

COUNCIL COMMUNICATION

Meeting Date: September 27, 2022	Agenda Item: 12D	Agenda Location: Action Items	Goal(s):	Legal Review: <i>TY</i>	<input checked="" type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading
Subject: An ordinance repealing Ordinance 3601 and reenacting an ordinance revising and prescribing sewer rates for the operation and maintenance of the sewer and solid waste systems for the City.					
Recommended by: Kim Newhart <i>KN</i>				Approved by: Kevin S. Woods <i>KW</i>	
Presenter(s): Kim Newhart, Finance Director				Ordinance previously introduced by: _____	

SYNOPSIS:

The purpose of this item is to repeal Ordinance 3601 and reenact an ordinance prescribing sewer rates for the operation and maintenance of the sewer and solid waste systems for the City.

The proposed ordinance reflects a 13% rate increase in sewer rates, effective January 1, 2023, and no increase for solid waste.

The sewer rate increase will result in an estimated average residential sewer bill of \$23.16, which is an average increase of approximately \$2.66 per month.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the ordinance as proposed because the increase for sewer is in keeping with the operation of each enterprise as a self-sustaining business, without subsidy from the general government funds.

BUDGET/STAFF IMPLICATIONS:

The ordinance change proposed will increase sewer rate revenue by approximately \$2M in 2023.

ALTERNATIVES:

1. Adopt the ordinance as proposed.
2. Do not adopt the proposed ordinance.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

City Council adopted Ordinance 3601, on October 12, 2021 prescribing the sewer rates and charges for 2022. This ordinance prescribed increases to sewer rates of 1.5% effective January 1, 2022.

INTRODUCED BY: _____

AN ORDINANCE REPEALING ORDINANCE 3601 AND REENACTING AN ORDINANCE REVISING AND PRESCRIBING SEWER RATES FOR THE OPERATION AND MAINTENANCE OF THE SEWER AND SOLID WASTE SYSTEMS FOR THE CITY.

WHEREAS, the City owns and operates municipal wastewater and solid waste systems; and

WHEREAS, Chapter 74 of the City Code requires rates and charges to be established by ordinance; and

WHEREAS, the City now desires to repeal Ordinance 3601 and enact a new ordinance setting sewer and solid waste and recyclable collection rates and charges for the operation and maintenance of the sewer and solid waste systems for the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. Ordinance 3601 is hereby repealed in its entirety, effective January 1, 2023.
2. A new ordinance for the sewer and solid waste systems for the City is hereby enacted to read as follows:

Section 1. Definitions.

For purposes of this ordinance, the following definitions shall apply unless the context of the use of the words and phrases clearly require otherwise:

- 1.1 “Average Winter Consumption” or “AWC” means the average of monthly water meter readings for the billing periods representing November through February (the winter period). The AWC is calculated as winter period consumption divided by the winter period number of days multiplied by 30.42. The process of determining the AWC shall be repeated once each year. In the event that an AWC cannot be established or is not representative of actual use, then the class average for the same meter size shall be used until an AWC can be established.
- 1.2 “Accessory Dwelling Unit” or “ADU” means a second dwelling unit that is either located within a single-family detached dwelling or in an attached or detached structure on the same lot as the original dwelling.
- 1.3 “Building” means a structure for the support or shelter of any use or occupancy.
- 1.4 “Commercial” service means service including but not limited to for-profit businesses and not-for-profit businesses or any other service not specifically mentioned in this ordinance.

