

**TOWN OF FRISCO  
COUNTY OF SUMMIT  
STATE OF COLORADO  
ORDINANCE 19 -07**

AN ORDINANCE ESTABLISHING, PURSUANT TO SECTION 171-11 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, THE PLANT INVESTMENT FEES, CAPITAL EQR SCHEDULES, DELIVERY CHARGES, FLAT RATES, AND USAGE FEES TO BE CHARGED IN CONNECTION WITH THE TOWN'S WATER SYSTEM.

WHEREAS, the Town of Frisco, Colorado ("Town") is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, this ordinance is adopted pursuant to the Town's home rule authority in order to protect the public health, safety and welfare by ensuring the continued economic viability of the Town's water system, and the availability of water during times of drought; and

WHEREAS, Section 171-11.A. of the Code of Ordinances of the Town of Frisco authorizes the Town Council, by ordinance from time to time, to adopt plant investment fees, capital EQR schedules, delivery charges, flat rates and usage fees in connection with its water utility system; and

WHEREAS, the Town Council has directed the preparation of a water rates study by the Town's Finance Director and Public Works Director to review and analyze the cost of day-to-day operations and ongoing maintenance and improvement of the Town's water utility system against the revenues generated by or in connection with that system, and to provide information concerning the nature of extraordinary maintenance, capital improvement and capital replacement needs of the water utility system that are anticipated in the future; and

WHEREAS, the Town Council reviewed and discussed the water rates study during work session meetings on February 26, 2019 and April 23, 2019 ; and

WHEREAS, the Town Council finds, based upon the information provided in the water rates study, that the existing water rates, fees and charges of the Town's water utility system are insufficient to provide the revenue needed for the projected expenses of day-to-day operations, ongoing maintenance and improvement of the Town's water utility system, and that the rates and rate tiers currently in place do not adequately promote the conservation of water; and

WHEREAS, the Town Council finds that the extraordinary maintenance, capital improvement and capital replacement needs of the water system that are anticipated in the future include, but are not necessarily limited to, improvement of water treatment technology as a result of technological advances or regulatory requirements, re-testing, re-evaluation and possible re-habilitation of certain Town water wells that have been taken off-line, refurbishment of aging water wells and water storage facilities, the drilling of additional water wells to meet peak water production needs upon the build-out of developable portions of the Town, and the replacement of aging water delivery lines, particularly those portions of the Town's delivery lines that were constructed of cast iron pipes; and

WHEREAS, based upon all of the foregoing, the Town Council finds that the Town's current plant investment fees and water delivery charges are not sufficient to pay the long term costs of the production and delivery of water by the Town's water utility system; and

WHEREAS, the Town Council anticipates that the plant investment fees and water delivery charge schedule adopted herein will provide revenues that are sufficient to meet the long term costs of the production and delivery of water by the Town's water utility system.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Words and phrases used in this Ordinance shall have the meanings and be defined as set forth in Section 171-2 and 180-9.3 of the Code of Ordinances of the Town of Frisco.

Section 2. The plant investment fees, capital EQR schedule, delivery charges, flat rates and fees to be collected by the Town in connection with the Town's water system shall be as follows:

**A. Plant Investment Fees.** New Construction: Beginning on October 1, 2019, for purposes of plant investment fees, one (1) capital EQR equals four thousand three hundred and one dollars (\$4,301.00). In each subsequent year to and including the year 2024, the plant investment fee will increase by 10 percent (10%) over the prior year's fee as of October 1 of each year.

**B. Plant Investment Fee Calculation.** Plant investment fees shall be calculated, on a capital EQR basis, as follows:

1. Single-family residences, single-family homes and mobile homes established for permanent residences: one and zero-hundredths (1.00).

(a) An "affordable housing" unit as defined in Chapter 180 of the Code of Ordinances of the Town of Frisco (the "Code"), as amended, and which is deed restricted for at least twenty (20) years to assure the unit is available as a long term rental shall have the Plant Investment Fee assessed at one-third (1/3) of the otherwise applicable rate.

2. Duplexes (two-family units), multifamily residential units, apartments, condominiums, townhouses and similar facilities in the same complex, one and zero-hundredths (1.00) per unit, plus the following if applicable:

(a) Clubhouse: one and five-tenths (1.5).

(b) Laundry facility: five-tenths (0.5) per washing machine.

3. Transient residential units: hotels, motels, dormitories, bed-breakfast (as defined in Community Development Policy Number CD-12) and similar facilities:

(a) Manager's unit: one and zero-hundredths (1.00).

(b) Units without kitchen facilities and with one (1) or two (2) bed spaces: twenty-five hundredths (0.25).

(c) Units with kitchen facilities and one (1) or two (2) bed spaces: seventy-five hundredths (0.75)

(d) Each additional bed space for Subsection B.3 (b) and (c) above: one-tenth (0.1).

(e) Travel trailer/camper park per space available: one and zero hundredths (1.00).

(f) Dormitories, per each bed space: one-tenth (0.1).

(g) For laundry facilities add five-tenths (0.5).

4. Restaurants, bars and lounges:

- (a) Business with a seating capacity of fewer than twenty-five (25): one and twenty-five hundredths (1.25).
- (b) Second twenty-five (25) seating capacity, or part thereof: eight tenths (0.8).
- (c) Each additional twenty-five (25) seating capacity, or part thereof: six-tenths (0.6).

