

**TOWN OF LAKE CITY
BOARD OF TRUSTEES
EMERGENCY ORDINANCE NO. 7-2024**

**AN EMERGENCY ORDINANCE AMENDING TOWN CODE CHAPTER 21 ARTICLE
II REGARDING METERED WATER AND SEWER RATES AND DEPOSITS**

WHEREAS, the Board of Trustees of the Town of Lake City, Colorado (the “Board”), pursuant to Colorado Statute is vested with the authority of administering the affairs of the Town of Lake City, Colorado (the “Town”); and

WHEREAS, Section 21-32 of the Town of Lake City Town Code (the “Code”) sets forth fees for providing metered water and sewer services (the “Water Services”); and

WHEREAS, in connection with assessing the Town’s water and sewer collection and treatment systems and a sewer rate study, it has come to the attention of the Town the current amounts charged to customers for water and waste water are insufficient and need to be increased; and

WHEREAS, to cover the costs of providing such Water and Sewer Services the Board finds it necessary to increase rates for water and sewer to customers throughout the Town and outside the boundaries of the Town; and

WHEREAS, the Board finds it necessary to create categories of sewer users based on the demand of water and the concentration and composition of waste water discharged into the Town waste water system; and

WHEREAS, the Town Board additionally finds it necessary to charge water and sewer customers outside the boundaries of the Town at a rate higher than in Town water and sewer customer rates; and

WHEREAS, the Town is currently conducting a study to update the costs associated with providing water and sewer services and, its anticipated the study may support further adjustment of the water and sewer rates, specifically in 2026 and 2027; and

WHEREAS, the Board of Trustees of the Town of Lake City finds it necessary for the preservation of the health, safety, and welfare of the citizens of Lake City to immediately update water and waste water provisions of the code to secure the necessary grant based funding to provide adequate water and waste water services to the citizens of the Town.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE
TOWN OF LAKE CITY AS FOLLOWS:**

Section 1. Chapter 21, Article II, Section 21-32 shall be removed and amended by the addition of the following language to read in its entirety as follows:

Sec. 21-32. - Metered rates for water and sewer service.

(a) Metered Water and Waste Water, also known as sewer, rates shall be charged pursuant to the Fee Schedule maintained by the Town Clerk and in accordance with the following categories of Waste Water service:

1. Residential
2. Multi-Unit Residential
3. Commercial – Low Strength
4. Commercial – Medium Strength
5. Commercial – High Strength
6. Industrial – Brewery
7. Industrial – RV Park

For each category in 21-32(a)(1-7), the Town shall charge a higher rate for Water and/or Waste Water for services not within the Town of Lake City town limits. Each sewer tap shall be designated as one of the above categories by the Town Manager or their designee. Any commercial or industrial sewer customer disagreeing with such designation may install sampling locations and permit the Town to randomly sample at the sewer customer’s own cost to determine a new “strength classification” for their rates for a final determination.

(b) Metered Water services are based on bi monthly billing (every two months) with a base rate and permitted base gallons of water as follows:

1. Residential (in Town) - \$94.00 (\$47.00/month) 9,999 gallons/ 2 months base
Residential (outside Town) \$113 (\$56.50/month) per 9,999 gallons/2 months base

(c) An additional fee for Water service shall be charged to all metered customers per 1,000 gallons of water used over 9,999 gallons of metered water use per bi-monthly period as follows:

1. \$3.00 per 1,000 gallons of water used over 9,999 and up to 17,999 gallons.
2. \$4.25 per 1,000 gallons of water used over 17,999 and up to 23,999 gallons.
3. \$5.50 per 1,000 gallons of water used over 23,999.

(d) Sewer services are billed bi monthly (every two months) based on the base rate and water consumption and permitted base gallons of water as follows:

1. Residential (in Town) - \$132.00 (\$66.00/month) unlimited gallons/2 months base
Residential (outside Town) \$158.40 (\$79.20/month) unlimited gallons/2 months base

