

ORDINANCE NO. 2016 - ____

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 138 AND CHAPTER 146 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, RELATING TO RATES, FEES, AND SERVICES FOR THE PROVISION OF WATER

WHEREAS, the financial model that includes capital and operation needs for water regarding long term planning and the 2017 budget for the Water Department has been recently updated; and

WHEREAS, the capital and operational analysis takes into consideration growth and maintenance of the current infrastructure; and

WHEREAS, the planning process for 2016 has now integrated the 2016 water master plan; and

WHEREAS, the recommended changes for rates are reflective of the proposed three percent increase for revenues in the 2017 budget; and

WHEREAS, the water transmission fee identified in chapter 146 of the City Code are proposed to be included the water connection fee specified in chapter 138; and

WHEREAS, the recommended changes incorporate the change to four water stages in the 2016 Water Management Plan; and

WHEREAS, commercial and irrigation accounts are being applied to the Capital Recovery Fee; and

WHEREAS, the definitions for z zone, service connection fee and the capital recovery fee have been modified.

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

Section 1. That Section 138-221 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 138-221. - Service connection fee.

(a) Service connection fees. A service fee shall be charged for each CONNECTION TO the water system. THE CONNECTION FEE CALCULATION INCLUDES THE WATER TRANSMISSION DEVELOPMENT FEE AND ALL OTHER COSTS ASSOCIATED WITH CONNECTION TO THE WATER SYSTEM. THE SERVICE CONNECTION FEE CALCULATION IS THE AVERAGE DAILY INDOOR AND OUTDOOR USAGE (GALLONS PER DAY) MULTIPLIED BY (\$1.32 WATER TRANSMISSION FEE + \$59.43 REMAINING CONNECTION FEE). THE SERVICE CONNECTION FEE FOR EACH CUSTOMER CLASS IS LISTED BELOW:

- (1) *Single-family detached users.* The service connection fee for a single-family detached user shall be equal to the sum of the fees attributable to indoor and outdoor use of the lot or parcel as follows:

- a. *Indoor fee.* The portion of the fee attributable to indoor use shall be based upon number of bathrooms in the dwelling unit at time the certificate of occupancy for such unit is issued:

TABLE A. INDOOR FEE

<i>Number Of Bathrooms</i>	<i>Indoor Use (measured in gallons per year-DAY)</i>	<i>Fee</i>
1-2	95.89	\$ 5,825
3-4	154.93	\$ 9,412
5-6	268.49	\$16,311

- b. *Outdoor Fee.* The portion of the fee attributable to outdoor use shall be based upon the total square footage of the lot or parcel as described in the subdivision plat and shall be determined in accordance with the following calculation:

Outdoor Fee = Square footage of the lot or parcel x 0.01638 gallons per square foot x \$60.75.

Lots larger than 32,670 square feet can apply for an adjusted lot size calculation based on the non-native areas.

The Director of Aurora Water shall approve the adjusted square footage based upon the non-native area in the landscaping plan for the property. The adjusted square footage for purposes of calculating the outdoor fee shall be 32,670 square feet, plus any additional square footage for any non-native area.

The property shall have an annual allocation IN GALLONS that equals:

(Indoor use from Table A + (the adjusted square footage x 0.01638 X 365)).

The property owner must agree to the annual allocation pursuant to an allocation agreement that will be recorded on the property. The property owner and each successive owner may apply once to the director for an increase to the allocation. Any changes to the allocation shall require an additional payment of the outdoor fee based on the increased square footage for the non-native area.

For any year in which the water usage is more than the annual allocation, a capital recovery fee will be assessed—as specified in section 7.

- c. *Optional xeric landscaping credit.* A credit of \$1,000.00 shall be applied to the portion of the fee attributable to outdoor use for any single-family detached user that installs front yard landscaping which fully complies with the requirements set forth in Table 14.3B "Home Yard Landscaping—Xeric Option" of chapter 146 of this Code. In order to be eligible to receive such credit, the single-family detached user must agree to the installation of such landscaping in the service connection application.

(2) *Single-family attached users.* The service connection fee for a single-family attached user shall be equal to the sum of the fees attributable to indoor and outdoor use of the lot or parcel as follows:

- a. *Indoor Fee.* The portion of the fee attributable to indoor use shall be \$9,320.00 per unit.
- b. *Outdoor Fee.* The portion of the fee attributable to outdoor use shall be based upon the total landscaped area and shall be determined in accordance with the following calculation:

Fee = The sum of non-water-conserving landscaped common areas at \$2.91 per square foot of landscaped area and water-conserving landscaped common areas at \$1.56 per square foot of landscaped area

(3) *Multi-family users.* The service connection fee for a multi-family user shall be \$9,320.00 per unit.

