



# Town of Johnstown

## TOWN COUNCIL AGENDA COMMUNICATIONS

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| <b>AGENDA DATE:</b>     | December 21, 2020   |
| <b>SUBJECT:</b>         | <b>Second Reading</b> Ordinance No. 2020-189; An Ordinance Repealing And Readopting Chapter 13 Of The Johnstown Municipal Code Concerning Municipal Utilities |
| <b>ACTION PROPOSED:</b> | Consider Final Approval of Ordinance No. 2020-189   |
| <b>ATTACHMENTS:</b>     | 1. Ordinance No. 2020-189   |
| <b>PRESENTED BY:</b>    | Mitzi McCoy, Finance Director   |

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### AGENDA ITEM DESCRIPTION:

Ordinance No. 2020-189 repeals the existing Chapter 13 Municipal Utilities, Articles I – VIII and replaces it with a revised Chapter 13 Municipal Utilities, Articles I – VIII. During a work session in November, staff presented Council with a draft revision of Chapter 13 for consideration, in an effort to remove redundancy, be consistent with other municipal requirements, correct deficiencies and to update and streamline processes. The existing chapter of the municipal code has not been significantly updated for several years.

Many of the changes are non-substantive. These changes include establishing and reserving sections of the code for future expansion, adding definition sections, eliminating actual rates and fees from the code and including a reference to the Town Fee Schedule, and correcting typographical, grammatical and formatting deficiencies.

In addition to the non-substantive changes, the Ordinance under consideration includes several changes that are substantive. The substantive changes include the following:

Article 1 – General. This Article was rewritten to include items of interest that apply to all of the Articles as a whole, thus eliminating the need to repeat information in the Chapter. This article includes information such as general definitions, administrative oversight, as well as billing information, disconnect information, lien processes, right to entry, annexations, etc.

Article II – Sanitary Sewers. Changes primarily center around the creation of the enterprise itself and removal of information that was relocated to Article I – General regarding billing, liens, and discontinuance of service and the revision of the definitions.

Article III – Water. The changes to this Article include the addition of sections to address the creation of the enterprise itself, meter obstructions, bulk potable water for construction, disconnection of service unrelated to delinquency, damage to property and equipment of water system, trespass and interference

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with water system, authority to turn on water, pollution of the water system, control, repair and tests of fire hydrants, operation of fire hydrants, and interruption of service by utility. Other changes include the requirements necessary to receive a water tap, the oversight of water meters and meter testing, clarification of the water tap and raw water development fees, responsibilities related to the maintenance of different parts of the water system, and specifying the multiplier for out of town water and tap rates.

Article IV – Water Rights Dedication. The fundamental change in this section was a volumetric description of how the Town defines a single-family equivalent. Additional changes include the need and requirement for water and sewer demand analysis, water court transfer fees, annexation and dedication requirements, the Town water bank, and the standard yield for water types.

Article V – Infrastructure Reimbursement. The primary change here was the addition of reimbursement abilities for regional stormwater improvements.

Article VI – Water Conservation. The most notable change in this Article is that lawns cannot be watered between the dates of November 1<sup>st</sup> and April 15<sup>th</sup> in any year. The level of drought conditions was qualified.

Article VII – Storm Water Utility – The changes to this Article include the addition of the sections to address the creation of the enterprise. The discount for onsite retention of 25% was removed, as it is a general requirement for any development that is not utilizing a regional detention system. Council has the ability to enter into reimbursement agreements if storm water facilities have multiple beneficiaries.

**LEGAL ADVICE:**

Ordinance was prepared by the Town Attorney

**FINANCIAL ADVICE:**

None.

**RECOMMENDED ACTION:**

Approve Ordinance 2020-189 as presented on second reading.

*Reviewed and Approved for Presentation,*

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Town Manager