2. Multi-Unit Residential (in Town) - \$132.00 (\$66.00/month) 9,999 gallons/ 2 months base for the first unit plus \$33.00 (16.50/month) with an additional 2500 gallons for each additional unit/2 months base.
 Multi-Unit Residential (Outside Town) \$158.40 (\$79.20/month) 9,999 gallons/ 2 months base for the first unit plus \$39.60 (19.80/month) with an additional 2500 gallons for each additional unit/2 months base.
 By way of example and not limitation, a 3 unit multi-unit residential in town would pay \$132.00 for the first unit, plus \$33.00 each for the second and third units, for a total of \$198.00 and be entitled to a total of 14,999 gallons for 2 month period.
 3. Commercial – Low Strength (in Town) \$132.00 (\$66.00/month) 9,999 gallons/ 2 months base
 Commercial – Low Strength (outside Town) \$158.40 (79.20/month) 9,999 gallons/ 2 months base
 4. Commercial – Medium Strength (in Town) \$174.00 (\$87.00/month) 9,999 gallons/ 2 months base
 Commercial – Medium Strength (outside Town) \$208.80 (\$104.40/month) 9,999 gallons/ 2 months base
 5. Commercial – High Strength (in Town) \$214.00 (\$107.00/month) 9,999 gallons/ 2 months base
 Commercial – High Strength (outside Town) \$256.80 (\$128.40/month) 9,999 gallons/ 2 months base
 6. Industrial – Brewery \$214.00 (\$107.00/month) plus an Industrial Brewery surcharge of \$346.00 (\$173.00/month) 14,999 gallons/2 months totaling \$560.00 (\$280.00/month) base
 7. Industrial –RV Park Industrial RV Park surcharge of \$83.84 (\$41.92/month) per RV sewer hookup, plus \$214.00 (\$107.00/month) surcharge for each laundry/bathroom/shower/office or outbuilding with sewer service, unlimited gallons/2 months base
- (e) An additional fee for sewer service shall be charged to all metered customers per 1,000 gallons of metered water use per bi-monthly period as follows:
1. \$4.25/1,000 gallons or any portion thereof in excess of 9,999 gallons/ 2 months for Multi – Unit Residential, or Commercial – Low Strength.
 2. \$6.16/1,000 gallons or any portion thereof in excess of 9,999 gallons/ 2 months for Commercial – Medium Strength.
 3. \$12.93/1,000 gallons or any portion thereof in excess of 9,999 gallons/ 2 months for Commercial – High Strength.

4. \$12.93/1,000 gallons or any portion thereof in excess of 14,999 gallons/ 2 months for Industrial – Brewery.

(f) Any amount set forth herein may be amended by Resolution of the Board of Trustees from time to time.

(g) The intent of all billings to water and sewer customers is to:

1. Create an equitable financial impact on each;
2. Support budgeted expenses of the entire system; and
3. Charge fairly for actual use.

(h) Customers who dispute the amount of the bill must file a written complaint with the clerk of the town by the due date of the disputed bill. Such complaint shall first be heard by the Town Manager and the Public Works Director, who shall jointly render a decision considering all facts and subsection (g) of this section. If the Town Manager and Public Works Director are unable to reach a joint decision, the complaint shall be resolved by the Board of Trustees. Customers dissatisfied with the decision of the Town Manager and Public Works Director shall have their complaint heard by the Board of Trustees at a public meeting.

(i) Multi-Unit Residential shall include, but not be limited to, apartment buildings, condominiums, town homes, and cabins or similar groups of residences utilizing a single tap or connection. Such determination of applicability shall be made by the Town Manager and Public Works Director and shall be subject to review pursuant to subsection (h) of this Section.

Section 2. Section 21-21(b)(4) of the Town of Lake City Municipal Code is hereby amended with the removal of the ~~struckthrough language~~ and the addition of the **bold underlined language** to read in its entirety as follows:

(4) A deposit in the amount set out in the town fee schedule shall be required for all new accounts. The deposit shall be returned at the termination of service, deducting all charges due the town, ~~or after six months of continuous service during which the customer has paid each bill in full by each due date specified.~~

Section 3. The Town Clerk is directed and authorized to adjust the Lake City Fee Schedule to reflect the increase in water and sewer rates as set forth in this Ordinance.

Section 4. Such increase in fees for metered water and sewer service shall be effective as of January 1, 2025.

Section 5. Validity. If any part of this ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have approved this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent collection of any fees assessed pursuant to the provisions of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 7. Publication and Effective Date. This Ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare of the citizens of the Town of Lake City, Colorado for reasons described above, and therefore, shall become effective immediately as an emergency ordinance upon adoption by the Town Board of Trustees. All rate increases shall be effective January 1, 2025.

INTRODUCED, PASSED AND ADOPTED A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO AND SIGNED THIS 18TH DAY OF DECEMBER, 2024.

Votes Approving:	<u>6</u>
Votes Opposed:	<u>0</u>
Absent:	<u>0</u>
Abstained:	<u>0</u>

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF LAKE CITY, COLORADO**



Grant Massey
Town Clerk

By: 
Dave Roberts
Mayor

