ORDINANCE NO. 068, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CLARIFYING ORDINANCE NO. 028, 2014,
RELATING TO WASTEWATER RATES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to 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 of the wastewater utility, as set forth therein; and

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

WHEREAS, City Code Section 26-277 further requires that the user rates be revised as necessary to assure equity of the rate system established and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater system; and

WHEREAS, on October 15, 2013, the City Council adopted on second reading Ordinance No. 150, 2013, amending Section 26-280 and Section 26-283 of the City Code to set wastewater rates for 2014, effective January 1, 2014; and

WHEREAS, on February 18, 2014, the City Council adopted on first reading Ordinance No. 028, 2014, amending the City Code to specify the wastewater rates applicable to multi-family units until a certificate of occupancy has been issued for the units; and

WHEREAS, Ordinance No. 028 added language to Section 26-278, Section 26-279 and Section 26-280, and in particular revised Section 26-280 by the addition of a sentence at the end of the explanation of the rate applicable to customer category "C" (Multi-family residential user); and

WHEREAS, although the revision to Section 26-280 was clearly marked in Ordinance No. 028 on first reading, the remainder of Section 26-280 as shown on second reading of the Ordinance on March 4, 2014, erroneously misstated the wastewater rates as those that were in effect prior to the adoption of Ordinance No. 150, 2013; and

WHEREAS, although the City Council's purpose and intended revision to Section 26-280 are unambiguous, the codification of Ordinance No. 028, without clear direction to the codifiers from the City Council, could result in an erroneous change to the City's wastewater rates; and

WHEREAS, in light of the foregoing, it is the City Council's desire to clearly state and reaffirm the wastewater rates for 2014, as provided in Ordinance No. 150, 2014, together with the intended additional language set forth in Ordinance No. 028, 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 clarifies and reaffirms its intent in the adoption of Ordinance No. 028, 2014, to modify Section 26-280 only by the addition of a single new sentence clarifying multi-family rates, and hereby ratifies any action taken by any officers or employees of the City pursuant to Ordinance No. 150, 2014.

Section 2. That it is the intent of the City Council that Section 26-280 of the Code of the City of Fort Collins shall read and, to the extent necessary is hereby amended *nunc pro tunc* March 4, 2014, 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:

Category	***Class of Customer***	***Rate***
A	Single-family residential user (flat rate)	$~~33.74~~36.29 per month
	Single-family residential user (metered water use)	$~~15.07~~16.21 per month plus $~~2.929~~3.150 per 1,000 gallons of either winter quarter water use or 3,000 gallons, whichever is greater. For single- family customers who have not established a winter quarter water use at the service address, a system average of 4,800 gallons per month shall be billed.
B	Duplex (two-family) residential users (flat rate)	$~~52.68~~49.71 per month
	Duplex (two-family) residential users (metered water use)	$~~19.52~~18.42 per month plus $~~2.929~~2.764 per 1,000 gallons of either winter quarter water use or 4,000 gallons, whichever is greater. For duplex customers who have not established a winter quarter water use at the service address, a system average 7,200 gallons shall be billed.
C	Multi-family residential user (more than two dwelling units including mobile home	$~~2.929~~3.051 per 1,000 gallons of winter quarter water use, plus a base charge of $~~2.30~~2.40 per month per dwelling unit served. For multi-family customers who have not established a winter quarter water use at the service address, a system average of 3,400

	parks) and winter quarter based nonresidential user	gallons per living unit shall be billed. However, Category D rates will apply to multi-family residential units under construction during the period of service from the installation of the water meter to the date the certificate of occupancy is issued.
D	Minor nonresidential user	$~~2.929~~2.823 per 1,000 gallons of water use, measured sewage flow or winter quarter water use, whichever is applicable, plus the following applicable base charge:
		Size of water meter (inches) / **_Base charge_** ¾ or smaller / $ ~~8.46~~8.15 1 / ~~19.52~~18.81 1½ / ~~39.28~~37.85 2 / ~~67.21~~64.77 3 / ~~107.38~~103.48 4 / ~~169.59~~163.43 6 / ~~743.42~~716.42 8 / ~~858.38~~827.20
E and F	Intermediate nonresidential user and Significant industrial user	$~~2.929~~2.823 per 1,000 gallons of water use, measured wastewater flow or winter quarter water use, whichever is applicable; plus a surcharge of $~~3.029~~3.120 per million gallons for each milligram per liter of suspended solids in excess of 235 milligrams per liter; plus a surcharge of $~~2.523~~2.599 per million gallons for each milligram per liter of BOD in excess of 265 milligrams per liter or a surcharge of $~~1.593~~1.641 per million gallons for each milligram per liter of COD in excess of 400 milligrams per liter, or a surcharge of $~~4.716~~4.857 per million gallons for each milligram per liter of TOC in excess of 130 milligrams per liter, whichever is applicable. The user shall pay this calculated amount plus the applicable base charge set forth below:
		Size of water meter (inches) / **_Base charge_** ¾ or smaller / $ ~~8.46~~8.15 1 / ~~19.52~~18.81 1½ / ~~39.28~~37.85 2 / ~~67.21~~64.77 3 / ~~107.38~~103.48

		4 ~~169.59~~163.43 6 ~~743.42~~716.42 8 ~~858.38~~827.20
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.

Introduced, considered favorably on first reading, and ordered published this 6th day of May, A.D. 2014, and to be presented for final passage on the 20th day of May, A.D. 2014.

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Mayor

ATTEST:

_____
City Clerk

Passed and adopted on final reading on this 20th day of May, A.D. 2014.

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Mayor

ATTEST:

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City Clerk