

**ORDINANCE 2011-04**

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 13.28 OF THE  
FRUITA MUNICIPAL CODE CONCERNING SEWER CHARGES AND  
IMPLEMENTING A WATER CONSUMPTION BASED BILLING  
METHODOLOGY FOR NON-RESIDENTIAL CUSTOMERS**

**WHEREAS**, The Fruita City Council has determined that a more equitable distribution of costs for operation of the sewage treatment and collection system for non-residential customers is to transition from a fee structure based on predetermined formulas for a class of business to a volume based fee structure based on actual consumption of water.

**WHEREAS**, Non-residential customers will transition to this volume based fee structure effective October 1, 2011.

**WHEREAS**, It is the intent of this ordinance to amend the existing formula based rate structure for monthly sewer billings for non-residential sewer customers to a water consumption based rate structure effective October 1, 2011 and to provide for a phasing in approach of the new billing methodology for sewer customers who will otherwise experience significant increases in their monthly charges. It is also the intent of this ordinance to charge for plant investment fees based on water line size versus use of the property being served.

**BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:**

**SECTION 1:** Chapter 13.28 of the Fruita Municipal Code is hereby repealed and reenacted to read as follows:

**13.28.010 PLANT INVESTMENT FEES.**

- A. At the time of making application to the city for sewer service from the City's sewer system, the applicant shall pay a plant investment fee. The plant investment fee shall be set by resolution of the City Council based on water tap size. For water taps larger than two inches (2") the City will calculate the specific plant investment fee.
- B. Additional Service - Fixtures.
  - 1. An existing sewer tap shall not be subject to additional service, or a change in use, without obtaining approval from the City. Approval may be subject to conditions necessary to the interest of the City sewer system, including requirements for an additional sewer tap, an increase in tap size or pretreatment requirements.
  - 2. If an additional tap is required, all installation costs shall be the responsibility of the applicant and the appropriate plant investment fee paid. If a larger tap is required, all installation costs shall be the responsibility of the applicant and a plant investment fee equal to the difference between the existing tap size and the new tap size shall be assessed. Any costs for installation, equipment and appurtenances necessary to comply with pretreatment requirements are the responsibility of the applicant.

**13.28.020 SEWER CHARGES.**

- A. There shall be levied and assessed upon each lot, parcel of land, building or premises in the city having any connection with the sewer system of the city, a monthly sewer service charge based on the information set out below.

B. Definitions.

1. Equivalent Residential Unit (EQR). As used in this Ordinance, means a number related to the volume and treatment requirements of sewage discharged by a single-family residential unit. The volume and treatment requirements associated with an EQR are 4,000 gallons per month with BOD loading of 200 mg/L. EQR's assigned to residential customers as set forth in the Table in paragraph (D) below are directly proportional to the volume of sewage discharged by a single-family residential unit.
2. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter (mg/L). A BOD multiplier will adjust the EQR flow values assigned to residential customers to account for extra costs for treatment of excess BOD.
3. Residential Customer. A customer/user shall be classified as residential in nature if they receive sewer service at a condominium, townhome, detached single family residence, mobile home, multi-family residential apartment building, or senior citizens apartment building.
4. Non-Residential Customer. A customer/user shall be classified as commercial in nature if they receive sewer service at any property not included in the definition of Residential Customer in subparagraph B(3) above. Sewer service provided to hotels, motels, schools, hospitals, travel trailer or overnight mobile home parks, nursing homes, governmental agencies and commercial businesses shall be defined as non-residential in nature.
5. Total Suspended Solids (TSS). The total suspended matter, expressed in milligrams per liter (mg/L), that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

C. Charges for sewer service shall be set by resolution of the City Council.

D. Residential sewer service charges will be a monthly rate per calculated EQR, assessed on a flat rate basis, as set forth in the table below. The minimum EQR for any service shall be 1.00.

TYPE OF ESTABLISHMENT	EQRV (BASED ON VOLUME)	BOD (MG/L)	BOD MULTIPLIER	TOTAL EQR (EQRV X BOD Multiplier)
Single family dwelling	1.00/unit	200	1.00	1.00/unit
Multiple family dwelling	1.00/unit	200	1.00	1.00/unit
Apartment buildings	1.00/apartment	200	1.00	1.00/apartment
Permanent trailer or mobile home parks	1.00/space	200	1.00	1.00/space

E. Non-residential sewer service charges shall be billed on a monthly basis and will consist of a minimum charge and a volume charge. The minimum charge and the volume charge shall be based on the actual monthly volume of metered potable water consumption, expressed in gallons, as recorded by the Ute Water Conservancy District.