(4) *Commercial users.* The service connection fee for a commercial user shall be as follows:

Table B. Service Connection Fee

Service Connection Size (Inches)	Fee
5/8 and 3/4	\$ 21,194
1	37,937
1½	83,292
2	151,324

For a service connection size of three inches or greater, the service connection fee for a commercial user shall be determined in accordance with the following calculation:

Verified average daily demand of the commercial user (measured in gallons per day)
x \$60.75.

For purposes of this section, verified average daily demand shall be determined by the water director and shall be based on the number of fixtures and the characteristics of the commercial development.

A PROPERTY OWNER REQUIRING A METER SIZE LARGER THAN 2", MUST AGREE TO THE ANNUAL ALLOCATION PURSUANT TO AN ALLOCATION AGREEMENT. THE AGREEMENT WILL BE RECORDED ON THE PROPERTY AS NOTIFICATION TO EACH SUCCESSIVE OWNER OF THE RESTRICTIONS ON THE WATER ALLOCATION ALLOWANCE. THE PROPERTY WILL BE SUBJECT TO THE ADJUSTED SIZE CAPITAL RECOVERY FEE. FOR ANY YEAR IN WHICH THE WATER USAGE IS MORE THAN THE ANNUAL ALLOCATION, A CAPITAL RECOVERY FEE WILL BE ASSESSED. SEE SECTION (7) FOR CAPITAL RECOVERY FEES.

(5) *Irrigation users.* The service connection fee for an irrigation user shall be as follows:

- a. For non-water-conserving landscaped common areas, \$2.91 per square foot of landscaped area.
- b. For water-conserving landscaped common areas, \$1.56 per square foot of landscaped area.

For purposes of this section, whether the landscaping proposed to be installed by the irrigation user qualifies as water-conserving landscaping shall be determined at the sole discretion of the water director in accordance with all applicable provisions of this chapter and chapter 146, article 14 of the city Code.

C. IRRIGATION USERS WITH A LANDSCAPED AREA THAT HAS BEEN APPROVED AS A Z ZONE BY THE DIRECTOR OF AURORA WATER CAN APPLY FOR AN ADJUSTED SIZE CALCULATION FOR THE DESIGNATED Z ZONE IRRIGATION AREA.

THE PROPERTY OWNER MUST AGREE TO AN ALLOCATION AGREEMENT THAT ONLY ALLOWS FOR THREE YEARS OF IRRIGATION FOR PLANT ESTABLISHMENT IN THE Z-ZONE. THE AGREEMENT WILL BE RECORDED ON THE PROPERTY AS NOTIFICATION TO EACH SUCCESSIVE OWNER OF THE RESTRICTIONS ON THE IRRIGATION ALLOWANCE. FOR ANY YEAR IN WHICH THE WATER USAGE IS MORE THAN THE ANNUAL ALLOCATION, A CAPITAL RECOVERY FEE WILL BE ASSESSED. SEE SECTION (7) FOR CAPITAL RECOVERY FEES.

- (6) *Mixed-use users.* The service connection fee for mixed-use users shall be equal to the sum of the service connection fees attributable to each class of use identified in the service connection application.
- (7) *CAPITAL RECOVERY FEE.* A CAPITAL RECOVERY WILL BE ASSESSED MONTHLY FOR ANY MONTH IN WHICH WATER USAGE EXCEEDS THE ANNUAL ALLOCATION.

TABLE C. MONTHLY RECOVERY FEE

	RECOVERY FEE FOR EXCESSIVE USAGE	RECOVERY FEE FOR EXCESSIVE USAGE
TIME PERIOD	JAN 1—JUN 30 PER 1,000 GALLONS	JULY 1—DEC 31 PER 1,000 GALLONS
FEE	\$11.98	\$5.99

THE ASSESSED CAPITAL RECOVERY FEE WILL BE IN ADDITION TO AURORA WATER REGULAR WATER RATES.

