

BY AUTHORITY

ORDINANCE NO. **4096**

COUNCILLOR'S BILL NO. **39**

SERIES OF 2021

INTRODUCED BY COUNCILLORS
Voelz, Skulley

A BILL

FOR AN ORDINANCE AMENDING SECTIONS 8-7 and 8-8 OF THE WESTMINSTER MUNICIPAL CODE CONCERNING WATER REGULATIONS, SANITARY SEWERAGE, AND RECLAIMED/NON-POTABLE WATER REGULATIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 8-7-3 W.M.C., is hereby AMENDED to read as follows:

8-7-3. - Water Tap Fees and Credits.

(A) *Fee Calculation:*

(1) An applicant for a water tap shall pay the fees set forth hereinafter, the total of which shall be known as the "water tap fee," or those components that are applicable to the type of tap required by this chapter. The water tap fee or portions thereof are due and payable upon issuance of the water tap utility permit unless earlier paid as provided in subsection 8-7-2(C), W.M.C. The water tap fee may consist of the following individual fees:

- (a) Water resources service commitment fee, being the share of the cost to provide adequate raw water supply to be utilized by the tap;
- (b) Water infrastructure service commitment fee, being the share of the utility system related to treating and distributing water to be utilized by the tap;
- (c) Meter connection fee, being the actual city cost for installation of a meter with electronic remote readout device, when applicable; inspection of the tap, service line and meter pit installation; meter testing, when applicable; account and billing activation and other administrative procedures; and
- (d) When applicable, a fire connection fee, being that charge associated with a tap providing fire protection.

(2) Water taps, water tap lines, and meters for the same service shall normally be the same size. If otherwise approved and/or required by the City, the tap and meter may be of different sizes, in which case the fee for the meter size shall be paid. Water taps cannot be issued prior to building and/or tap entitlement approval. Any exceptions must be approved by the City Manager, i.e., conversion from well to the City water system, pursuant to Section 8-7-15, W.M.C.

(3) The base components of the ~~2022~~ 2019-water tap fees are as follows:

Water resources service commitment fee (per 140,000 gallons of annual water use)	\$14,796.00 <u>\$13,835.00</u>
Water infrastructure service commitment fee	\$12,325.00 <u>\$11,525.00</u>
Meter connection fee	This connection fee is based on installed meter size and assessed on a per meter basis. See connection fee chart below.

Fire connection fee	\$ 212.00 200.00
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(4) The connection fees based on meter size are as follows:

Meter Size (Inches)	Connection Charge Non-Single Family	Connection Charge Single Family*
5/8"	N/A	\$402.00
3/4"	\$491.00 \$460.00	N/A \$448.00
1"	\$510.00 \$479.00	\$510.00 467.00
1 1/2"	\$306.00 \$287.00	\$902.00 846.00
2"	\$382.00 \$359.00	N/A
3"	\$461.00 \$432.00	N/A
4"	\$539.00 \$505.00	N/A
6"	\$614.00 \$576.00	N/A
8"	\$693.00 \$649.00	N/A

* Single-family attached and detached connection fees for meters up to one and one-half inch include the cost of the water meter, which is supplied by the City. All other connection fees do not include the cost of the water meter, which is supplied by the consumer at the consumer's cost.

(5) Each year, the water tap fee and its individual components in subsection (3) shall be automatically increased in accordance with the annual construction cost index for construction costs as of December of each year, as reported in the construction economics section of the Engineering News-Record (ENR) as published weekly by BNP Media. The annual construction cost index shall be at all reasonable times available at the City Department of Public Works and Utilities. The meter connection fee in subsection (4) may also be adjusted separately at any time, when necessary, to reflect the full cost of said connection to the City.

(6)

(7) The water resources service commitment fee and water infrastructure service commitment fee components of the water tap fee for City-owned facilities may be implemented at rates below 100 percent at the direction of the City Manager or his designee.

(8) For all commercial and irrigation utility permits, a "Service Commitment Agreement" detailing the service address, tap size, water resource service commitments purchased, and square footage of water use type shall be signed by the property owner in advance of building permit issuance. Accounts that consistently use more water resources than originally purchased for 3 years in a row will be required to purchase additional water resources service commitments.

(B) *Residential Water Taps:* The following regulations apply to residential water taps:

(1) The single-family residential water tap fee is based on a standard one-quarter-inch meter size and is assessed on a per-dwelling-unit basis.

(2) The outdoor water tap component for any single-family home is based on the irrigable area at an annual irrigation demand of 12 gallons per square foot. Non-irrigable areas must be permanently installed hardscapes that cannot be planted in the future. Unplanted, mulched areas are not considered hardscapes.