1. The minimum charge is a fixed monthly charge that includes a monthly allotment of metered potable water consumption. Customers who consume less than the full monthly allotment included in the minimum charge shall pay the full minimum charge. Customers who consume more than the full monthly allotment included in the minimum charge shall pay the

full minimum charge plus a volume charge as described on subparagraph E(2) below. The minimum charge, the monthly allotment of metered potable water consumption and the volume charge shall be set by resolution of the City Council.

2. The monthly volume charge shall be based on the customer's actual monthly volume of metered potable water consumption and assessed on a set dollar amount (\$) per 1,000 gallons basis. The monthly volume charge shall be calculated according to the following formula:

Start: Actual Monthly Metered Potable Water Consumption (Gallons)  
Less: Monthly Volume Allotment included in the Minimum Charge (Gallons)  
Equals: Net Monthly Metered Potable Water Consumption (Gallons)

Net Monthly Metered Potable Water Consumption (Gallons) \* \$ per 1,000 Gallon  
1,000

3. A sewer rate stabilization fund has been established to allow for a phased implementation schedule for the change in monthly non-residential sewer service charges from a flat rate to a volume based charge. Policies for use of the sewer rate stabilization fund will be established by resolution of the City Council with the purpose of providing for an equitable recovery of the cost of service from each utility customer while taking into consideration the fiscal impacts on individual customers, equity among customer classes, and correlation between metered water consumption and actual discharges of sewage into the sewer system and rate covenant requirements.
- F. Determining the Total Annual Sewer System Costs: The City shall determine the total annual cost necessary to operate, maintain and insure the financial integrity of the sewer system. These costs shall include, but not be limited to: operations, maintenance and administration, infrastructure repair, replacement, rehabilitation and expansion, debt service, the maintenance of adequate cash and contingency reserves, and compliance with debt financing covenants.
- G. Review of Sewer Service Charges: The City of Fruita shall review the total annual sewer system costs and the revenues earned from the provision of sewer service not less often than every two years and will revise the system established herein to assure that sufficient funds are obtained to adequately operate, maintain and insure the financial integrity of the sewer system.
- H. Extra Strength Discharges: Non-residential customers discharging wastewater into the City sewer system with strength levels in excess of those described below may, at the discretion of the City, be required pay a monthly extra strength surcharge in addition to the standard sewer charges described in paragraph (E).
1. Customers with BOD discharge strength in excess of 300 mg/L shall be required to pay an extra strength surcharge. The assumed normal BOD discharge strength is 200 mg/L.
  2. Customers with TSS discharge strength in excess of 300 mg/L shall be required to pay an extra strength surcharge. The assumed normal TSS discharge strength is 200 mg/L.
- I. The BOD extra strength surcharge shall be assessed on a \$ per pound basis and shall be calculated pursuant to the formula show below.

Step 1: [Customer BOD strength (mg/L)] - [200 mg/L assumed normal BOD discharge strength]  
=

Customer excess BOD strength (mg/L)

Step 2: [453,592 milligrams per pound] / [Customer excess BOD strength (mg/L)] =

Customer excess BOD strength (pounds/L)

Step 3: [Customer wastewater volume (gallons)] / [3.785 liters per gallon] =  
Customer wastewater volume (L)

Step 4: [Customer wastewater volume (L)] / [Customer excess BOD strength (pounds/L)] =  
Customer excess BOD (pounds)

Step 5: [Customer excess BOD (pounds)] \* [\$ per pound BOD extra strength surcharge] =  
BOD extra strength surcharge that must be paid by the customer

- J. The TSS extra strength surcharge shall be assessed on a \$ per pound basis and shall be calculated using the same methodology illustrated in paragraph (I) above for the BOD extra strength surcharge.
- K. In addition to the extra strength surcharge provided herein, customers discharging extra strength wastewater shall also be required to pay the actual costs incurred by the City to test such discharges.
- L. The BOD and TSS extra strength surcharge rates shall be set by resolution of the City Council.

**13.28.030 NONPAYMENT OF CHARGES - PENALTIES - LIENS.** Nonpayment of fees or charges under the provisions of this chapter not paid when due shall be subject to the provisions of Chapter 3.20, Uniform Collection Ordinance.

**13.28.040 VIOLATION - PENALTY.**

- A. Any person, owner, lessee, occupant, or otherwise, who knowingly violates any of the provisions of this Chapter commits a Class B municipal offense.
- B. Any person, owner, lessee, occupant, or otherwise, violating any of the provisions of this chapter shall be liable to the city for any expense, loss of revenue or damage caused by reason of such violation as well as penalties designated in Section 1.28.020 of the Fruita Municipal Code. Any required fees not paid shall incur interest at the legal rate from the date determined to be the date of violation.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011**

CITY OF FRUITA

\_\_\_\_\_  
H. Kenneth Henry, Mayor

ATTEST:

\_\_\_\_\_  
Margaret Steelman, City Clerk