ORDINANCE NO. 24
SERIES 2008

AN ORDINANCE AMENDING SECTION 14-1-10 OF THE 1987 CRESTED BUTTE MUNICIPAL CODE BY INCREASING THE SYSTEM DEVELOPMENT FEES, OTHERWISE KNOWN AS "TAP-IN FEES", TO $7,500 PER EQR FOR WATER AND $7,500 PER EQR FOR SEWER; AMENDING SECTION 14-1-11 OF THE CODE BY INCREASING THE MINIMUM MONTHLY SERVICE CHARGE PER METER FOR WATER USED AT A "BASE RATE" TO $20.00 PER MONTH PER EQR AND AMENDING THE RATES FOR WATER USE ABOVE THE "BASE ALLOTMENT" TO $2.50 PER 1,000 GALLONS FOR THE FIRST 5,000 GALLON BLOCK, $2.75 PER 1,000 GALLONS FOR THE SECOND 5,000 GALLON BLOCK, $3.00 PER 1,000 GALLONS FOR THE THIRD 5,000 GALLON BLOCK, $3.25 PER 1,000 GALLONS FOR THE FOURTH 5,000 GALLON BLOCK, $3.75 PER 1,000 GALLONS FOR THE FIFTH 5,000 GALLON BLOCK AND $4.25 PER 1,000 GALLONS THEREAFTER; AMENDING SECTION 14-1-11.3 OF THE CODE BY INCREASING SEWER SERVICE RATE TO $30.00 PER MONTH PER EQR; AMENDING SECTION 14-1-12 OF THE CODE BY INCREASING THE AVAILABILITY OF SERVICE FEE TO $7.50 PER MONTH FOR WATER FOR EACH BUILDING SITE AND $7.50 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 14-1-10, Paragraphs B, C and D of the 1987 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 $7,500

multiplied by the EQR of that use for the Town System-Water, except as otherwise set forth in subsection E. hereof; and an amount equal to $7,500 multiplied by the EQR of that use for Town System-Sewer, except as otherwise set for in subsection E. hereof.

C. The System Development Fee for every other type of use shall be an amount Equal to $7,500 multiplied by the EQR of that use for Town System-Water, except as otherwise set forth in subsection E. hereof; and an amount equal to $7,500 multiplied by the EQR of that use for Town System-Sewer, except as otherwise set forth in subsection E. hereof.

D. Any expansion or change in use of, or addition to a building, structure, or piece of property already connected to a Town System which raises the EQR of that user, shall result in an obligation to pay an incremental system development fee to be computed as follows, except as otherwise set forth in subsection E. hereof:

1) Incremental Water System Development Fee = [(EQR) new minus (EQR) old] times ($7,500), for Town System-Water.

2) Incremental Sewer System Development Fee = [(EQR) new minus (EQR old] times ($7,500), for Town System-Sewer."

Section 2. Increase in Monthly Minimum Water Service Rate. Section 14-1-11 of the Code is hereby amended by deleting the first sentence in section 14-1-11 and replacing it with the following:

"There is hereby levied and charged against all "owners', as defined herein, a minimum monthly charge, per water meter installed, a minimum monthly service charge per meter for water used at a "Base Rate" of $20.00 for the first 8,000 gallons used per applicable EQR, or additional fraction thereof ('Base Allotment")."

Section 14-1-11 A, B, C, D, E and F. of the Code is hereby amended by deleting paragraphs A, B, C, D, E and F and replacing with the following:

"A. The first 5,000 gallon block, multiplied by the applicable EQR and fraction thereof, there shall be an additional assessment of $2.50 for each of the next 1,000 gallons, or portion thereof, of water used above the base allotment.

B. The second 5,000 gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged $2.75 for each additional 1,000 gallons of usage or portions thereof.

C. The third 5,000 gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged $2,75 for each additional 1,000 gallons of usage or portion thereof.

D. The fourth 5,000 gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged $3.25 for each additional 1,000 gallons of usage or portion thereof.

E. The fifth 5,000 gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged $3.75 for each additional 1,000 gallons of usage or portion thereof.

F. Thereafter, each 5,000 gallon block multiplied by the applicable EQR and fraction thereof, shall be charged $4.25 for each additional 1,000 gallons of usage or portion thereof."

Section 3. Increase in Monthly Sewer Service rates. Section 14-1-11.3 of the Code is hereby amended by deleting it in its entirety and replacing it with the following:

"Section 14-1-11.3-Sewer Service Rates. There is hereby levied and charged against all "owners", as that term has been previously defined, a monthly service charge for the use of Town sewer system. The monthly service charge for use of Town sewer system shall be $30.00 times the respective EQR calculated pursuant to Section 14-1-13. Monthly service charges shall commence upon the issuance of a certificate of occupancy, or six 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 14-1-20."

Section 4. Increase in Availability of Service Fees. Section 14-1-12 of the Code is hereby amended by changing the amount of monthly availability of service fee for water availability from $7.00 per month to $7.50 per month for each building site, and by changing the amount of monthly availability of service fee to sewer availability from $7.00 per month to $7.50 per month for each building site.

Section 4. 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 5. Savings Clause. Except as hereby amended, the 1987 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 7. Effective Date. The provisions of this Ordinance shall take effect as of January 1, 2009.

INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS THIRD OF NOVEMBER 2008.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS SEVENTEENTH DAY OF NOVEMBER 2008.

TOWN OF CRESTED BUTTE, COLORADO

By Leah Williams

Leah Williams, Mayor Pro-tem

(SEAL)

ATTEST:

By Carmen H Bell
Carmen Bell, Deputy Town Clerk