(3) Water taps for indoor single-family buildings are charged based on number of bathrooms in the home. Bathrooms are defined as a room containing a toilet and sink, and any unfinished stub outs for same.

(4) Water taps for indoor residential multifamily buildings are charged based on number of rooms available for bedrooms in the building, regardless of the actual use of the room. Bedrooms are defined as a room with a built-in closet, not including kitchens, bathrooms, or hallways.

(5) Separate irrigation taps are required for all multifamily and residential common area irrigation and are charged based on the irrigated area and the type of landscape material as described in subsection 8-7-3(D)(4).

Residential ~~indoor~~ water tap fee costs (per residential unit)

Residential Type	Bathrooms	Bedrooms	2022 2019 Tap Fee
<u>Single Family Detached</u>	3 4 or less	n/a	\$16,593.00 15,039.00
<u>Single Family Detached</u>	4 or more Over 4	n/a	\$19,810.00 18,047.00
<u>Single Family Attached</u>	n/a	<u>Per bedroom</u>	<u>\$6,943.00</u>
Multifamily	n/a	Per bedroom	\$5,916.00 6,016.00
<u>Single Family Irrigation</u>	n/a	n/a	<u>\$2.32/ft²</u>

(6) The residential tap fees shall be calculated as listed in the above table plus any applicable fire connection charge. If a tap and meter larger than the standard one-inch meter is requested for reasons other than to meet residential fire sprinkler demand for any residential unit, the tap fees shall be calculated using the nonresidential treated water investment calculation and SC factor in subsection (C)(2) below.

(7) Tap fees for clubhouses, swimming pools, and other common buildings or structures shall be assessed as provided hereinafter under subsections (C) or (D) below.

(C) *Nonresidential Water Taps:* The following regulations apply to nonresidential water taps:

(1) The City shall review and evaluate each applicant's requested water tap and meter size, and may adjust the requested tap and/or meter size, if it determines the projected water usage will be greater than that requested.

(2) Every meter size has a corresponding water infrastructure service commitment factor (SC factor). The water infrastructure service commitment fee portion of the tap fee shall be calculated by multiplying the water infrastructure service commitment fee, in subsection (A)(3) above, by the respective SC factor in the following chart:

Meter Size (Inches)	Water Infrastructure SC Factor
5/8"	1.0
3/4"	1.5
1"	2.5
1½"	5.0
2"	8.0
3"	17.5
4"	30.0
6"	62.5
8"	90

(3) The water resource fee portion of the tap fee shall be calculated based upon the estimated annual consumption, business type, and tap size required using methods and estimates developed by the public works and utilities department to determine the appropriate water resources service commitments required, which shall be multiplied by the water resources service commitment fee in subsection (A)(3) above.

(D) *Irrigation Water Taps:* The following regulations apply to taps for irrigation:

(1) Separate irrigation taps and meters shall be required for:

- (a) All residential developments, other than a development whose land area consists entirely of single-family detached lots; and
- (b) All nonresidential developments having any irrigated landscaped areas.
- (c) This requirement may be waived at the discretion of the Public Works and Utilities Director or their designee if water use is below 0.25 service commitments.

(2) Irrigation tap fees are required based on the area and type of landscaping. Landscape types are defined as either high-water, ~~moderate~~ medium-water or low-water.

(3) An irrigation water tap shall be used only for irrigation purposes. Each irrigation water tap shall be assigned a service address and billing account in the name of the property owner or manager.

(4) The irrigation tap fee consists of the meter connection fee plus the following square footage fees based upon landscape type; fees per landscape type are derived from a per gallon volumetric proportion of the water resources and water infrastructure service commitment fees:

(a) Irrigation tap fees (residential and nonresidential).

Type of landscape	Annual water demand in an average year	Cost per square foot
High water demand	Over 10 gallons per square foot	\$ <u>3,492.47</u>

Medium water demand	Over 3 up to 10 gallons per square foot	\$ <u>1,941.24</u>
Low water demand	Up to 3 gallons per square foot	\$ <u>0,580.62</u>

(E) *Fire Protection:*

(1) For any size tap that is determined by the City Manager, or his designee, to provide solely fire protection, only the fire connection charge, in the amount provided for in subsection (A)(3) of this section, shall be collected. The applicant for a fire protection tap shall furnish all materials and labor as specified by the City, including any device required to detect any use of water for purposes other than fire protection.

