

ORDINANCE NO. 130, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO REVISE STORMWATER RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the City Charter, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, Article VII, Chapter 26 of the City Code establishes the stormwater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Council has adopted stormwater basin and citywide master plans recommending stormwater facilities necessary to provide for proper drainage and control of flood and surface waters within Fort Collins; and

WHEREAS, in 1998, City Council adopted Ordinance No. 168, 1998, determining that all lands within the city benefit by the installation of such stormwater facilities; and

WHEREAS, City Code Section 26-513 imposes stormwater utility fees on all parcels of land within the city to pay for the operation, maintenance, administration and routine functions of the existing and future City stormwater facilities established within the city; and

WHEREAS, City Code Section 26-514 sets forth the manner in which stormwater utility fees are to be determined; and

WHEREAS, the proposed stormwater utility fee adjustment reflects an increase of 3.0%; and

WHEREAS, the Water Commission considered the proposed stormwater utility fee adjustments at its meeting on October 20, 2022, and recommended approval of the proposed adjustments; and

WHEREAS, pursuant to City Code Section 26-511, the City Manager recommends the proposed stormwater utility fee for 2023; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the scope and rate of the stormwater utility fee as set forth herein.

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 26-514(a)(3) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-514. - Determination of stormwater utility fee.

(a) The stormwater utility fee shall be determined as set forth in this Section and shall be based upon the area of each lot or parcel of land and the runoff coefficient of the lot or parcel. For the purposes of this Section, the total lot or parcel area shall include both the actual square footage of the lot or parcel and the square footage of open space and common areas allocated to such lot as provided in Paragraph (4) of this Subsection. The stormwater utility fee shall recover the costs of both operations and maintenance and a portion of capital improvements. The Utilities Executive Director shall determine the rates that shall apply to each specific lot or parcel of land within the guidelines herein set forth and shall establish the utility fee in accordance with the rate together with the other factors set forth as follows:

...

(3) The base rate for the stormwater utility fee shall be \$0.00467 per square foot per month for all areas of the City.

...

Section 3. That the modifications set forth above shall be effective for all fees accruing on or after January 1, 2023.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk