

**ORDINANCE NO. 24  
SERIES 2022**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING  
CHAPTER 13, ARTICLE 1, OF THE CRESTED BUTTE MUNICIPAL CODE  
REGARDING WATER RATES**

**WHEREAS**, the Town of Crested Butte (“Crested Butte” or the “Town”) is a home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Crested Butte Home Rule Charter; and

**WHEREAS**, the Town Council has established monthly service charges for the provision of water and 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 finds and declares that the amendments to Chapter 2, Article X, Division 8 as set forth in this Ordinance are in the best interest of the Town.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, ORDAINS:**

**Section 1.** The foregoing recitals are incorporated herein as if set forth in full.

**Section 2.** Chapter 13, Art 1, of the Crested Butte Municipal Code is hereby amended as set forth below in Exhibit A with double underline text added and ~~strike through text~~ deleted. Chapter 13 – Utility Fees of Appendix A is hereby deleted in total.

**Section 3.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is held to be unconstitutional, then the remainder of this ordinance, and the application of the provisions of such to any person or circumstance, shall not be affected thereby.

**Section 4.** This ordinance shall be effective upon adoption at second reading, pursuant to Sections 4.9 of the Crested Butte Home Rule Charter.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 5TH DAY OF DECEMBER 2022.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 19<sup>th</sup> DAY OF DECEMBER 2022

TOWN OF CRESTED BUTTE, COLORADO

By:   
Ian Billick, Mayor

ATTEST:

  
Lynelle Stanford, Town Clerk



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## ARTICLE 1 Water and Sewer Systems

### Sec. 13-1-40. Definitions.

For the purposes of this Chapter, the following terms shall have the meanings herein given:

*Base rate* means the monetary assessment each month for each customer-based EQR as calculated by the Town, and adjusted from time to time, to provide a revenue source intended to cover the Town's fixed operating costs in producing, treating and supplying its customers with the base allotment of water. ~~in increments of one thousand (1,000) gallons.~~

*Block Rate* means the monetary assessment each month for each customer-based EQR as calculated by the Town, and adjusted from time to time, for water consumed in excess of the base allotment.

*Fee Schedule* means a list of fees for goods and/or services as established and periodically amended by Town Council.

### Sec. 13-1-110. System development fee.

- (a) A system development fee must be paid prior to the issuance of the permit required above; prior to the commencement of the construction; prior to installation or expansion of use of a service line; and prior to connecting any service line to a Town system.
- (b) The system development fee for a single-family residence shall be an amount as set forth in the approved-fee schedule ~~ten thousand two hundred dollars (\$10,200.00)~~ and multiplied by the EQR of that use for the Town System-Water, except as otherwise set forth in Subsection (e) below; and an amount as set forth in the approved-fee schedule ~~equal to twelve thousand six hundred dollars (\$12,600.00)~~ and 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 as set forth in the approved-fee schedule ~~equal to ten thousand two hundred dollars (\$10,200.00)~~ and multiplied by the EQR of that use for Town System-Water, except as otherwise set forth in subsection (e) below; and an amount as set forth in the approved fee schedule ~~and equal to twelve thousand six hundred dollars (\$12,600.00)~~ 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 (current system development fee ~~\$8,100~~), for Town System-Water.
  - (2) Incremental Sewer System Development Fee = [(EQR) new minus (EQR) old] times (current system development fee ~~\$9,900.00~~), for Town System-Sewer.
- (e) The system development fee for rental units, long-term and other Town-recognized affordable housing units and lots shall be a total of one-third (1/3) the rate otherwise appropriate to be charged a comparably classified residential unit under this Chapter for the Town System-Water and the Town System-Sewer. The fee for affordable housing units or lots may be partially or totally waived by the Town for good cause shown.
- (f) ~~All system development fees shall be maintained in a separate account and shall be spent only for capital improvement to the Town systems.~~

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**Sec. 13-1-120. Metered water rates per meter.**

- (a) 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 as set forth in the approved fee schedule of ~~thirty seven dollars and fifty cents (\$37.50)~~ for the first eight ~~four~~ thousand (~~4~~ 8,000) gallons used per applicable EQR, or additional fraction thereof (base allotment).
- (b) There is hereby levied and charged against all owners, as defined in this Article, a block rate charge per installed meter for water used in excess of the base allotment per applicable EQR, or additional fraction thereof as set forth in the fee schedule.
- (1) ~~The first five thousand gallon block, multiplied by the applicable EQR and fraction thereof, there shall be an additional assessment of four dollars and twenty cents (\$4.20) 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 four dollars and fifty cents (\$4.50) 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 four dollars and eighty cents (\$4.80) 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 five dollars and ten cents (\$5.10) 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 five dollars and seventy cents (\$5.70) 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 six dollars and sixty cents (\$6.60) for each additional 1,000 gallons of usage or portion thereof.~~
- (c) ~~The base allotment and the amount of water consumed within the additional five thousand gallon blocks, or portions thereof shall always be multiplied by the applicable number of EQRs and any additional fractions thereof.~~
- (d) Monthly service charges shall commence upon the issuance of a certificate of occupancy or temporary certificate of occupancy. There shall be no abatement or reduction of the monthly service charge, except as otherwise provided in Section 13-1-140 above.
- (e) There is no maximum assessment amount.

**Sec. 13-1-150. Sewer service rates.**

- (a) 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 in an amount as set forth in the approved fee schedule ~~forty eight dollars and fifty cents (\$48.50)~~ 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 temporary certificate of occupancy, or ~~six (6) months after~~

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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.

- (b) There is hereby levied and charged against all owners as defined in this Article a monthly service charge for the use of the WWTW a pretreatment charge for any property that is required to have a grease interceptor or oil/sand separator and that does not have such system installed an operating in accordance with Town requirements. The monthly service charge for use of WWTW shall be an amount as set forth in the approved fee schedule ~~thirteen dollars and seventy five cents (\$13.75)~~ times the respective EQR calculated for restaurants pursuant to Section 13-1-170 below. Monthly service charges shall not be abated or reduced until the variance for the installation of a grease interceptor or oil/sand separator effecting the subject property is terminated.

### **Sec. 13-1-160. Availability of service fee.**

- (a) There is hereby levied and charged against all owners of a building site, as that term is defined in Chapter 16 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 as set forth in the approved fee schedule for water for each building site and for sewer for each building site, respectively, ~~of nine dollars (\$9.00) per month for water for each building site and nine dollars (\$9.00) 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.
- (b) Any owner of a building site who uses such building site as a yard incidental to a residential use may be exempted from the requirement to pay this availability of service fee, upon proof of such yard use and execution and recordation of a restrictive covenant evidencing such owner's agreement that such building site will be used as a yard and for no other purpose, to the satisfaction of the Town Manager. In the event that any owner who has executed such a restrictive covenant desires to rescind such covenant, prior to the Town's agreement to rescind such covenant, the owner must pay all availability of service fees that would have been charged hereunder but for his or her execution of such restrictive covenant, plus eighteen percent (18%) interest on the total fee.
- (c) The Town Manager shall have the discretion to partially or totally waive the availability of service fee levied and charged against an owner of a building site if such site is utilized by the Town for parking, snow storage, open space or other public purpose. The terms and conditions of any such waiver shall be set forth in writing and executed by the property owner and Town Manager.
- (d) Termination of the availability of service fee will occur upon issuance of a temporary certificate of occupancy or a certificate of occupancy and initiation of the monthly service charges.