(F) *Construction Water Metering:* If any water is required for construction purposes, construction water meters must be installed, deposits collected as per Section 8-7-11, W.M.C., and water usage billed at commercial rates as per subsection 8-7-7(D), W.M.C. It is prohibited to install any by-pass or jumper to provide water service without the installation of a water meter pursuant to Section 8-7-12, W.M.C.

(G) *Provision of Materials and Labor:* For all water taps, the applicant shall furnish all labor and all materials as specified by the City, except as provided by this paragraph. The City shall provide the applicant with a list of required materials and approved suppliers at the time of application. The City shall provide all five-eighths inch by three-quarter standard one-inch single family meters. All other meter sizes shall be provided by the applicant as specified by the City at applicant's sole cost and must be tested for accuracy by the City before installation. After payment of all required fees and charges, the City shall install all meters.

(H) *Tap Credits:*

(1) Upon issuance of a tap permit for the first new service tap, a tap fee credit shall be given in an amount to be calculated by subtracting the cost of the current water resources fee and treated water investment fee of the original tap from the current value of the water resources fee and treated water investment fee of the first new service tap.

(2) Water infrastructure service commitment credits shall be calculated based on the tap size of the former tap. Water resources service commitment credits shall be calculated based on the most recent ten-year average annual water consumption through the former water tap.

(3) The amount of credit shall be fixed at the issuance of the first new service tap and may be used for payment for additional service taps that are used on the same property.

(4) When a credit is used for full or partial payment for a new water tap, all other applicable charges shall be assessed using the then current fee schedule in effect.

(5) In no instance shall cash refunds be granted.

(6) No credit shall be given for the meter connection fee or fire connection fee portions of the water tap fee.

(7) If any tap is installed and completed without receiving a utility permit and the proper inspection and approval by the City, no tap fee credit shall be given.

(8) If a demolition or vacation of a unit results in an abandonment of an associated water tap as defined in Section 8-7-5, W.M.C., no tap fee credit shall be granted at the time a new tap permit is issued.

(9) Any water resources or infrastructure service commitments associated with water taps to serve buildings demolished in established urban renewal areas may be transferred as tap credits to an urban

renewal authority or the City for use in approved redevelopment projects within that same urban renewal area.

Section 2. Section 8-8-5 W.M.C., is hereby AMENDED to read as follows:

8-8-5. - Service and User Charges Within the City of Westminster and Shaw Heights; Lien on Property.

(A) [Reserved.]

(B) *Rate Schedules:*

(1) *Single-family residential equivalent (SFRE).* A single-family residential equivalent is based on a three-quarter inch water service tap and meter and is equal to one single-family unit, which means a building or structure used or designed to be used as only one residential unit (including a detached dwelling [single-family house] and a mobile home); each residential unit in a duplex; and each residential unit having water service separately connected to the water main or private water distribution system in a building or structure with three or more residential units. Residential single-family and single-family attached units with other than three-quarter inch water service taps and meters due solely to meet residential fire sprinkler demand shall be considered one SFRE. All residential five-eighths inch by three-quarter inch residential taps and meters currently installed, shall be considered one SFRE.

(2) *Non-single-family residential equivalent.* All connections that are not single-family residential units, or are single-family residential units with larger than a five-eighths by three-quarter inch water meter service, except as noted above, shall have the number of single-family residential equivalents (SFRE's) determined through the size of the water service taps serving the building, structure, or premise, and in certain cases (determined by the water service tap size) shall use the alternate calculation method, including estimated quantities of flow, BOD, SS, and TKN to be discharged to the system.

(3) *Accessory use equivalent.* Tap fees for clubhouses, swimming pools, and other recreation or accessory uses in single-family detached, single-family attached, and multi-family developments are not included in the individual unit sewer tap fees listed herein. Tap fees for these uses and the uses in (2) above shall be calculated at the rates listed in the following SFRE Table:

Water Tap Size in Inches	SFRE
$\frac{5}{8} \times \frac{3}{4}$	1.0
$\frac{3}{4}$	2.0
1	4.8
1½	11.0
2	20.0
3	43.0
4	86.0
6 or larger	Use alternate calculation method in (5) below

(4) *Base components.* The following sewer tap fee calculation method shall be in effect for all tap fee payments made on or after January 1, 2022~~19~~:

Sewer tap fees shall be based on two of three components. Costs of the ~~2022~~19 base components of the sewer tap fee per SFRE are as follows:

Transport facilities fee: ~~\$2,307,002,158.00~~

Treatment facilities fee: ~~\$4,710,004,270.00~~

Metro facilities fee: ~~\$4,710,004,270.00~~

The residential transport facilities fee shall be calculated as the base transport facilities fee times the number of units times the service commitment (SC) factor associated with the dwelling type as defined below. The nonresidential transport facilities fee shall be calculated as the base transport facilities fee times the number of SFREs.

