ORDINANCE NO. 2362
INTRODUCED BY: Humbert

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING TITLE 14 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO STORM DRAINAGE MAINTENANCE FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID RATES, FEES AND CHARGES; AND OTHER DETAILS RELATED THERETO

WHEREAS, pursuant to Section 14.2 of the Brighton City Charter authority is granted to the governing body of the City of Brighton, Colorado, to assess fees and charges for certain utility services provided by the City; and

WHEREAS, the Utilities Department has completed a cost of service review and rate study analysis through consultation with Stantec Financial Services; and

WHEREAS, the analysis included a thorough review of current and future operational and capital expenditures required to operate City utilities in a conscientious and sustainable manner; and

WHEREAS, the City Council has been advised by the City Manager that certain fees and charges should be amended to align with the City's costs of service for the provision of storm drainage services; and

WHEREAS, the City Manager has recommended and the City Council agrees that the rates, fees, and charges adopted herein are reasonable, necessary, supported by the Stantec analysis, and shall become effective on the dates specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

Section 1. The following amendments shall be effective for bills dated January 2022 or later.

Section 2. Section 14-9-30 of the Brighton Municipal Code is hereby amended to read as follows:

EQR means equivalent residential unit. One EQR equals 3,164 square feet of impervious area.

Section 3. Section 14-9-81 of the Brighton Municipal Code is hereby amended to read as follows:

(a) The storm drainage maintenance fees shall be used solely for administration, engineering, professional services, design, installation, repair, maintenance, operation, management, and improvement of the storm drainage facilities in the City necessary for the Utility to reasonably manage storm drainage in the City.

(1) All storm drainage maintenance fee charges shall be assessed pursuant to a schedule of fees to be set by the Annual Fee Resolution or ordinance duly adopted by the City Council after review of such fee schedule as the City Council from time to time may deem necessary. The following monthly storm drainage maintenance fees shall be assessed on all properties within the City limits, except public or private streets, highways, rights of way, and alleys, independent of water and sewer usage.

a. Single-family residential $5.50

b. Multi-family residential, non-residential, commercial, mixed use, schools and other:

Service periods January 2022 through December 2022	$1.83 per EQR
Service periods January 2023 through December 2023	$3.67 per EQR
Service periods January 2024 and later	$5.50 per EQR

(2) Those properties without water or sewer services, will be billed annually for cumulative monthly charges. Water and sewer billing procedures, as specified under Chapter 13 will also apply to all billings for storm drainage maintenance fees.

Section 4. The Brighton Municipal Code is hereby amended by the addition of a new Section 14-9-82, which is to read as follows:

(a) Multi-family residential, non-residential, commercial, mixed use, and schools may be eligible for up to a 65% credit against their monthly charges. The credit is based on private drainage infrastructure improvements that provide a regional benefit.

(b) The Utilities Director is responsible for creating rules and procedures to administer the credit program.

(c) The amount of the credit shall be determined by the Utilities Director and may include but is not limited to a review of the property owner's documentation substantiating the storm improvements, an engineer's report, or a physical inspection by Utilities staff.

(d) Ongoing credit will only be available to properties that maintain their structural controls in a fully functional condition in accordance with City of Brighton standards.

(e) Credit may be granted for a maximum of three years from the date of approval. After expiration, property owners may submit a renewal credit application. Renewed credits are contingent on the proper function of the drainage structure and may be granted for up to a maximum of three years.

Section 5. The purpose of this Ordinance is to provide for the health, safety, and welfare of the people.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED this 18th day of May, 2021.

INTRODUCED, PASSED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of June, 2021.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

LENA McCLELLAND, Acting City Attorney