THE PROPERTY OWNER AND EACH SUCCESSIVE PROPERTY OWNER MAY APPLY ONCE TO THE DIRECTOR FOR AN INCREASE TO THE ALLOCATION. ANY CHANGES TO THE ALLOCATION SHALL REQUIRE AN ADDITIONAL PAYMENT TO

THE FEE BASED ON THE INCREASED USAGE. THE PAYMENT WILL BE BASED ON THE APPLICABLE FEES AT TIME OF INCREASED USAGE REQUEST.

THERE SHALL BE NO REFUND OF THE SERVICE CONNECTION FEE UNDER ANY CIRCUMSTANCES.

(b) *Time of payment.*

- (1) *Non-irrigation users.* Payment of the service connection fee for a residential, commercial, or mixed-use user shall be made no earlier than at the time of issuance of a building permit and no later than the date upon which application is made for a certificate of occupancy for the lot or parcel connecting to the water system. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy. The amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made.
- (2) *Irrigation users.* Payment of the service connection fee for an irrigation user shall be made prior to the issuance of a building permit for the lot or parcel connecting to the water system. An irrigation tap shall be used only for irrigation purposes.

Each irrigation user will be assigned a service address and billing account in the name of the property owner and manager if different from property owner. Any landscape plans submitted by the irrigation user must be approved by both the water and planning departments prior to the issuance of a building permit. All determinations as to the size and type of irrigation tap required shall be at the sole discretion of the water director, consistent with the provisions of this article. Any such determination involving area demarcations or calculations, or volumetric calculations, shall be made available to the user for inspection, upon request.

- (3) *Prepayment.* The prepayment of service connection fees shall not be permitted under any circumstances.

(c) *Limitations.* A tap on the water system shall be used for the sole purpose of providing water service to the lot or parcel identified in the service connection application and for which a building permit is issued. If the building permit is canceled or expires at any time prior to the tapping of the water system, the applicant shall be required to submit a new service connection application and pay the service connection fee in effect at the time of such application; provided, however, that a credit for the service connection fees previously paid to the city will be applied toward the fee schedule in effect at the time a new building permit for such lot or parcel is issued.

(d) *Transfers.* Upon request of the applicant, and in the city manager's sole discretion, the city manager may authorize the application of the service connection fee previously paid for one lot or parcel towards payment of the service connection fee for a substitute property, provided that the applicant is the owner of both lots or parcels or the owner of the lot or parcel for which the service connection fee was originally paid, and provided that the applicant submits to the city a request for the transfer and a written release of any claim to the fee. Such transfer may only occur after the issuance of a building permit for the substitute property. Payment of any deficiency between the amount transferred and the fee in effect at the time the payment is made will be required prior to issuance of a certificate of occupancy. Such transfer may only be approved if the city manager determines that such transfer is consistent with the operational efficiency of the water system. This authorization does not grant authority to reduce, waive, defer, or assume service connection fees.

(e) *Definitions.* For the purposes of this section, the following words and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *CAPITAL RECOVERY FEE* MEANS A FEE PAID IN ADDITION TO THE REGULAR WATER RATES FOR ANY PROPERTY GRANTED A REDUCED CONNECTION FEE AND ALLOCATION WHEN THE WATER USAGE EXCEEDS THE AGREED UPON ALLOCATION.
- (2) *City manager* means the city manager of the city; the term "city manager" shall also include such person's designee.
- (3) *Commercial user* means any lot or parcel which contains a building or structure that does not fall within any of the residential user classes as defined in this subsection (e).
- (4) *Irrigation user* means any lot or parcel served by a tap on the water system used for the sole purpose of providing water to operate and maintain a permanent, underground, and automatically-controlled artificial watering system, which system is designed to transport and distribute water to plant materials on said lot or parcel. A residential, commercial, or mixed-use user may also be an irrigation user for purposes of this section.
- (5) *Mixed-use user* means any lot or parcel which contains a building that includes both residential and commercial uses and where customers receive master-metered water service. A MIXED USE USER WILL BE CONSIDERED A COMMERCIAL USER FOR PURPOSES OF CALCULATING AND BILLING RATES AND FEES.
- (6) *Multi-family user* means any lot or parcel which contains a building with three or more separate independent dwelling units for permanent occupancy arranged in a stacked configuration where residential customers receive master-metered water service. The term "multi-family user" shall also include any master-metered manufactured housing.
- (7) *Non-native area(s)* means those areas identified as non-native in the landscaping plan for the property.
- (8) *Residential user* means any single-family-detached, single-family attached, or multi-family user.
- (9) *Service connection* means the connection of a service line to a city water main which, upon application to and approval by the water director and payment of the appropriate service connection fee, results in water service to the lot or parcel and for the particular user class identified in the application.
- (10) *Service connection fee* means a one-time charge assessed to an applicant TO CONNECT INTO the city's water system, INCLUDING BUT NOT LIMITED TO TRANSMISSION AND DISTRIBUTION LINES, TREATMENT FACILITIES, AND SOURCE OF SUPPLY, to permit water service to the lot or parcel and for the particular user class identified in the application.
- (11) *Single-family attached user* means any lot or parcel which contains two or more dwelling units attached in a townhome, two-family, or duplex configuration as described in section 146-2001 of this Code where residential customers receive individual or master-metered water service.
- (12) *Single-family detached user* means any lot or parcel which contains a single dwelling unit in a single building not attached to any other buildings other than those accessory to the dwelling where residential customers receive individually metered water service.
- (13) *Tap* means the physical connection of a service line to a city water main.

