths for each classification.

All sewer service charges and volume charges will be modified January 1, the first day of the fiscal year, as follows:

2013	2014	2015	2016	2017	2018	2019	2020	2021
13.1%	6.5%	6.5%	6.4%	2.7%	2.7%	2.7%	2.7%	2.7%

When rates are adjusted, they will be rounded up to the nearest five cent increment.

13.16.040 – Water and Sewer Account in Name of Owner.

- A. All accounts for water and sewer services shall be kept in the name of the owner of the property or his legally authorized agent, who shall be held responsible for water and sewer payments. In cases where an owner may rent his property, any agreement made between such property owner and a tenant shall not be binding upon the city and shall not relieve the property owner of this responsibility. All statements for water service and sewerage service shall be mailed to the address of the property receiving the service with the name of the owner and/or tenant unless the property owner has, in writing, notified the finance director that statements should be mailed to the name and address of a duly authorized agent who may represent such owner in handling or management of such property.
- B. If, for any cause, any water and sewer account shall be come delinquent, the water service may be turned off and in no case shall it be turned on to the same property until all delinquencies and penalties shall have been paid in full. Change of ownership or occupancy shall not affect the application of this section.
- C. In the event that the city is unable to enforce the provisions of Section 13.16.070, the owner of such property shall become responsible for the entire amount due to the city in accordance with the provisions of this section. All amounts not paid within thirty days of notice by the city to the owner shall become a lien against such property and enforced in accordance with state and local procedures.

13.16.050 – Turn Off and Turn On – Fees and Penalties.

- A. It is unlawful for anyone to turn on or turn off water service prior to giving written notice to the finance director. In cases not involving a delinquent account, only the owner of the property or his legally authorized agent may authorize a turn on or turn off of water service.

- B. A fee of forty dollars will be charged to restore service after it has been turned off for delinquency.
- C. A fee of thirty dollars will be charged for each turn on performed by the city after it has been turned off at the request of the owner.
- D. A fee of ten dollars will be charged for each turn on performed by other persons after it has been turned off at the request of the owner. Failure to comply with subsection A of this section will result in a penalty of five times the fee described in this section.

13.16.060 – Fees—Payable When.

- A. Where monthly charges accrue for metered service as herein specified, such monthly charges shall be due and payable by 5:00 p.m. on the twenty-first calendar day of each month following service.
- B. No metered users who have a meter installed during a period for which they have paid their water and sewer user charges in advance shall have the unused portion of the charges computed on a proportionate basis and applied to their metered account.

13.16.070 – Failure to Pay Bill- Water Turn Off

- A. All water and sewer bills shall be paid in full within twenty-one calendar days of the billing date. The printed bill is the official notice of the amount due to the city for the monthly water and sewer service. The date due is stated on the bill. Payment is deemed to have occurred only when received by the finance office; the check date or the postmark date of mailing does not constitute a payment date or receipt date. The finance office is not authorized to accept partial payments on water and sewer bills.
- B. A bill that is not paid by 5:00 p.m. on the due date stated on the bill shall be considered delinquent. A turn off notice will be mailed to the property owner and /or tenant at the time that an account is determined to be delinquent. The total amount due on the turn-off notice will include the delinquent amount and a ten dollar charge to defray the costs of preparing and mailing the turn off notice. All charges must be received by the stated due date on the turn off notice to be considered paid. The due date on the turn off notice will coincide with the due date of the next water and sewer bill.
- C. Failure to pay the total amount due on or before the due date printed on the turn off notice will result in water service being turned off. Additional fees following turn off will be added per Section 13.16.050 to the customer bill. Before any restoration of service, all amounts then due must be received by the finance office.
- D. In cases of hardship, the City Administrator or his designee is authorized to enter into repayment agreements and when such an agreement is in effect, water service may be continued.

Section 2: If any article, section, paragraph, sentence, clause or phrase of the ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portion 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 3: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 4: This ordinance shall take effect five (5) days after final approval and adoption on second reading.

Passed on First Reading and Ordered Published this 7th day of February, 2012.

/s/ Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the February 14, 2012 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: February 7, 2012 (in full).
City's Official Website and at City Hall

Passed on Second Reading and Ordered Published this 14th day of February 2012.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Approved for Council Action: /s/ Jack Benson
City Administrator

Approved as to form: /s/ Jeff Parker
City Attorney

Published: February 16, 2012 (in full)
City's Official Website and at City Hall