Residential Connection	Single-Family Detached	Mobile Home Space	Single-Family Attached Unit	Multifamily Unit
SC Factor	1.0	1.0	0.7	0.5

Each year, the transport facilities fee shall be automatically increased in accordance with the annual construction cost index for construction costs as of December of each year, as reported in the construction economics section of the Engineering News-Record (ENR) as published weekly by BNP Media. The annual construction cost index shall at all reasonable times be available at the City Department of Public Works and Utilities.

The treatment facilities fee shall be calculated as the current base treatment facilities fee times the number of SFREs. In addition and at any time, the treatment facilities fee shall be adjusted to reflect the City of Westminster's treatment facilities costs.

The metro facilities fee shall be calculated as the current base sewer connection charge set by the Metro District, multiplied by the number of SFREs. In addition and at any time, the metro facilities fee shall be adjusted in accordance with any changes to the base sewer connection charge set by the Metro District.

(5) *Alternate calculation method.* A new sewer connection, which serves multiple new water service taps with a combined service commitment of greater than or equal to 205, shall have its number of service commitments determined in the same manner that connections for service taps for water meters six inches or larger are determined.

For service taps for water meters six inches or larger, the number of service commitments for calculating the sewer tap fee shall be determined from the following formula:

SFREs	Flow x (F) /	+	BOD x (B) /	+	SS x (S) /	+	TKN x (T) /
=	148		0.314		0.3209		0.0494

Where: flow = estimated flow in gal/day (peak month); BOD = estimated biological oxygen demand in lbs/day (peak month); SS = estimated suspended solids in lbs/day (peak month); TKN = estimated total nitrogen in lbs/day (peak month).

At minimum, the following values shall be used in the above formulas:

Tap Size	Flow	BOD	SS	TKN
6"	32,264	68.62	69.96	10.76

8"	48,396	102.92	104.94	16.14
10"	76,516	162.73	165.92	25.53

The City shall make the final determination of the estimated flow, BOD, SS and TKN used to determine the number of service commitments for each new connection, which is subject to the above formula.

The City shall review applicant's determination of water tap size and may adjust sewer tap fee charges, if the projected water use is more than the maximum service commitment for the corresponding water meter size listed.

(6) *Reactivation charge.* A reactivation charge shall be charged to any reactivated connection that has not registered metered water use for a period of ten years. The reactivation charge is due for each SFRE for each year beyond ten years that the connection has been inactive. The reactivation charge shall be adjusted as part of the base sewer tap fees to equal the metro district charge for reactivation, in the event the metro district charge is revised.

Reactivation Charge\$120.00 per year beyond ten years

(C) Payment of the sewer tap fee shall be made no earlier than the date upon which the application is approved for a building permit and no later than the date upon which the water meter(s) are installed for the property. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy. When the calculated sewer tap fee, based on the tap fee schedule in effect at the time of the water meter installation, is different than the tap fee paid at the time of the issuance of the utility permit, the difference in the sewer tap fee must be paid to the city prior to the installation of the water meter.

Payment of the sewer tap fee for any other installation or construction not requiring issuance of a building permit shall be at the time of sewer tap utility permit application.

Where additional units are to be served by a sanitary sewer previously installed and currently serving the original units, the sewer tap fee for said additional units shall be at the current rates.

(D) The rates for user charges hereinafter set forth are based generally upon the quantity and quality of sewage collected and they are subject to change periodically as circumstances require. Sewer rates are charged based on the average monthly water consumption (AWC), which is based on the average monthly water consumption per user billed during the sewer rate calculation period (January through March). If the water consumption for any month during the AWC calculation period is less than 2,000 gallons, the calculation amount used will be 2,000 gallons. If the water consumption for any month during the AWC calculation period is over 2,000 gallons, the actual water consumption will be used in the AWC calculation process.

The AWC is multiplied by the rate per 1,000 gallons (kgal) for that class of property (residential or nonresidential) to calculate the monthly sewer charge.

Sewer Rate Schedule. The monthly sewer charge is calculated by multiplying the AWC times the rate per customer category:

Type of Customer	2020 Charge per 1,000 gallons (kgal)	2021 Charge per 1,000 gallons (kgal)
Residential	\$7.84	\$7.84
Nonresidential	\$8.15	\$8.15

Any new occupant of an existing property shall be charged the property's current sewer rate through the AWC sewer rate calculation period.

Any new occupant of an existing residential unit or newly constructed single-family residential units shall be charged based on the average AWC of all single-family homes billed by the City from the most recent calculation period. Any new multi-unit accounts shall be charged the average AWC for existing multi-family units billed by the City from the most recent calculation period.