- (14) *Tapping* means the act of making a physical connection of a service line to a city water main.
- (15) *Water director* means the Director of Aurora Water; the term "water director" shall also include such person's designee.
- (16) *Water system* means the municipal water system presently owned and operated and maintained by the city acting by and through its utility enterprise, together with all equipment of and improvements to such water system.
- (17) Z-ZONE MEANS LANDSCAPED AREA THAT INCORPORATES NATIVE PLANTS THAT DO NOT REQUIRE SUPPLEMENTAL WATERING ONCE THE PLANTS ARE ESTABLISHED. ALL PLANT MATERIAL WITHIN THESE AREAS MUST BE LISTED IN THE "NO-WATER" PLANT LIST – Z-RATED PLANTS, AS FOUND IN THE LANDSCAPE MANUAL.

(f) *Determination of user class.* When there is a dispute about the classification of customers within one of the user classes, the decision of the water director shall be final and subject only to judicial review.

(g) *Meter required.* All single-family detached users shall be individually metered. Unless otherwise authorized by the water director, all single-family attached users and each building occupied by any multi-family or commercial user shall be separately metered. The landscape area associated with a multi-family user and/or a single-family attached common area must be irrigated through an irrigation meter. Clubhouses, swimming pools, and recreation facilities of a single-family attached or detached user cannot be served by an irrigation meter. Appropriately sized taps will be required to serve these facilities.

(h) *Installation of meter.* The city shall, as part of its connection service, remuneration for which is to be considered part of the service connection fee, furnish and install the water meter. The applicant for the service connection shall, at his or her sole expense, make the tap, provide and backfill the trench, and provide and install the corporation stop, service line pipe, meter yoke where required, meter pit or vault, curb stop with box, pressure reducing valves where required, and backflow preventer where required, all in accordance with the specifications of the city.

(i) *Size of service connection.* All service connections larger than three-fourths inch shall be of uniform size from the tap to the building or structure. The water director shall reserve the right to reevaluate the size of the service connection when any existing building, structure, or development with a tap is remodeled or the existing usage of such building, structure, or development is changed. The water director may require a larger service connection to any building, structure, or development if the water requirements when calculated by the fixture unit method, as specified in chapter 22, article X of this Code, cause the service line velocity to exceed ten feet per second.

(j) *Stub-out of service line.* If the applicant for a service connection desires to stub-out service line connections from the water main to the property line for the purpose of paving, \$100.00 shall be due and payable at the time the permit for stub-out is requested, with the balance of the service connection fee due no earlier than the date upon which application is made for a building permit and no later than the date upon which application is made for a certificate of occupancy. The balance of the service connection fee shall be calculated according to the fee schedule in effect at the time payment of such balance is made.

(k) *Backflow preventer required.* Wherever, in the opinion of the water director, a reduced pressure backflow preventer is required to eliminate contamination of the public water supply

through a specific service connection, such backflow preventer of a type and design approved by the water director shall be furnished and installed by the applicant, at its expense, in accordance with the specifications of the city.

(l) *Banking of meters prohibited.* Each service line and meter shall supply a specific building. The banking of meters where a particular building or group of buildings may be supplied by two or more meters shall be prohibited, except in unusual circumstances where two meters may be allowed by the water director.

(m) *Building additions or improvements.* If a building or structure undergoes an addition or improvement in which the current meter size is incapable of servicing the resultant total demand per subsection (i) of this section, the applicant will have the option to either replace the existing meter and service line with the appropriately sized meter and service line or install a separate meter and service line to directly service the addition. It is prohibited to interconnect any two or more meters in any situation.

