

ORDINANCE NO. 136, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS
TO CLARIFY THE APPLICATION OF CERTAIN WATER-RELATED FEES
TO DIFFERENT FORMS OF FRATERNITY AND SORORITY HOUSING

WHEREAS, the City owns and operates a water utility that provides treated water service to customers in its service area and a wastewater utility that provides wastewater service to customers in its service area; and

WHEREAS, as a prerequisite for treated water service, the City charges a water plant investment fee (“WPIF”) pursuant to City Code Sections 26-120 and 26-128 and a Water Supply Requirement (“WSR”) pursuant to City Code Sections 26-147 through 26-150; and

WHEREAS, as a prerequisite for wastewater service, the City charges a sewer plant investment fee (“SPIF”) pursuant to City Code Sections 26-283 and 26-284; and

WHEREAS, various City Code provisions in Chapter 26, such as the WPIF, WSR, and SPIF, parallel land use designations in the City Code, including those in the Land Use Code; and

WHEREAS, there are various Greek letter organizations (referred to as fraternities and sororities) in Fort Collins that are associated with Colorado State University; and

WHEREAS, fraternities and sororities have historically housed members in dormitory-style housing that typically include commercial or kitchens and common bathrooms but are now more frequently housing members in multi-family dwelling housing; and

WHEREAS, under City Code, the WPIF and the WSR for a particular development varies depending on whether the development requires “residential” water service (which includes single-family, duplex, mobile home, and multi-family dwelling units) or “nonresidential” water service (which includes all water service not included in the residential water service category); and

WHEREAS, under City Code, the SPIF for a particular development varies depending on whether the development is a “duplex and multi-family” or “non-residential and industrial”; and

WHEREAS, City Code has historically placed fraternity and sorority housing in the nonresidential water service category, whether or not the housing is in the nature of multi-family housing, and

WHEREAS, staff has recommended certain changes to portions of Chapter 26 of City Code to clarify how the WPIF, the WSR, and the SPIF apply to fraternity and sorority housing depending on whether it is dormitory-style housing or multi-family housing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-41 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-41. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

Fraternity and sorority houses shall mean the same as defined in the Land Use Code.

Fraternity and sorority multi-family housing shall mean any fraternity and sorority houses that are organized as multi-family dwelling units with separate dwelling units that include separate kitchens and bathrooms per dwelling unit.

Fraternity and sorority dormitory housing shall mean any fraternity and sorority houses that do not meet the definition of fraternity or sorority multi-family housing.

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Section 3. That Section 26-128 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-128. Schedule C, water plant investment fees.

The water plant investment fee prescribed in § 26-120 shall be payable by users both inside and outside of the City, as follows:

(1) Single-family residential buildings. For a single-family residential lot greater than one-half (1/2) acre in size, the lot size shall be deemed to be one-half (1/2) acre for the purpose of this fee calculation. For each additional tap or meters larger than three-fourths (3/4) inch, the nonresidential rate shall apply.	
a. For the first three-fourths-inch water tap or meter	\$730.00

b. For the first one-inch water tap or meter to accommodate residential fire suppression systems based upon the criteria established in the International Building Code as adopted and amended pursuant to Chapter 5 of this Code.	\$1,237.00
c. Plus, for each square foot of lot area	\$0.36
(2) Residential buildings of two (2) or more dwelling units (including fraternity and sorority multi-family housing) The fee will provide for one (1) tap per residential building and an adequate number of additional taps to serve common irrigable areas, if any. The number and size of taps shall be determined by the Utilities Executive Director based upon the criteria established in the Uniform Plumbing Code as amended pursuant to Chapter 5 of this Code.	
a. For each residential building unit	\$530.00
b. Plus, for each square foot of lot area	\$0.26
(3) Mobile home parks The size of the tap shall be determined by the Utilities Executive Director based upon the criteria established in the Uniform Plumbing Code as amended pursuant to Chapter 5 of this Code.	
a. For each residential building unit	\$530.00
b. Plus, for each square foot of lot area	\$0.26
(4) Hotels, fraternity and sorority dormitory housing, and similar uses. The nonresidential rate shall apply.	
(5) Nonresidential service	
a. Service to all nonresidential taps, including, but not limited to, taps for commercial and industrial service, shall be charged according to the size of the meter pursuant to the following schedule:	
Meter Size (inches)	Nonresidential Plant Investment Fee
$\frac{3}{4}$	\$7,940

1	\$20,960
1½	\$43,520
2	\$72,470
b. The fee for all meters larger than two (2) inches shall be calculated by multiplying the estimated peak daily demand by the following charge per gallon, but shall not be less than the charge for a two-inch meter.	\$4.99

Section 4. That Section 26-148 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-148. - Water supply requirement (WSR); residential service.

- (a) Residential service for WSR shall include single-family, duplex, mobile home, and multi-family dwelling units, including fraternity and sorority multi-family housing.

Section 5. That Section 26-149 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-149. - Water supply requirement (WSR); nonresidential service.

- (a) Nonresidential service for WSR shall apply to all services not included in the residential category and shall include, without limitation, all service to customers for: commercial; industrial; public entity; group housing, such as nursing homes, fraternity and sorority dormitory housing; hotels and motels; and mixed-use purposes.

...

Section 6. That Section 26-206 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-206. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

Fraternity and sorority houses shall mean the same as defined in the Land Use Code.

Fraternity and sorority multi-family housing shall mean any fraternity and sorority houses that are organized as multi-family dwelling units with separate dwelling units that include separate kitchens and bathrooms per dwelling unit.

Fraternity and sorority dormitory housing shall mean any fraternity and sorority houses that do not meet the definition of GLO multi-family housing.

...

Section 7. That Section 26-278 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-278. - Classification of users.

The users of the wastewater utility may be divided into various classifications, including but not limited to: single-family dwelling; duplex; multi-family dwelling which includes fraternity and sorority multi-family housing; and nonresidential which includes fraternity and sorority dormitory housing. Additional classifications may be established by the City for each nonresidential user class. Mobile home parks are to be classified as multi-family dwellings. Hotels, rooming houses, and similar uses are to be classified as nonresidential uses. Each user shall be classed into one (1) of the following categories and charged at the applicable rate:

- (1) Category A: Single-family residential users (either flat rate or metered water use).
- (2) Category B: Duplex (two-family) residential users (either flat rate or metered water use).
- (3) Category C: Multi-family residential users (more than two (2) dwelling units including mobile home parks and fraternity and sorority multi-family housing).
- (4) Category D: Minor nonresidential user. A minor nonresidential user is a user who discharges only wastes of a type and strength normally discharged by private residences. Category D shall also apply to multi-family residential units under construction during the period of service from the installation of the water meter to the date the certificate of occupancy is issued. All nonresidential users not subject to the provisions of Categories C, E and F shall be classed as minor nonresidential users in Category D.

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Introduced, considered favorably on first reading, and ordered published this 5th day of November, A.D. 2019, and to be presented for final passage on the 19th day of November, A.D. 2019.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 19th day of November, A.D. 2019.

Mayor

ATTEST:

City Clerk