- 1.5 “Customer” means the person shown on City records as being responsible for payment on the water and/or sewer and/or solid waste account.
- 1.6 “Domestic” or “residential” service means service to a single-family residence, a multifamily residence, a duplex, and a manufactured home.
- 1.7 “Duplex” means two dwelling units sharing a wall or other interconnections.
- 1.8 “Dwelling unit” means one or more rooms designed to accommodate one family and containing only one kitchen plus living, sanitary, and sleeping facilities.
- 1.9 “Inactive Connection” means a connection through which no measurable flow of water has registered on the assigned water meter in any billing period for 10 consecutive years or more, regardless of whether any payment for water or sewer was made during or after the 10 years. Measurable flow means at least 1,000 gallons of water.
- 1.10 “Industrial” service means any use which introduces water-carried wastes into the sewer system from industrial manufacturing or processing as distinct from or in addition to sanitary sewage, which discharge does, or is likely to, require pre-treatment and/or a substantial increased level of treatment or handling.
- 1.11 “Irrigation” service means any separately metered connections for vegetation irrigation with no discharge into the sanitary sewer system.
- 1.12 “Lot” means a designated area of land established by a plat and to be used, developed or built upon as a unit.
- 1.13 “Manufactured home” means a factory-assembled structure without permanent foundations and designed to be transported on its own wheels, arriving at the site as a complete dwelling unit. Removal of the wheels and placement on a foundation does not change its classification. The term "manufactured home" includes half units that are transported to the site on their own wheels and assembled. It does not include travel trailers, campers, camper buses, motor homes, or modular houses.
- 1.14 “Metro Water Recovery” is referred to herein as Metro.
- 1.15 “Multifamily Residence” means a residential structure having three or more dwelling units within such lot.
- 1.16 “Owner” means the fee owner of real property identified in the County property records.
- 1.17 “Property” means the real property that is served by the City’s water and sewer system.

- 1.18 “Sewer Connection” means the point where an individual sanitary service line attaches to the City’s sewer system, thereby allowing the discharge of an individual sewage waste stream to the sewer collection main.
- 1.19 “Single-Family Residence” means any building situated on one lot with a single dwelling, and sharing no common wall, foundation, or other interconnection with another dwelling unit or other structure or use. An Accessory Dwelling Unit shall be exempt from the requirements for a separate and independent water service connection to the main.
- 1.20 “Single-Family Residential Equivalent” or “SFRE” means the capacity of sewer service or water service required for a single-family residence.
- 1.21 “Tap” or “Tapping” means the physical point of connection of a service line to the City’s potable water distribution or sanitary sewer systems.
- 1.22 “Water Connection” means the point where a water service line attaches to a water main, thereby allowing water to flow from the City’s water system to an individual customer.

Section 2. Domestic, Commercial, and Industrial Sewer Charges.

- 2.1 Budget Billing. The City Manager shall have the authority to promulgate a budget billing program that operates to equalize the monthly sewer service charge by averaging seasonal use variations. Any such program will be available to those residential customers who qualify under the guidelines established by the program on an elective basis.
- 2.2 Domestic Sewer Service Charge: The following monthly charges are established for domestic sewer service, regardless of the amount of water consumed:

Effective January 1, 2023

Water Meter Size Inches	Domestic Inside the City Monthly Service Charge	Domestic Outside the City Monthly Service Charge
5/8 x 3/4	\$7.88	\$11.82
3/4	\$9.33	\$14.00
1	\$11.13	\$16.70
1 1/2	\$13.62	\$20.43
2	\$17.93	\$26.90
3	\$28.62	\$42.93
4	\$50.14	\$75.21
6	\$93.06	\$139.59

2.3 Domestic Sewer Quantity Charge: The quantity charge is based on the Average Winter Consumption (AWC).

a. Monthly Billing: The following charges shall apply for each 1,000 gallons of Average Winter Consumption (AWC) for the most recent winter period:

Effective January 1, 2023

<u>Domestic Inside the City Quantity Charge</u>	<u>Domestic Outside the City Quantity Charge</u>
\$3.54	\$5.31

2.4 Commercial Sewer Service Charge: The following monthly charges are established for commercial sewer service, regardless of the amount of water consumed:

Effective January 1, 2023

<u>Water Meter Size Inches</u>	<u>Commercial Inside the City Monthly Service Charge</u>	<u>Commercial Outside the City Monthly Service Charge</u>
5/8 x 3/4	\$7.88	\$11.82
3/4	\$9.33	\$14.00
1	\$11.13	\$16.70
1 1/2	\$13.62	\$20.43
2	\$17.93	\$26.90
3	\$28.62	\$42.93
4	\$50.14	\$75.21
6	\$93.06	\$139.59

2.5 Commercial Sewer Quantity Charge: The quantity charge is based on the Average Winter Consumption (AWC).

a. Monthly Billing: The following charges shall apply for each 1,000 gallons of Average Winter Consumption (AWC) for the most recent winter period:

Effective January 1, 2023

<u>Commercial Inside the City Quantity Charge</u>	<u>Commercial Outside the City Quantity Charge</u>
\$3.88	\$5.82

2.6 Excessive Strength Surcharge: The following excessive strength surcharge is established:

$$S_{BOD} = V_s \times 8.345 [\text{Metro 1} \times (\text{BOD} - \text{BOD}_{\text{AVG}})]$$

Where S_{BOD} equals excessive strength surcharge in dollars, where V_s equals monthly sewage volume in million gallons, where 8.345 equals pounds per gallons of water, where Metro 1 equals the Metro Water Recovery's annual charge for BOD expressed in dollars per pound, where BOD equals BOD concentration in the sewage discharge in milligrams per liter, where BOD_{avg} equals allowed BOD strength in milligrams per liter calculated from a City-wide average.

$$S_{SS} = V_s \times 8.345 [\text{Metro 2} \times (\text{SS} - \text{SS}_{\text{AVG}})]$$

Where S_{SS} equals excessive strength surcharge in dollars, where V_s equals monthly sewage volume in million gallons, where 8.345 equals pounds per gallons of water, where Metro 2 equals the Metro Water Recovery's annual charge for SS expressed in dollars per pound, where SS equals SS concentration in the sewage discharge in milligrams per liter, and where SS_{avg} equals allowed SS strength in milligrams per liter calculated from a City-wide average.

$$S_{\text{TKN}} = V_s \times 8.345 [\text{Metro 3} \times (\text{TKN} - \text{TKN}_{\text{AVG}})]$$

Where S_{TKN} equals excessive strength surcharge in dollars, where V_s equals monthly sewage volume in million gallons, where 8.345 equals pounds per gallons of water, where Metro 3 equals the Metro Water Recovery's annual charge for TKN expressed in dollars per pound, where TKN equals TKN concentration in the sewage discharge in milligrams per liter, and where TKN_{avg} equals allowed TKN strength in milligrams per liter calculated from a City-wide average.

2.7 Metro Water Recovery Sewer Connection Charge: Where consistent with the terms of any contractual agreement that may otherwise apply to the area to be provided with water or sewer service, the City is obligated to pay Metro Water Recovery sewer connection charges to the Metro Water Recovery pursuant to a contractual agreement between the City and the Metro Water Recovery. The City shall collect such sewer connection charges before any sewer connection shall be authorized on the City municipal wastewater system.

The amount due shall be based upon the number of Single-Family Residential Equivalent (SFRE's) attributable to each connection. The number of SFRE's shall be determined as follows:

- a. Single-Family Residential Equivalent is equal to one Single-Family Unit which, for purposes of this Section 2.7, means a building or structure used or designed to be used as only one residential unit (including a detached dwelling [single-family house] and a mobile home); and a temporary construction trailer; each residential unit in a duplex; and each residential unit having water service separately connected to the water main or private

water distribution system in a building or structure with three or more residential units.

“Residential Unit” means a room or group of rooms which includes or is designed to include kitchen and bathroom facilities and in which one or more persons could reasonably reside on a permanent and nontransient basis. Notwithstanding the above, a room or group of rooms shall not be considered a residential unit if it contains wastewater-generating fixtures other than or in addition to those used or intended to be used in normal residential activities. For example, a group of rooms that includes a residence and a doctor’s office, or a residence and a restaurant, in which separate fixtures serve the non-residential uses, will be considered an “Other than Single-Family Residential Property.”

- b. Other Than Single-Family Residential Property: The following table determines the SFRE’s for Other Than Single-Family Residential Property for each water service connection size.

<u>Water Service Connection Size, Inches</u>	<u>Number of SFREs</u>
5/8 x 3/4	2.0
3/4	2.0
1	4.8
1-1/2	11
2	20
3	43
4	86

- c. Water connections specifically made for fire protection purposes, such as fire hydrant branches, fire sprinkler systems, stand pipes, irrigation, redundant systems for public safety, or other purposes not discharging to the Thornton sewer system, shall be exempt from the foregoing Metro Water Recovery sewer connection charge.
- d. Metro Water Recovery sewer connection charges shall be collected pursuant to such rules and regulations and procedures as may be established from time to time by the Metro Water Recovery.