(n) *Deferral of service connection fees.* The city council declares that assisting owners of residential properties within the city which are not connected to the water system with the financial burden of making such connections serves the public interest by encouraging the use of a safe and reliable source of potable water by all city residents. Therefore, upon application by the owner of any residential property located within the city which is served by an independent water system permitted by section 138-154, the water director shall defer payment of all service connection fees associated with the connection of such property to the water system. An interest rate of five percent per annum shall be charged on each deferral, with payment of all fees and the interest thereon to occur at such time as title to the property is transferred or five years from the date the deferral is granted, whichever is earlier. Upon request, the owner may enter into an agreement to make monthly payments of fees and interest, upon such terms and conditions as the water director may authorize; provided, however, that the term of such agreement shall not exceed five years from the date the deferral is granted. As security for payment, a lien shall be placed upon the property at the time the deferral is granted. Any failure of the owner to make payment when due shall result in the immediate certification of all unpaid amounts for collection to the treasurer of the county in which such property is located. This subsection shall apply only to those residential properties which have been developed as of January 1, 1995.

(o) *Wet tap fees.* Fees for taps for distribution line extensions and fees for taps for private fire protection facilities (wet tap fees) shall be set pursuant to section 2-587 of this Code. These fees shall be charged in addition to any applicable service connection fee charged for tapping into the distribution line extension.

Section 2. That Section 138-223 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 138-223. - Water rates and charges.

(a) The water availability surcharges will be in addition to the rates described in section 138-223(a)(2)(a). The applied water availability surcharges for each customer shall be based on the customer's cumulative usage in each tier or rate as applicable and the approved water availability conditions stage. The water availability surcharges for each customer class shall be as follows:

(1) a. *Monthly service charges.*

Effective January 1, 2017

Meter size (inches)	Residential, multifamily and commercial	Irrigation
5/8 and 3/4	12.44	11.66
1 and 1 1/4	19.02	17.07
1 1/2	30.00	26.10
2	43.17	36.93
3	78.29	65.82
4	117.80	98.31
6	227.55	188.58
8	465.60	296.89

(2) a. *Metered water rates.* The rate for water used each billing period by each customer class shall be as follows:

Residential and Multifamily With Less Than Five Individual Units

Effective January 1, 2017

Tier 1	0—20,000 gallons, per 1,000	5.44
Tier 2	20,001—40,000 gallons, per 1,000	6.19
Tier 3	40,001 gallons and over, per 1,000	7.74

Effective January 1, 2017

	Multifamily with five or more units	Commercial	Irrigation
Cost per 1,000 gallons used up to 100% of customer's annual block allocation	5.71	5.78	6.77

Cost per 1,000 gallons used greater than 100% of customer's annual block allocation	6.28	6.36	7.45
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- b. *Water availability surcharges.* Prior to imposing any water availability surcharges, the city council shall determine the water availability conditions by supplemental resolution. The water availability surcharges shall be in effect until further action by council.

The water availability surcharges will be in addition to the rates described in section 138-223(a)(2)(a). The applied water availability surcharges for each customer shall be based on the customer's cumulative usage in each tier or rate as applicable and the approved water availability conditions stage. The water availability surcharges for each customer class shall be as follows:

Surcharges for Residential and Multifamily With Less Than Five Individual Units
Effective January 1, 2017

Water Availability Conditions					
Tier	<i>Water availability conditions</i>	NORMAL	Stage I	Stage II	Stage III
I	SURCHARGE PER 1,000 GALLONS USED UP TO 5,000 GALLONS	0.00	0.00	0.00	0.00
II	Surcharge per 1,000 gallons used up FOR 5,001 to 20,000 gallons	0.00	0.59	1.70	4.64
III	Surcharge per 1,000 gallons used for 20,001 to 40,000 gallons	0.00	0.67	1.94	5.29
IV	Surcharge per 1,000 gallons used for 40,001 gallons and over	0.00	0.84	2.42	6.62

Surcharges for Multifamily With Five or More Units

Effective January 1, 2017

Water Availability Conditions				
<i>Allowed water usage for tiers</i>	NORMAL	Stage I	Stage II	Stage III

Surcharge per 1,000 gallons used up to 100% of customer's annual block allocation	0.00	0.62	1.79	4.87
Surcharge per 1,000 gallons used greater than 100% of customer's annual block allocation	0.00	0.68	1.96	5.36

