

ORDINANCE NO. 129, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO REVISE WASTEWATER RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, 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 IV, Chapter 26 of the City Code establishes the wastewater utility as a utility service furnished by and as an enterprise of the City; and

WHEREAS, City Code Sections 26-280 and 26-282 concern various wastewater-related rates, fees, and charges; and

WHEREAS, City Code Section 26-277 requires that the City Manager analyze the operating and financial records of the utility during each calendar year and recommend to the City Council user rates or adjustments to be in effect for the following year; and

WHEREAS, the City Manager and City staff have recommended to the City Council adjustment of the wastewater-related rates, fees, and charges as set forth herein to be effective January 1, 2023; and

WHEREAS, this Ordinance does not increase wastewater rates for the fund as a whole, although there are variations for individual customer rates classes based on recent cost-of-service model updates; and

WHEREAS, the Water Commission considered the proposed wastewater-related rates, fees, and charges adjustments for 2023 at its meeting on October 20, 2022, and recommended approval of the proposed adjustments by a unanimous vote; 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 water-related rates, fees, and charges 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 any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-277(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-277.- Determination of user rates; annual adjustment.

...

(c) In addition to the monthly service charges set forth in §§ 26-279, 26-280 and 26-282, there shall be a charge for payments in lieu of taxes and franchise (PILOT). The charge shall be six and zero-tenths (6.0) percent of said monthly service charges billed pursuant to said §§ 26-279, 26-280 and 26-282.

Section 3. That Section 26-280 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-280. - Service charges established by category.

The schedule of rates for each category described in § 26-279 shall be as follows:

<i>Category</i>	<i>Class of Customer</i>	<i>Rate</i>	<i>Component Charge</i>	<i>Billed Charge (with PILOT)</i>
A	Single-family residential user (flat rate)	Per month	\$39.81 41.40	\$42.20 43.89
	Single-family residential user (metered water use)	1. Per month (base)	\$17.79 18.50	\$18.86 19.61
		2. Plus, per 1,000 gallons per month (volumetric)	\$3.456 3.594	\$3.664 3.810
	
		Note: 1. For single family customers who have not yet established a winter quarter water use at the service address, a system average of 4,000 gallons per month shall be billed.		

		2. After establishment of a winter quarter water use at the service address, the monthly amount billed shall be based on a minimum of 3,000 gallons per month.		
B	Duplex (two-family) residential users (flat rate)	1. Per month (base)	\$55.47 \$57.69	\$58.79 \$61.15
	
	Duplex (two-family) residential users (metered water use)	1. Per month (base)	\$20.54 21.36	\$21.77 22.64
		2. Plus, per 1,000 gallons per month, to be calculated on a monthly basis (volumetric)	\$3.084 3.207	\$3.269 3.400
	
Note:		<p>1. For duplex customers who have not yet established a winter quarter water use at the service address, including new construction, a system average 6,200 gallons shall be billed. A change in ownership will continue to be billed on winter quarter average currently in effect.</p> <p>2. After establishment of a winter quarter use at the service address, the monthly amount billed shall be based on a minimum of 4,000 gallons per month.</p>		
C	Multi-family residential user (more than two dwelling units including mobile home parks) and winter quarter based nonresidential user	1. Base charge per month per dwelling unit served (base)	\$2.79 2.90	\$2.96 3.08
		2. Plus, per 1,000 gallons per month (volumetric)	\$3.547 3.689	\$3.760 3.910
	
	Note:		<p>1. For multi-family customers who have not yet established a winter quarter water use at the service address, including new construction, a system average of 3,200 gallons per living unit shall be billed. A change in ownership will continue to be billed on winter quarter average currently in effect. However, Category D rates will apply to multi-family residential units under construction</p>	