2.8 Industrial Charges. Monthly charges to industrial customers shall be the subject of a contract reflecting the additional burden caused by the treatment and handling of wastes introduced into the sanitary sewer system.

Section 3. Miscellaneous Billing Charges.

3.1 Late Charge. A late charge of \$10.00 shall be added each month to any account on which all charges are not paid by the due date as stated on the monthly bill.

- 3.2 New Account Charge. When a request is made by a customer to have sewer service provided on accounts where the City does not also provide water, or to change a name on any such account, a new account charge of \$20.00 will be added. Exceptions to this charge include: 1) name changes on an account due to marriage, dissolution of marriage, and inheritance; and 2) changes to the forwarding address of the owner.
- 3.3 Returned Check Charge. An \$18.00 service charge shall apply for returned and dishonored checks received by the City.
- 3.4 Re-inspection Charge for Sand/Grease Interceptor Compliance Inspections. A re-inspection charge of \$75.00 shall apply for each inspection after initial compliance inspection.

Section 4. Sewer Tapping.

All taps to sewer mains shall be performed by a licensed City contractor at the expense of the applicant per the applicable standards and specifications and with the proper permits in place.

Section 5. Sewer Service Connection Fees.

The following categories of fees are sewer service fees and are referred to herein as connection fees. Connection fees shall be paid in addition to any other applicable fees otherwise established herein. The City is exempt from payment of sewer connection fees for restrooms. The City shall not be exempt from payment of any applicable fee related to Metro Sewer as specified in Sections 5.2 and 5.3.

5.1 Time of Payment:

- a. Connection fees for buildings, other than individually metered mobile homes, located within the City cannot be paid until after the building has passed the City's inspection of the rough-in-plumbing but shall be fully paid before the City will issue a Certificate of Occupancy for such building.
- b. Connection fees for buildings, other than individually metered mobile homes, outside the City limits cannot be paid until after the City has received the certification from a Professional Engineer licensed in the State of Colorado that the yard sewer is installed in accordance with the current version of the City's "Standards and Specifications for the Design and Construction of Public Improvements" as well as the International Plumbing Code (as adopted and amended by the City) or as approved by a City designee.
- c. Connection fees for individually metered mobile homes cannot be paid until any time after the date of the building permit approving the set-up of the mobile home from the City or Adams County.

5.2 General Fees :

a. Domestic Connection (Individually Metered Unit):

Each Individual Living Unit	Sewer Connection	* Metro Sewer
Single -Family	\$1,603	*
Duplex	1,154	*
Manufactured Home	1,205	*
Multifamily	1,125	*

*Pursuant to contractual agreement between the City and Metro.

b. Multifamily (Master Meter) Connection:

Meter Size	Sewer Connection	* Metro Sewer
5/8 x 3/4"	\$1,254	*
3/4"	1,254	*
1"	1,254	*
1 1/2"	1,254	*
2"	1,254	*
3"	1,254	*
4"	1,254	*

*Pursuant to contractual agreement between the City and Metro.

Fees for larger meter sizes are available upon request.

c. Commercial Connection:

Meter Size	Sewer Connection	* Metro Sewer
5/8 x 3/4"	\$3,045	*
3/4"	3,045	*
1"	7,212	*
1 1/2"	17,630	*
2"	32,054	*
3"	67,314	*
4"	121,807	*

*Pursuant to contractual agreement between the City and Metro.

Fees for larger meter sizes are available upon request.

- d. Industrial Use Sewer Connection: Sewer service for industrial use shall be provided only on an individual contract basis reflecting the additional burden caused by the treatment and handling of wastes introduced into the sanitary sewer system.

5.3 Sewer Connection Fees for Redeveloped Property.

When a lot, tract, or subdivided or unplatted real property (hereafter, "Property") is to be redeveloped for any purpose which requires enlargement, relocation, or replacement of the existing connections, connection fees will be as follows:

When redevelopment of any type occurs on Property that is, at the time of Development to be served by the City's Utility System (hereafter "Utility System" which shall mean for purposes of this Section, connections to the City's Sewer system and/or Water system, as said systems are defined in Section 74-87 of the Code) connection fees shall be imposed as follows:

Connection fees for redevelopment will be calculated based upon the difference between the size of any pre-existing connections to the Utility System for a particular type of use and the applicable fees for the size of any new connections. Consequently, the value of any pre-existing connection may be used as a credit for payment of the new connection fee to serve any Property associated with redevelopment.