Surcharges for Commercial

Effective January 1, 2017

Allowed water usage for tiers	Water Availability Conditions			
	NORMAL	Stage I	Stage II	Stage III
Surcharge per 1,000 gallons used up to 100% of customer's annual block allocation	0.00	0.63	1.81	4.93
Surcharge per 1,000 gallons used greater than 100% of customer's annual block allocation	0.00	0.69	1.99	5.43

Surcharges for Irrigation

Effective January 1, 2017

Allowed water usage for tiers	Water Availability Conditions			
	NORMAL	Stage I	Stage II	Stage III
Surcharge per 1,000 gallons used up to 100% of customer's annual block allocation	0.00	0.73	2.12	11.56
Surcharge per 1,000 gallons used greater than 100% of customer's annual block allocation	0.00	0.81	2.33	12.72

(b) *Definitions.* For purposes of this section, the following words and phrases shall have the meanings ascribed to them:

- (1) A customer's "annual block allocation" is an individualized annual water budget amount allocated to each commercial, irrigation, and multifamily with five or more units for use in

each calendar year. The annual block allocation shall be determined by the projected demand of the commercial, multifamily, IRRIGATION or mixed use user AS DEFINED IN THE AURORA WATER ENGINEER STANDARDS AND SPECIFICATIONS. Unused allocation amounts will not carry to subsequent years. The director may establish a review or appeal process and pursuant to such review or appeal process may ADJUST a customer's annual block allocation if the director determines that the customer's current annual block allocation is not APPROPRIATE, PROVIDED THAT THE DIRECTOR DETERMINES the customer is using best water management practices, THE CUSTOMER is not wasting water, AND THE CUSTOMER CAN CLEARLY SHOW WATER EFFICIENCY MEASURES HAVE BEEN IMPLEMENTED.

- (2) The water management plan shall refer to the rules and regulations established by the director of water regarding water allocation, usage restrictions, and conservation adopted pursuant to section 2-3.
- (3) The term residential shall mean single-family detached and individually metered single-family attached. The terms single-family detached, single-family attached and multifamily will have the same definitions as in section 138-221, except that master metered single-family attached shall be considered multifamily. Irrigation users are those accounts that consume water only for irrigating external lawn areas or areas covered with vegetation. Construction and hydrant water users are users that obtain water service through a hydrant meter. All other users will be considered commercial or industrial users.
- (4) The term "water service" shall mean the retail sale of water and all services attendant thereto by the city to single-family detached, single-family attached, multifamily, commercial, and irrigation users. Water service shall not include the sale or trade of water by the city to a municipal or quasi-municipal water supplier for resale or use by such water supplier in accordance with such terms and conditions as the city council may establish.
- (5) The term "base rate" shall mean the adopted charges for water services described in section 138-223(a)(2)a.

(c) *Private fire protection service.*

Fire Line Tap Size (inches)	Monthly Service Charge Inside City Effective January 1, 2017
2	\$ 1.72
3	3.59
4	6.45
6	14.40
8	24.75
10	39.15

12	51.33
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(d) *Outside city.* The council shall have the sole and exclusive authority to contract to furnish water service outside the city limits and to determine and classify all uses therefor. Whenever a contract is made to furnish water service outside of the city limits, the city council shall establish a rate for furnishing water service, which rate shall be not less than 1½ times the in-city rate. Factors the city council will consider to establish such rate include, but are not limited to, water acquisition costs, transportation costs, treatment costs, debt service costs, infrastructure development costs, improvement and maintenance costs, and any potential offsetting benefit to the water utility or the city. In such outside city contracts, the city council may also require payment of a service connection fee for each tap or tap equivalent which is to receive water from the city.

(e) [*Nonpotable irrigation water service.*] Internal city charges for nonpotable irrigation water services shall be determined by the city manager or designee in accordance with section 2-587 of this Code.

(f) *Construction and hydrant water.* The following charges are established for water service furnished through a hydrant meter:

(1) *Monthly service charge.* The monthly service meter charge shall be as follows:

Meter Size(inches)	Monthly charge effective January 1, 2017
¾	11.38
3	72.19

(2) *Water usage rate.* All water furnished shall be charged at the rate of \$9.24 effective January 1, 2017 per 1,000 gallons.

