

**ORDINANCE**

**AN ORDINANCE AMENDING SECTIONS 13.16.010 AND 13.16.030 CONCERNING WATER AND SEWER RATES**

**WHEREAS**, after conducting a water and sewer rate study, the City Council established specific rate increases for water and sewer rates commencing in 2015 and ending in 2021, which at the time of their establishment, the City Council predicted would be sufficient to meet the City's needs for operating and maintaining the City's water and sewer systems;

**WHEREAS**, the City Council now finds that the rate increases currently established are not adequate to satisfy the City's operational and maintenance needs;

**WHEREAS**, the City Council, therefore, desires to eliminate the rate increase schedule that was established for water and sewer rates in Sections 13.16.010 and 13.16.030 and set future rate increases on a periodic basis as the City Council determines necessary based on updated rate study information; and

**WHEREAS**, the City Council finds and determines that this approach to rate setting will enable the City Council to establish rates that will ensure the long-term financial viability of the City's water and wastewater systems.

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

**Section 1:** Section 13.16.010 is hereby amended to read as follows:

**13.16.010 - Water rates established.**

A. Fee Schedule. Customers of the City's water system shall be charged for water service provided by the City as set forth in rates established by the City Council on a periodic basis as the City Council determines necessary for the operation and maintenance of the City's water system.

B. Rate Study. All rates shall be based upon rate studies and information demonstrating the rates will provide adequate revenue to operate and maintain the water system in good working order, meeting all permit requirements and providing a safe and reliable supply of water to the City's customers.

C. Rate Structure. The City Council may establish a rate structure establishing differing rates, including without limitation:

1. Different rates for different classes of customers, such as residential, commercial, industrial.

2. Higher rates for the provision of water service outside of the City's municipal boundaries.

3. Monthly minimum charges.

4. Tiered rates based on usage volume.

D. Nothing set forth herein shall be deemed to limit the City Council's authority to the establish water rates as allowed by law.

**Section 2:** Section 13.16.030(D) is hereby deleted.

**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:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 7th day of February, 2017.

/s/ Donna Kast  
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the February 21, 2017 City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: February 9, 2017 (in full)  
*City's Official Website and City Hall*

Passed on second reading and approved by City Council this 21<sup>st</sup> day of February, 2017.

/s/ Nicole Nicoletta  
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast  
City Clerk, Donna Kast

Ordinance Published: February 23, 2017 (in full)

*City's Official Website and City Hall*