

**ORDINANCE NO. 34
SERIES 2010**

AN ORDINANCE AMENDING SECTION 13-1-110 OF THE CRESTED BUTTE MUNICIPAL CODE BY INCREASING THE SYSTEM DEVELOPMENT FEES, OTHERWISE KNOWN AS "TAP-IN FEES", TO \$8,500 PER EQR FOR WATER AND \$8,500 PER EQR FOR SEWER; AMENDING SECTION 13-1-120 OF THE CODE BY INCREASING THE MINIMUM MONTHLY SERVICE CHARGE PER METER FOR WATER USED AT A "BASE RATE" TO \$22.00 PER MONTH PER EQR AND AMENDING THE RATES FOR WATER USE ABOVE THE "BASE ALLOTMENT" TO \$2.85 PER 1,000 GALLONS FOR THE FIRST 5,000 GALLON BLOCK, \$3.00 PER 1,000 GALLONS FOR THE SECOND 5,000 GALLON BLOCK, \$3.25 PER 1,000 GALLONS FOR THE THIRD 5,000 GALLON BLOCK, \$3.50 PER 1,000 GALLONS FOR THE FOURTH 5,000 GALLON BLOCK, \$4.00 PER 1,000 GALLONS FOR THE FIFTH 5,000 GALLON BLOCK AND \$4.50 PER 1,000 GALLONS THEREAFTER; AMENDING SECTION 13-1-150 OF THE CODE BY INCREASING SEWER SERVICE RATE TO \$31.00 PER MONTH PER EQR; AMENDING SECTION 13-1-160 OF THE CODE BY INCREASING THE AVAILABILITY OF SERVICE FEE TO \$8.00 PER MONTH FOR WATER FOR EACH BUILDING SITE AND \$8.00 PER MONTH FOR SEWER FOR EACH BUILDING SITE.

WHEREAS, the Town of Crested Butte, Colorado is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, the Town Council of the Town of Crested Butte, Colorado has established and implemented a plan of Tap-In Fees which are designed to reflect the incremental costs of water and sewer system expansion, and the Town staff has found that the current water and sewer Tap-In Fees are inadequate to meet the anticipated future costs of water and sewer system expansions; and

WHEREAS, the Town Council has established monthly service charges for the provision of sewer services to properties located within the Town, and the Town staff has recommended that adjustments be made in these charges because the present service rates are inadequate to meet the costs of providing these services; and

WHEREAS, the Town Council has found that the amendments contained herein are necessary to protect the health, safety and welfare of the inhabitants of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Increase in System Development (Tap-In) Fees. Section 13-1-110, Paragraphs (b), (c), (d)(1) and (2) of the Crested Butte Municipal Code (hereafter "Code") are hereby amended by deleting them in their entirety and replacing them with the following:

"(b). The system development fee for a single family residence shall be eight thousand five hundred dollars (\$8,500) multiplied by the EQR of that use for the Town System-Water, except as otherwise set forth in Subsection (e) below; and an amount equal to eight thousand five hundred dollars (\$8,500) multiplied by the EQR of that use for Town System-Sewer, except as otherwise set for in Subsection (e) below.

(c) The system development fee for every other type of use shall be an amount

equal to eight thousand five hundred dollars (\$8,500) multiplied by the EQR of that use for Town System-Water, except as otherwise set forth in subsection (e) below; and an amount equal to eight thousand five hundred dollars (\$8,500) multiplied by the EQR of that use for Town System-Sewer, except as otherwise set forth in subsection (e) below.

(d)(1) Incremental Water System Development Fee = [(EQR) new minus (EQR) old] times (\$8,500), for Town System-Water.

(2) Incremental Sewer System Development Fee = [(EQR) new minus (EQR) old] times (\$8,500), for Town System-Sewer.”

Section 2. Increase in Monthly Minimum Water Service Rate. Section 13-1-120 of the Code is hereby amended by deleting paragraph (a) in its entirety and replacing it with the following:

“There is hereby levied and charged against all “owners”, as defined in this Article, a minimum monthly service charge per installed meter for water used at a base rate of twenty- two dollars (\$22.00) for the first eight thousand (8,000) gallons used per applicable EQR, or additional fraction thereof (base allotment).”

Section 3. Increase in Water Usage Block Rates. Section 13-1-120 paragraphs (a)(1), (2), (3), (4), (5) and (6) of the Code are hereby amended by deleting them in their entirety and replacing with the following:

“(a)(1) The first five-thousand-gallon block, multiplied by the applicable EQR and fraction thereof, there shall be an additional assessment of two dollars and eighty-five cents (\$2.85) for each of the next one thousand (1,000) gallons, or portion thereof, of water used above the base allotment.

(2) The second five-thousand-gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged three dollars (\$3.00) for each additional one thousand (1,000) gallons of usage or portion thereof.

(3) The third five-thousand-gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged three dollars and twenty-five cents (\$3.25) for each additional one thousand (1,000) gallons of usage or portion thereof.

(4) The fourth five-thousand-gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged three dollars and fifty cents (\$3.50) for each additional one thousand (1,000) gallons of usage or portion thereof.

(5) The fifth five-thousand-gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged four dollars (\$4.00) for each additional one thousand (1,000) gallons of usage or portion thereof.

(6) Thereafter, each five-thousand-gallon block multiplied by the applicable EQR and fraction thereof, shall be charged four dollars and fifty cents (\$4.50) for each additional 1,000 gallons of usage or portion thereof.”

Section 4. Increase in Monthly Sewer Service rates. Section 13-1-150 of the Code is hereby amended by deleting it in its entirety and replacing it with the following:

“There is hereby levied and charged against all owners as defined in this Article a monthly service charge for the use of Town sewer system. The monthly service charge for use of Town sewer system shall be thirty-one dollars (\$31.00) times the respective EQR calculated pursuant to Section 13-1-170 below. Monthly service charges shall commence upon the issuance of a certificate of occupancy, or

six (6) months after payment of the system development fee, whichever occurs first. There shall be no abatement or reduction of the monthly service charge, except as otherwise provided in Section 13-1-140 above.”

Section 5. Increase in Availability of Service Fees. Section 13-1-160 paragraph (a) of the Code is hereby amended deleting it in its entirety and replacing it with the following:

“(a) There is hereby levied and charged against all owners of a building site, as that term is defined in Article 15 of this Code, within the Town whose building site is located within one hundred fifty (150) feet of water or sewer lines installed and ready for connection but to which lines said building site is not connected, an availability of service fee in the amount of eight dollars (\$8.00) per month for water for each building site and eight dollars (\$8.00) per month for sewer for each building site. If the costs of the water or sewer line are paid by a person or entity other than the Town, the applicable availability of service fee will not commence until the building site is thereafter sold by the developer.”

Section 6. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 7. Savings Clause. Except as hereby amended, the Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

Section 8. Effective Date. The provisions of this Ordinance shall take effect as of January 1, 2011.

INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS FIRST DAY OF NOVEMBER 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS FIFTEENTH DAY OF NOVEMBER 2010.

TOWN OF CRESTED BUTTE, COLORADO

By *Leah B. Williams*
Leah B. Williams, Mayor

(SEAL)

ATTEST:

By *Eileen Hughes*
Eileen Hughes, Town Clerk