The difference between connection charges shall be calculated using the fees established in the City Rate Ordinance in effect at the time payment for the redevelopment is paid to the City. The City will not refund money for connection fees paid and will not allow a credit for future connection fees to be paid, except as specifically stated in a development or redevelopment agreement.

- 5.4 Decreased Connection or Connections. The City will not refund any money or allow a future credit for a connection decreased in size or for connections decreased in total number when the property currently served by such connections is redeveloped.

- 5.5 Inactive Connection. Upon reactivation, an inactive connection shall be considered a new connection and connection fees in effect shall apply for the Sewer Connection fees. A Metro Water Recovery sewer fee pursuant to the contractual agreement between the City and Metro will also apply. The City will not refund any money or allow a future credit.

Section 6. Wastewater Contribution Permit Fees for Industrial Users.

For the purposes of calculating Industrial Pre-Treatment permit fees, the following definitions shall apply, provided, however, that the City Manager or a designee shall, in the exercise of reasonable discretion and based on a finding of designation of an appropriate Class as herein below defined, have the right to determine into what class a particular user falls.

Outside City fees shall be calculated by increasing the corresponding inside City fees by 50 percent.

- 6.1 Class I. Significant Contributor. Industries which are classified as categorical industries and due to the nature of their wastewater discharge are subject to National Categorical Pre-Treatment Standards or otherwise designated as significant industrial users. This includes, but is not limited to, electroplating and chemical milling and etching.
- 6.2 Class II. Potential Contributor. Industries which may be classified as categorical industries and the nature of their processes are such that priority pollutants are not discharged under normal operations. This includes, but is not limited to, finishing processes such as anodizing, coating, and chemical etching and milling.
- 6.3 Class III. Potential Contributor. Industries which may be classified as categorical industries and the nature of their processes are such that priority pollutants are not discharged under normal operations. This includes, but is not limited to, vapor degreasers and petroleum product degreasers.
- 6.4 Class IV. Potential Contributor. Industries which may be classified as categorical industries and the nature of their processes are such that priority pollutants are not discharged under normal operations. This includes, but is not limited to, non-chemical, detergent cleaning processes which are discharged directly into the sewer system, such as metal deburring and vat cleaning.
- 6.5 Class V. Potential Contributor. Industries which may be classified as categorical industries and the nature of their processes are such that priority pollutants are not discharged under normal operations. This includes, but is not limited to, storage of oil, gasoline, or any chemical or substance in amounts over 100 gallons which could violate any of the provisions of the City's Pre-treatment Program. Examples include, but are not limited to, warehouses and gasoline stations.
- 6.6 Permit Fees. In accordance with engineering recommendations as to the cost to administer permit fees for each class of industrial user, there are hereby imposed annual permit fees to include administrative costs associated with permit review monitoring by the City as herein set forth:

<u>Class</u>	<u>Inside City Permit Fees (Per Year)</u>	<u>Outside City Permit Fees (Per Year)</u>
Class I	\$1,000	\$1,500
Class II	500	750
Class III	300	450
Class IV	200	300
Class V	100	150

Section 7. Residential Solid Waste Collection Services.

“Automated or semi-automated integrated solid waste collection service” shall be defined as the refuse removal system provided by the City whereby two containers are supplied to each residential unit in the City, one for ordinary residential refuse and one for recyclable materials, and the contents of each container are removed by the City and transported to a landfill or a materials recovery facility on a regularly scheduled basis. The term Residential Unit shall mean the same as that term is defined in Chapter 58 of the City Code for Sections 7 through 10 of this ordinance.

Section 8. Automated or Semi-automated Integrated Solid Waste Collection Basic Customer Fee.

A \$13.50 monthly automated or semi-automated integrated solid waste collection basic customer fee for each residential unit receiving City automated or semi-automated integrated solid waste collection service shall be payable to the City at the time the owner/customer of the property receives the City’s automated or semi-automated integrated solid waste collection service.