New commercial accounts shall be charged based on the indoor water service commitments purchased divided by 12 to establish an initial AWC.

For all customers, a new AWC will be calculated based on actual usage during the next AWC calculation period.

Commercial users shall be allowed to install a separate meter to record evaporative and non-wastewater production water use, or wastewater production, as the City directs, during the AWC sewer rate calculation period, of which consumption will not be assessed a sewer use charge. The monthly sewer charge for commercial users may be appealed to the Utility Billing Division for user charges resulting from the average monthly water billed during the period of January through March and may be adjusted if the water billed during the months of July through September is less than the meter readings taken during the standard AWC sewer rate calculation period.

For all residential and commercial accounts, for the first month of ownership sewer charges shall be prorated based on the number of days remaining in the property's billing cycle. For all accounts, individual reviews of indoor water consumption may be made on a case-by-case basis to assess adjustments to consumption charges.

(E) The City will determine average numeric criteria for the quality and quantity of sewage collected from commercial users. The City will assess a surcharge rate for nonresidential users discharging waters and wastes with quality characteristics greater than the average commercial user. Such users will be assessed a surcharge sufficient to cover the costs of treating such users the higher strength wastes.

(F) *FOGG Retention Device Inspection Fee:* Each customer with a FOGG retention device shall be charged \$2.00 per month per device for the implementation of the FOGG inspection program, pursuant to Section 8-10-14, W.M.C.

(G) Statements for sewer service charges shall be dated and sent out to users at regular intervals. Such statements shall be added to and made a part of the water bill, if customers receive water service from the City or by separate billing if water service is not provided by the City.

(H) Delinquent sewer bills shall be collected in the same manner as delinquent water charges, including the discontinuance of water service for nonpayment of sewer charges. Any payments received for combined water and sewer bills that are for less than the sum of water and sewer bills shall be first applied to the sewer charge and any remainder to the water charge.

For customers not receiving City water service, these same provisions shall apply, except that, instead of discontinuance of water, a \$10.00 late charge shall be added to the next bill at the time of billing to cover additional accounting charges. If a sewer charge is not paid in nine months, a lien ~~shall~~ may be recorded against the property for the balance then due, plus a \$25.00 filing fee. If the lien is not paid in 15 months, the service line ~~shall~~ may be disconnected from the City's main and plugged. Service shall not be restored until the account is paid in full, plus the actual cost to the City of disconnecting the service line. Reconnection shall be the responsibility of the owner. If such disconnection is required, the City shall notify the Health Department and agency furnishing water to the premises of the action to be taken.

(I) The City shall have as security for the collection of such sewer service charges and penalties a lien upon the real property served by sewer service, which lien shall become effective immediately upon the supplying of such sewer service and shall not be discharged until the payment is made of all the sewer

service bills, penalties and charges as herein provided. Such liens shall be governed by Title I, Chapter 31 of the Westminster Municipal Code.

(1) All charges prescribed by this Code relating to the provision of sewer service, together with the cost of collecting such charges, including court costs and attorneys' fees, are a lien that is first and prior to all other liens, claims, titles, and encumbrances, whether prior in time or not, except liens for general taxes, and shall remain a lien upon the real property served by the sewer connection from the date such charges and the cost of collecting them, if any, become due, until they are paid.

(2) The City may enforce the lien against the property or the liability against the property owner in any action at law or an action to enforce the lien. If any person in possession of any premises, building, lot, house, or other dwelling unit pays the entire charges due and owing, the payment relieves the property owner from such liability and the premises from the lien. However, the City is not required to look to any person other than the owner of the premises, building, lot, house, or other dwelling unit for the payment of the charges.

(J) Owners or agents in charge of business blocks or other buildings occupied by more than one tenant using water from the same service pipe and/or discharging sewage through the same service sewer shall be required to pay the same rate for the whole of such building, unless a separate water meter is installed for each tenant.

(K) These rates and charges are established so that each user class pays its proportionate share of the costs of wastewater treatment services, and the City Manager is hereby directed to annually review the charge structure to assure that proportionality between user classes is maintained and to recommend modifications as appropriate. Each user shall be notified annually by the City of its user charges.

(L) Reduction of Tap Fee: A nonresidential customer requesting a reduction in the assignment of the tap fee may apply for such reduction to the building division. The request must provide calculations showing the actual sewage discharge level. If approved, the reduction in tap fee may only be reduced to the next lowest full water tap size.

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 11 day of October, 2021.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 25 day of October, 2021.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office