		<p>during the period of service from the installation of the water meter to the date the certificate of occupancy is issued.</p> <p>2. After establishment of a water quarter use at the service address, the monthly amount billed shall be per 1,000 gallons of winter quarter water use, calculated on a monthly basis.</p>		
D	Minor nonresidential user	1. Per 1,000 gallons of water use, measured sewage flow or winter quarter water use, whichever is applicable, to be calculated on a monthly basis, plus the following applicable base charge:	\$3.342 3.476	\$3.543 3.684
		2. Size of water meter (inches)	Base charge	
		¾ or smaller	\$9.64 10.03	\$10.22 10.63
		1	\$22.26 23.15	\$23.59 24.54
		1½	\$44.80 46.59	\$47.49 49.39
		2	\$76.66 79.73	\$81.26 84.51
		3	\$122.50 127.40	\$129.85 135.04
		4	\$193.46 201.20	\$205.07 213.27
		6	\$848.08 882.00	\$898.97 934.92
		8	\$979.23 1,018.40	\$1,037.99 1,079.50
		Note:		
		1. For minor nonresidential customers who have not yet established a winter quarter water use at the service address, a system average of 6,000 gallons per month shall be billed.		
		User shall pay an amount calculated to include:		
		1. Rate per 1,000 gallons of water use, measured wastewater flow or winter	\$3.342 3.476	\$3.543 3.684

E and F	Intermediate nonresidential user and Significant industrial user	quarter water use per month, whichever is applicable;		
		2. PLUS a surcharge per million gallons for each milligram per liter of suspended solids in excess of 235 milligrams per liter;	\$3.8874.042	\$4.1214.285
		3. PLUS a surcharge based on for the following criteria, whichever is applicable:		
		a. per million gallons for each milligram per liter of BOD in excess of 265 milligrams per liter; or	\$3.2393.369	\$3.4333.571
		b. per million gallons for each milligram per liter of COD in excess of 400 milligrams per liter; or	\$2.0442.126	\$2.1672.253
		c. per million gallons for each milligram per liter of TOC in excess of 130 milligrams per liter;	\$6.052\$6.294	\$6.416\$6.672
		whichever is applicable.		
		The user shall pay the calculated amount based on 1, 2 and 3 above, plus the applicable base charge set forth below:		
		<i>Size of water meter (inches)</i>	<i>Base charge</i>	
		¾ or smaller	\$9.6410.03	\$10.2210.63
		1	\$22.2623.15	\$23.5924.54
		1½	\$44.8046.59	\$47.4949.39
		2	\$76.6679.73	\$81.2684.51
3	\$122.50127.40	\$129.85135.04		

		4	\$193.46201.20	\$205.07213.27
		6	\$848.08882.00	\$898.97934.92
		8	\$979.231,018.40	\$1,037.991,079.50
		<p>Note:</p> <p>1. For intermediate and significant nonindustrial customers who have not yet established a winter quarter water use at the service address, a system average of 6,000 gallons per month shall be billed.</p>		
G	User outside City limits	The rate for users outside the City limits shall be the same as for like service inside the City limits as is specified in Categories A—F and H in this Section.		
H	Special with agreement	The rate pursuant to a special wastewater services agreement approved by the City Council pursuant to § 26-290 shall be set forth in said agreement.		

Section 4. That Section 26-282(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-282. - Wastewater strength or industrial surcharges and categories established.

(a) A monthly wastewater strength surcharge shall be paid by customers located either inside or outside the City limits in accordance with the following schedule:

<i>Parameter</i>	<i>Excess over (mg/l)</i>	<i>Rate per thousand gallons</i>	<i>Billed Charge (with PILOT)</i>
BOD	355	\$0.0035040.003644	\$0.0037140.003863
COD	540	\$0.0023030.002395	\$0.0024410.002539
TOC	170	\$0.0073160.007609	\$0.0077550.008065
TSS	365	\$0.0035260.003667	\$0.0037380.003887

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Section 5. That the modifications set forth above shall be effective for meter readings on or after January 1, 2023, and in the case of fees not based on meter readings, shall be effective for all fees paid 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