(g) *Public fire protection service.* An annual fee shall be paid to the water department by the fire department responsible for fire protection service within the limits of the city. The amount of such fee shall be established by the director of water in accordance with the provisions of section 2-587 of this Code.

Section 3. That Section 138-330 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 138-330. - Metro Wastewater Reclamation District sewer connection charge.

(a) In addition to collecting the sewer service connection fee set forth in section 138-326, the city shall act as agent for the Metro Wastewater Reclamation District in collecting that entity's sewer connection charge (referred to in this section as the "connection charge"). The connection charge for each single-family residential equivalent, to be paid to the city, shall be the charge as determined by the Metro Wastewater Reclamation District. The charge shall apply to all new or altered connections to the city sanitary sewer system.

(b) If an area not presently served by either the city sanitary sewer system or the sewage facilities of other members of the Metro Wastewater Reclamation District is connected directly or indirectly to the city sanitary sewer system, the connection charge shall apply for each individual "single-family residential equivalent" connection existing in the area at the time of connection to the city sanitary sewer system.

(c) The connection charge will be determined directly for single-family residential units and by the installed water service connection size for multifamily and nonresidential connections. The number of "single-family residential equivalent" connections shall be determined in accordance with Metro Wastewater Reclamation District rules and regulations.

- (1) A "single-family residential equivalent" is equal to one single-family unit which means a building or structure used or designated to be used as only one residential unit, including single-family detached dwellings and mobile homes; each residential unit in a duplex; and each individually metered residential unit in multifamily buildings or structures. The term "residential unit" means a room or group of rooms which includes or is designed to include kitchen and bathroom facilities and in which one or more persons could reasonably reside on a permanent and nontransient basis.
- (2) The term "multifamily property" includes any building or structure, or portion thereof, which contains three or more residential units served by master-metered water service.
- (3) The term "nonresidential property" includes any building or structure, or portion thereof, which is not a single-family dwelling or other residential unit.
- (4) Where a building or structure is served by more than one water service connection, the single-family residential equivalent connection shall be the sum of the equivalents of each such connection. Where a building or structure has more than one sanitary sewer service connection, the connection charge shall be determined by the water service connection size serving such building or structure.
- (5) Water service connections installed and used solely for fire protection purposes, such as fire hydrant branches, fire sprinkler systems, standpipes, etc., irrigation purposes, or for other purposes which do not discharge into the city sewer system are excluded from the assignment of single-family residential equivalents and payment of the connection charge.
- (6) For any new or altered water service connection where water is supplied, either in whole or in part, by any source that will not have a water service connection to the city water system, the "single-family residential equivalent" connection will be assigned on the basis of a water service connection size that such a customer would normally require if connecting exclusively to the city water system. The city reserves the right to modify the assigned water service connection size based upon the facts and circumstances of each individual application and case.
- (7) For nonresidential connections where the water service connection size is greater than three-fourths inch, a reduction in the assignment of the "single-family residential equivalent" connection may be granted where it can be demonstrated to the satisfaction of the city that sewage flow discharges will be significantly less than the sewage normally discharged from such a connection. Applications for such reductions will be made to the city which shall approve or disapprove the reduction. In no event shall a reduction in the assignment of the "single-family residential equivalent" connection, on the basis provided in this section, exceed the next smaller size of water service connection. Partial service connection size reductions shall not be granted. For customers requesting a reduction which would exceed the next smaller service connection size, the provisions of

subsection (c)(5) of this section, allowing separate irrigation or other taps, would apply. The Metro Wastewater Reclamation District shall have the right to affirm or modify any reductions in the assignment of "single-family residential equivalent" connections which have been approved by the city based upon the facts and circumstances of each individual application and case.

(d) The city council declares that assisting the owners of residential properties within the city which are not connected to the sanitary sewer system of the Metro Wastewater Reclamation District with the financial burden of making such connections serves the public interest by encouraging the use of a safe and reliable means of wastewater disposal by all city residents. Therefore, upon application by the owner of any residential property located within the city which is served by a nonmunicipal waste disposal system approved pursuant to section 138-260, the director of water or the director's designee shall defer payment of all fees associated with the connection of such property to the Metro Wastewater Reclamation District sanitary sewer system. An interest rate of five percent per annum shall be charged on each deferral, with payment of all fees and the interest thereon to occur at such time as title to the property is transferred or five years from the date the deferral is granted, whichever is earlier. Upon request, the owner may enter into an agreement to make monthly payments of fees and interest, upon such terms and conditions as the director may authorize; provided, however, that the term of such agreement shall not exceed five years from the date the deferral is granted. As security for payment, a lien shall be placed on the property at the time the deferral is granted. Any failure of the owner to make payment when due shall result in the immediate certification of all unpaid amounts for collection to the treasurer of the county in which such property is located. This subsection shall apply only to those residential properties which have been developed as of January 1, 1995.