5. Service station:

- (a) Without wash rack: one and fifty-hundredths (1.50).
- (b) Each wash rack: one and zero hundredths (1.00).

6. Car wash, each rack: one and zero-tenths (1.0).

7. Commercial or public buildings, such as stores, offices and similar uses, having no process water:

- (a) Minimum for each building or customer for up to one thousand (1,000) square feet of building area: one and zero-hundredths (1.00).
- (b) Each additional one thousand (1,000) square feet of building area, or part thereof: sixty-hundredths (0.60).
- (c) Each pair of public rest rooms: forty-hundredths (0.40).

8. Industrial warehouses with no public rest rooms and no process water requirements:

- (a) Having less than two thousand (2,000) square feet of gross floor area: one and zero-hundredths (1.00).
- (c) Each additional two thousand (2,000) square feet: eighty hundredths (0.80).

9. Churches and nonprofit organization halls (no residence or regular eating facilities): one and zero-hundredths (1.00).

10. Schools, public or private:

- (a) Basic rate, per pupil capacity of fifty (50): two and zero-tenths (2.0).
- (b) Each additional forty (40) students or fraction thereof: one and zero-tenths (1.0).

11. Swimming pools, hot tubs:

- (a) Each twenty-five thousand (25,000) gallons, or fraction there-of, of swimming pool capacity: one and zero-hundredths (1.00).

(b) Hot tubs, other than for single-family use, per one hundred (100) gallons: eleven dollars (\$11).

12. Laundromat: one and zero-hundredths (1.00).

(a) Each washing machine: five-tenths (0.5).

13. The rate for commercial or individual users of unusual nature or using process water will be set individually by the Town Council.

14. Out-of-town tap fee will be one and one-half (1-1/2) the otherwise applicable capital EQR.

15. For establishments of any kind falling into more than one (1) category, each separate category will be computed individually and all categories totaled for that establishment's total charge.

16. Businesses of a seasonal nature which are open less than one hundred twenty (120) days per year shall be required to pay tap fees, as provided for above, unless otherwise determined by the Town Council.

**C. Minimum Delivery Charges and Usage Charges.** Beginning October 1, 2019, a quarterly rate of forty-five (\$45.00) per EQR (the "Base Rate" or "minimum delivery charge") will apply to metered billings which use less than 1000 gallons of water per quarter. Beginning October 1, 2019, the rates per thousand (1000) gallons of water usage per quarter, per usage tier, are as set forth in the Gallons/Rate table below. The usage charges shall be in addition to the Base Rate.

In each subsequent year, to and including the year 2024, the Base Rate, and each of the tiered rates set forth below shall increase [three, four or five] (3, 4 or 5%) percent over the prior year's rate, respectively, as of October 1 of each year.

**ALTERNATIVE: [As of October 1, 2020, the Base Rate and each of the tiered rates set forth below shall increase by three percent (3%) over the then-current rate. As of October 1, 2021, the Base Rate and each of the tiered rates set forth below shall increase by four percent (4%) over the then-current rate. As of October 1, 2022, and each October 1 thereafter to and through October 1, 2024, the Base Rate and each of the tiered rates set forth below shall increase by five percent (5%) over the then-current rate.]**

<u>Gallons</u>	<u>Rate</u>
No usage included in base rate	\$45.00 ("Base Rate")/EQR
1 to 8,000	\$1.12 per 1,000 gallons/EQR
8,001 to 16,000	\$2.24 per 1,000 gallons/EQR
16,001 to 50,000	\$4.00 per 1,000 gallons/EQR
50,001 and greater	\$5.00 per 1,000 gallons/EQR

Temporary construction water shall be billed at one dollar and fifty cents (\$1.50) per thousand gallons used, plus a hydrant connection fee of twenty five dollars (\$25).

**D. Malfunctioning Meters.** There shall be a flat rate for malfunctioning meters in the amount of two (2) times the Base Rate.

**E. Late Payment Charges, Late Notice Fees, Water Shut-Off and Reinstatement Fees.**

All water accounts are subject to a finance charge for late payment at an annual percentage rate of eighteen percent (18%) (monthly rate of one and one-half percent (1.5%)) of the total past due balance. For any account with a past due balance, a late payment notice shall be sent to the customer and a fee of five dollars (\$5.00) shall be charged to the account for the sending of the notice. For any account with a past due balance in excess of thirty (30) days, a shut-off notice shall be sent to the customer by certified mail, return receipt requested and a fee of ten dollars (\$10.00) shall be charged to the account for the sending of the notice. For any customer that does not respond to the shut-off notice within the five (5) days set forth in the notice, a peace officer shall post a shut-off notice on the property and the Water Department shall locate the curb stop and shut off water service to the property. A fee of fifty dollars (\$50.00) shall be charged to the account for the shut-off and posting of the notice. For any customer whose water service has been shut off, a reinstatement fee of one hundred dollars (\$100.00) shall be charged for the reinstatement of water service.

Section 3. Effective Date. This ordinance shall become effective in accordance with the home-rule Charter of the Town of Frisco, Colorado. Effective October 1, 2019, any prior ordinance or resolution setting forth rates and charges in connection with the Town's water system are hereby repealed and are of no further force or effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED  
THIS 28<sup>TH</sup> DAY OF MAY, 2019.

TOWN OF FRISCO, COLORADO:

  
Gary Wilkinson, Mayor

ATTEST:

  
Deborah Wohlmuth, CMC, Town Clerk