



To: Town of Grand Lake Mayor and Trustees
From: Heike Wilson, Town Treasurer
Re: AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-8 (C)
REGARDING WATER USAGE CHARGES

Date: 04/10/23

Background: In reviewing water fees, rates, charges, and penalties, the staff discovered a discrepancy created by Resolution No. 20-2014 and the existing Town of Grand Lake Municipal Code and Section 10-1-8(C)

Section 10-1-8(C) currently requires water use charges to begin “when the structure has been issued a certificate of occupancy or equivalent document from when actual water usage or occupancy begins, whichever occurs first; and Resolution No. 20-2014 requires the quarterly minimum water usage fees begin for the quarter (1) during which a service line is” tapped into a water distribution system line; or (2) for plant investment fees paid after the effective date of this resolution within one year after the plant investment fee is paid, whichever comes first”

Resolution No. 20-2014 appears to create a conflict with Section 10-1-8(C) regarding timing of payment for water usage fees; and the staff feels that it is in the interest of the Town to amend the Code to require payment of minimum water usage fees in accordance with the timing set forth in Resolution No. 20-2014.

Resolution No. 20-2014 is attached for your review.

The suggested amendments to Section 10-1-8 (C) of the Municipal Code of the Town of Grand Lake with the removal of the strikethrough language and the addition of the bold underlined language to read in its entirety as follows:

(C) *Water Usage Charges.* Water Usage Charges shall be billed quarterly. Each water using unit connected to the water system shall be billed the minimum charge. Overage above the minimum amount allowed shall also be billed. Water using units not having a meter shall be billed one (1) SFE for each water using unit. All charges for the use of water shall be established by resolution adopted by the Board of Trustees.

1. In cases of new construction, **quarterly** water usage charges shall begin **(1) the quarter a service line is tapped into a water distribution system line, or (2) one year after a plant investment fee is paid** ~~when the structure has been issued a~~



~~certificate of occupancy or equivalent document from the building department, or when actual water usage or occupancy begins, whichever occurs first. In all cases, the full minimum charge for the quarter shall be charged, plus such overage as may have been used.~~

Motion

If the Board of Trustees desires to approve AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-8 (C) REGARDING WATER USAGE CHARGES, it may do so by approving the following motions:

I Move to approve Ordinance 03-2023 AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-8 (C) REGARDING WATER USAGE CHARGES

-Or-

I Move to approve Ordinance 03-2023 AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-8 (C) REGARDING WATER USAGE CHARGES with Following Changes _____):

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
ORDINANCE NO. 03-2023**

**AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-8 (C)
REGARDING WATER USAGE CHARGES**

WHEREAS, the Board of Trustees (the “Board”) of the Town of Grand Lake, Colorado, pursuant to Colorado Statute is vested with the authority of administering the affairs of the Town of Grand Lake, Colorado; and

WHEREAS, the Town Staff, in reviewing water fees, rates, charges, and penalties, discovered a discrepancy created by Resolution No. 20-2014 and the existing Town of Grand Lake Municipal Code (the “Code”) regarding the same, specifically Section 10-1-8(C); and,

WHEREAS, Section 10-1-8(C) currently requires water use charges to begin “when the structure has been issued a certificate of occupancy or equivalent document from when actual water usage or occupancy begins, whichever occurs first; and

WHEREAS, Resolution No. 20-2014 requires the quarterly minimum water usage fees begin for the quarter (1) during which a service line is” tapped into a water distribution system line; or (2) for plant investment fees paid after the effective date of this resolution within one year after the plant investment fee is paid, whichever comes first”, in order to prevent unnecessarily encumbering capacity of the Town’s water system without use or speculation in the same; and

WHEREAS, Resolution No. 20-2014 appears to create a conflict with Section 10-1-8(C) regarding timing of payment for water usage fees; and

WHEREAS, the Board has determined that it is in the interest of the Town to amend the Code to require payment of minimum water usage fees in accordance with the timing set forth in Resolution No. 20-2014.

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

1. The Board of Trustees hereby amends Section 10-1-8 (C) of the Municipal Code of the Town of Grand Lake with the removal of the ~~striketrough language~~ and the addition of the **bold underlined language** to read in its entirety as follows:
 - (C) *Water Usage Charges.* Water Usage Charges shall be billed quarterly. Each water using unit connected to the water system shall be billed the minimum charge. Overage above the minimum amount allowed shall also be billed. Water using units not having a meter shall be billed one (1) SFE for each water using unit. All charges for the use of water shall be established by resolution adopted by the Board of Trustees.

