

ORDINANCE NO. 780

AN ORDINANCE OF THE TOWN OF MILLIKEN, COLORADO, AUTHORIZING THE BOARD TO SET WATER AND SEWER USAGE CHARGES BY RESOLUTION

WHEREAS the Town is authorized pursuant to Section 31-35-402 of the Colorado Revised Statutes to prescribe, revise, and collect in advance or otherwise, from any water or sewer utility customer, rates, fees, tolls, and charges or any combination thereof for the Town's provision of water service and for the connection to the Town's water facilities;

WHEREAS changes in the costs incurred by the Town in connection with the provision of water, including nonpotable water, and sewer services have financially impacted the Town in a negative way;

WHEREAS current sewer, water, and nonpotable water usage charge rates do not allow the Town to recover the cost of providing such services resulting in a loss of funds that could be used to provide other services, including services benefitting the public peace, health, or safety; and

WHEREAS the Board of Trustees for the Town of Milliken, Colorado, ("Board") desires to immediately facilitate its ability to respond to changes in the costs incurred by the Town in connection with the provision of water, nonpotable water, and sewer services in order to curtail financial losses and the possible impairment of other services and to simplify the provisions of the Milliken Municipal Code pertaining to water service charges;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO, AS FOLLOWS:

Section 1. Section 13-2-630 of the Milliken Municipal Code is amended to read in its entirety as follows:

(a) In addition to the base standby charge imposed under Section 13-2-610, each customer receiving water service shall be charged and pay a usage fee to be published in the Town Fee Schedule. Those usage fees so published and in effect at the time of the effective date of this amended Section 13-2-630 shall remain in effect until amended in accordance with this section.

(b) On January 1 of each year the rates provided in subsection (a) of this Section 13-2-630 shall automatically adjust upward by two percent (2%). The annual automatic rate increases shall be reflected in the Town Fee Schedule.

(c) The Town shall evaluate the automatic increase percentage defined in subsection (b) of this section at least every five (5) years to ensure the automatic rate adjustment is commensurate with the rate of inflation, the Town's operating costs and those of third-party water treatment providers, and other related factors. The Town may make appropriate adjustments to the automatic rate increase percentage by resolution.

(d) Any other provision of this section notwithstanding, the Board may at any time amend its water usage fees by resolution, which shall take effect immediately or on the date specified by such resolution, whichever is later. Such amended usage fees shall then be subject to the automatic increase set forth in subsection (b) on the January 1 next following the effective date of the amended usage fees.

Section 2. Chapter 13, Article V, of the Milliken Municipal Code is amended to include the following new section 13-5-60:

Sec. 13-5-60. – Base standby sewer charge.

There shall be a monthly connection fee to the Town sewer system based on the size of the authorized tap and meter and if the customer is located in or out of the Town. The monthly base standby charge shall be set by resolution of the Town Board and published in the Town Fee Schedule.

Section 3. Chapter 13, Article V, of the Milliken Municipal Code is amended to include the following new section 13-5-70:

Sec. 13-5-70. – Sewer usage charge.

- (a) In addition to the base standby sewer charge imposed under Section 13-5-60, each customer receiving sewer service shall be charged and pay a sewer usage fee to be published in the Town Fee Schedule. Those sewer usage fees so published and in effect at the time of the effective date of this Section 13-5-70 shall remain in effect until amended in accordance with this section.
- (b) On January 1 of each year the rates provided in subsection (a) of this Section 13-5-70 shall automatically adjust upward by two percent (2%). The annual automatic rate increases shall be reflected in the Town Fee Schedule.
- (c) The Town shall evaluate the automatic increase percentage defined in subsection (b) of this section at least every five (5) years to ensure the automatic rate adjustment is commensurate with the rate of inflation, the Town's operating costs, and other related factors. The Town may make appropriate adjustments to the automatic rate increase percentage by resolution.
- (d) Any other provision of this section notwithstanding, the Board may at any time amend its sewer usage fees by resolution, which shall take effect immediately or on the date specified by such resolution, whichever is later. Such amended sewer usage fees shall then be subject to the automatic increase set forth in subsection (b) on the January 1 next following the effective date of the amended sewer usage fees.

Section 4. Chapter 13, Article II, Division 11, of the Milliken Municipal Code is amended to include the following new section 13-2-1090:

Sec. 13-2-1090. – Base standby nonpotable water charge.

There shall be a monthly connection fee to the Town nonpotable water system based on the size of the authorized tap and meter and if the customer is located in or out of the Town. The monthly base standby charge shall be set by resolution of the Town Board and published in the Town Fee Schedule.

Section 5. Chapter 13, Article II, Division 11, of the Milliken Municipal Code is amended to include the following new section 13-2-1100:

Sec. 13-2-1100. – Nonpotable usage charge.

- (a) In addition to the base standby nonpotable water charge imposed under Section 13-2-1090, each customer receiving nonpotable water service shall be charged and pay a nonpotable

water usage fee to be published in the Town Fee Schedule. Those nonpotable water usage fees so published and in effect at the time of the effective date of this Section 13-2-1100 shall remain in effect until amended in accordance with this section.

- (b) On January 1 of each year the rates provided in subsection (a) of this Section 13-2-1100 shall automatically adjust upward by two percent (2%). The annual automatic rate increases shall be reflected in the Town Fee Schedule.
- (c) The Town shall evaluate the automatic increase percentage defined in subsection (b) of this section at least every five (5) years to ensure the automatic rate adjustment is commensurate with the rate of inflation, the Town's operating costs, and other related factors. The Town may make appropriate adjustments to the automatic rate increase percentage by resolution.
- (d) Any other provision of this section notwithstanding, the Board may at any time amend its nonpotable water usage fees by resolution, which shall take effect immediately or on the date specified by such resolution, whichever is later. Such amended nonpotable water usage fees shall then be subject to the automatic increase set forth in subsection (b) on the January 1 next following the effective date of the amended nonpotable water usage fees.

Section 4. Any and all ordinances or municipal code provisions or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or municipal code provision or part thereof shall not revive any other section or part of any ordinance or municipal code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 3. Giving this ordinance immediate effect is necessary to the immediate preservation of the public peace, health, or safety because it is necessary to immediately curtail the loss of funding caused by insufficient water, nonpotable water, and sewer usage charges and thereby to facilitate funding of other Town services, including services benefitting the public peace, health, or safety.

INTRODUCED, READ, PASSED, AND ADOPTED THIS ____ DAY OF ____, 2020.

TOWN OF MILLIKEN

By: Beau Woodcock, Mayor

ATTEST:

APPROVED AS TO FORM:

Cheryl Powell, Town Clerk

Matthew T. Gould, Town Attorney