Section 4. That Section 138-396 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 138-396. - Development fee.

(a) A drainage basin development fee shall be levied and assessed upon each vacant and undeveloped lot and parcel of land within the city for the purpose of funding certain major facilities, the construction and installation of which the city is responsible under subsection 138-66(a). The amount of such fee shall BE \$2,903.00 per acre effective January 1, 2017.-The fee shall be due and payable at the time of subdivision platting. Land dedicated to the city for public purposes pursuant to an approved annexation agreement shall be exempt from fees required by this subsection. This exemption shall not apply to land dedicated for easements, rights-of-way, streets, highways or storm drainage, unless otherwise provided in the annexation agreement.

(b) The drainage basin development fee shall be computed on the basis of the gross acreage included within a platted lot or parcel of land. For purposes of this subsection, the boundaries of a platted lot or parcel of land shall be deemed to extend to the centerline of the street or streets abutting such lot or parcel.

(c) For all areas of the city, the director of water shall cause to be made and periodically revised an environmental study which lists by location any areas which require special drainage facilities. Such areas shall include:

- (1) Areas where the leaching of toxic materials is likely to occur;
- (2) Areas where extreme erosion is likely to occur; or
- (3) Areas where extreme siltation is likely to occur.

(d) The director of water will prepare an overall plan for the construction, operation and maintenance of drainage facilities to address such environmental requirements in the most cost effective manner. Where appropriate, the costs of such facilities shall be added to the drainage basin development fee assessed under this section.

Section 5. That Section 138-397 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 138-397. - Monthly usage fee.

(a) There is imposed on each and every lot or parcel of land within the city a monthly usage fee for storm drainage service. This fee shall be used to pay for the operation, maintenance, improvement and replacement of drainage facilities.

(b) The basis for computing the amount of the monthly usage fee shall be the extent of the use, as determined by the city, which each lot or parcel of land within the city makes of drainage facilities, together with the amount of stormwater runoff from such lot or parcel, including the normal stormwater runoff of such lot or parcel in an undeveloped condition.

- (1) The monthly usage fee will not be levied or assessed upon undeveloped land which has been left in its natural state.
- (2) The monthly usage fee for land which has been altered by the works of man shall be as follows:
 - a. Single-family detached and individually metered single-family attached users shall be assessed a monthly usage fee in the amount of \$10.16 effective January 1, 2017, per dwelling.
 - b. Multifamily and master metered single-family attached users shall be assessed a monthly usage fee in the amount of \$10.16 for the first unit served under a billing account, plus \$8.00 for each additional unit or space occupied or intended for occupancy (effective January 1, 2017).
 - c. Commercial and industrial users shall be assessed a monthly usage fee in the amount of \$10.16 (effective January 1, 2017) for the first 2,500 square feet of gross floor space of a building or group of buildings or fraction thereof which are occupied or used for storage or are intended to be used for such purposes. A fee in the amount of \$8.00 will be assessed (effective January 1, 2017) for each additional 2,500 square feet of gross floor space of the building or group of buildings or fraction thereof. Whenever the hard surface or paved area of a lot or parcel of land occupied by a commercial or industrial site exceeds three times the gross floor space of the building or group of buildings, such excess area shall be considered gross floor space for the purpose of computing the monthly usage fee assessed under this subsection.
- (3) For purposes of this article, the following terms shall have the same meaning ascribed to them in section 138-221 of this Code: "single-family detached," "single-family attached," "multifamily," "commercial," and "industrial" user.

Section 6. That subsection 146-306(B)1 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 146-306. - Development Fees.

(B) 1. Water transmission development fee for extension of water transmission facilities IS INCLUDED IN THE WATER SERVICE CONNECTION FEE IN SECTION 138-221.

Section 7. All ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 8. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the City Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____, 2016.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____, 2016.

STEPHEN D. HOGAN, Mayor

ATTEST:

JANICE NAPPER, City Clerk

APPROVED AS TO FORM:

CHRISTINE MCKENNEY
Senior Assistant City Attorney