1. In cases of new construction, **quarterly** water usage charges shall begin **(1) the quarter a service line is tapped into a water distribution system line, or (2) one year after a plant investment fee is paid** ~~when the structure has been issued a certificate of occupancy or equivalent document from the building department, or when actual water usage or occupancy begins,~~ whichever occurs first. In all cases, the full minimum charge for the quarter shall be charged, plus such overage as may have been used.
2. Buildings while under construction are allowed the use of water on a temporary basis for purposes of providing needed water on the construction site or to provide sufficient water to test the plumbing system of the building being constructed without regard to the number of water using units being constructed. The Town shall supply temporary water from an approved connection to the water main and shall charge the normal turn-on and turn-off fee. No minimum fee shall be charged for temporary water; instead, the water usage charge shall be based on the number of gallons actually used.
3. Persons desiring a one-time bulk purchase of water (e.g., to fill a tank truck): shall first apply at Town Hall; shall pay the appropriate fill-up charge application fee and gallonage fee; and shall perform the fill-up in the presence of Water Department personnel and in accordance with Town regulations.
4. Water using units connected to mains that were originally installed at depths which do not now meet Town specifications, or that dead-end, may be authorized by the Town to use bleeders during certain periods of the year in order to prevent the service line from freezing. Water using units meeting these circumstances and using bleeders may be granted a credit against the water bill for the amount of water allowed to be bled. Water using units not meeting these circumstances may also use a bleeder, but the Town shall not allow a credit. All bleeders shall comply with Town regulations. In the event a water main is subsequently installed at the depth required by Town specification, all such water using units shall be required to connect to the new water main and the credit for bleeding water shall terminate immediately upon installation of the new main.
5. Water using units with service lines connected to summer lines shall be required to pay the minimum usage charge for two (2) quarters of the year, plus such overage as may have been used. In the event use of summer line is discontinued because a new water main has been installed at the depth required by Town specification, all such water using units connected to the summer line shall immediately connect to the new water main at the customer's cost and shall thereafter be charged the minimum usage charge for four (4) quarters a year, plus such overage as may have been used.

2. **Severability:** If any Article, Section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees declares that it would have passed this Ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. **Repeal:** Existing Ordinances or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that 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 taking effect of this Ordinance.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO, THIS 10TH DAY OF APRIL, 2023.

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell
Town Clerk

By: _____
Steve Kudron
Mayor

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 20-2014**

**A RESOLUTION AMENDING RESOLUTION NO. 8-2008
REGARDING COMMENCEMENT OF WATER USAGE FEES**

WHEREAS, it has come to the attention of the Board of Trustees of the Town of Grand Lake that certain language regarding commencement of the obligation to pay Water Usage Fees contained in Resolution No. 9-2002 and implied in Resolution No. 8-2008 may have inadvertently been omitted; and

WHEREAS, the Board of Trustees in order to clarify Water Usage Fees for the Town of Grand Lake wishes to amend Resolution No. 8-2008 to clarify the language regarding the commencement of the obligation to pay water usage fees contained in Resolution No. 9-2002.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Grand Lake, Colorado that Resolution No. 8-2008, Section 2 is hereby amended by adding the underlined language to read in its entirety as follows:

2. Water Usage Fees

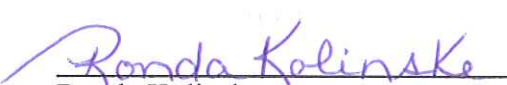
Rates charged shall be based on the quantity of water used per quarter. A minimum water usage fee shall be charged for use of zero through 27,000 gallons per quarter per water using unit. The rate for all classes of water service shall be increased six percent (6%) per year, rounded to the nearest dollar, for the next ten years commencing April 1, 2009 and continuing through April 1, 2018. Quarterly minimum water usage fees begin for the quarter: 1) during which a service line is tapped into a water distribution system line; or 2) for plant investment fees paid after the effective date of this Resolution, one year after the plant investment fee is paid, whichever comes first.

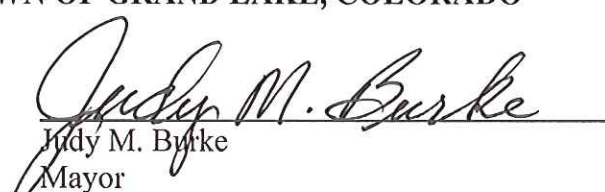
The charges for temporary and bulk purchases of water, established by Resolution 5-2007, enacted April 9, 2007, shall remain in effect, and unchanged by this resolution.

MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS 28TH DAY OF JULY, 2014.

Votes Approving: 6
Votes Opposed: 0
Absent: 1
Abstained: 0

TOWN OF GRAND LAKE, COLORADO


Ronda Kolinske
Town Clerk


Judy M. Burke
Mayor