Section 9. Additional Automated or Semi-automated Integrated Residential Solid Waste Collection Service Customer Fees.

9.1 Budget Billing. The City Manager shall have the authority to promulgate a budget billing program that operates to equalize the monthly solid waste collection charge. Any such program will be available to those residential customers who qualify under the guidelines established by the program on an elective basis.

9.2 The fee associated with ordinary residential refuse containers shall be as follows:

<u>Number of refuse containers (not including container for recyclable materials)</u>	<u>Monthly Charge</u>
1	\$13.50
2	16.00
3	25.20
4	34.40

No more than four ordinary residential refuse containers will be allowed at each residence, unless Subsection 9.3 below stated, is applicable. Request for container pickup outside of the resident’s regular scheduled pickup will incur an additional fee of \$6.50 per occurrence.

9.3 A residential unit requesting additional container(s) for disposal of recyclable materials, as specified in Chapter 58, Article III, Section 58-60 of the City Code, shall not be assessed additional fees for such containers. Any additional recycling containers supplied by the City to any customer which are utilized for purposes other than those stated in Chapter 58 shall be in violation of said Chapter and subject to those penalties therein.

- 9.4 Container replacement costs shall be assessed to the residential unit in accordance with current costs associated with replacement of said container including an additional \$30.00 service fee per container replaced.
- 9.5 Container repair charges shall be assessed to the residential unit and shall include all parts and/or labor costs associated with said repair in addition to a \$30.00 service fee per container repaired.
- 9.6 Container repair or replacement costs shall be assessed to the residential unit if it is determined by the City that said replacements and/or repairs were necessitated by reasons including, but not limited to, abuse, misplacement and/or neglect of containers.
- 9.7 Special and additional solid waste or recyclable material collection requests shall be assessed to the customer in accordance with costs anticipated to be incurred by the City in providing these services, including but not limited to, costs for the acquisition, operation and maintenance expenses of equipment, labor costs, and landfill and/or recycling charges. Such rates shall be as follows:

Pickup Size	Rate
¼ load	\$65
½ load	\$109
¾ load	\$163
Full load	\$235

Residential customers whose annual household income is no greater than 185% of the federal poverty level (as determined annually by the Department of Housing and Urban Development) shall be eligible to receive a once-per-year credit of \$20 toward the amount of special and additional collection charges they incur under this Subsection 9.7. Customers are required to reapply each year to receive this credit.

- 9.8 An administrative fee of \$30.00 shall be assessed to the residential unit, pursuant to Chapter 58 of the City Code for the following:
 - a. Any owner/customer may request one change in service options without the assessment of an administrative fee. Any subsequent requested change in solid waste collection services options shall be assessed applicable administrative fees. These options shall include, but are not limited to, suspension in service pursuant to Chapter 58, Section 58-65, alley collection versus street collection, or changes in container size from those provided by the City at the time of service inception.
 - b. Initial owner/customer requests and delivery of additional containers for the purpose of solid waste disposal shall not be assessed an administrative fee.

However, any subsequent delivery of additional containers for the disposal of solid waste shall be assessed an administrative fee for each occurrence.

- c. Any reinstatement of solid waste collection services terminated at the request of any customer, or the City, within the same calendar year.

Section 10. Occupation of Residential Unit.

A residential unit will be deemed to be occupied and receiving City automated or semi-automated integrated solid waste collection service for any given month if one of the following conditions are met:

- 10.1 Solid waste and/or recyclable materials have been collected by the City at least once during the given month.
- 10.2 The City has delivered for use at least one automated or semi-automated solid waste and/or recyclable materials container to a residential unit and the opportunity to utilize this change in service has been made available.

Section 11. Payment Cycle.

The payment of the automated or semi-automated integrated solid waste collection user fee will cover service received for the previous billing cycle.

Section 12. Unpaid Fees a Lien.

Unpaid fees imposed by this ordinance shall become a continuing and perpetual lien and charge upon each lot or tract of land receiving automated or semi-automated integrated solid waste collection service and shall have priority over all other liens except general taxes. Said unpaid fees may be collected and the lien herein authorized may be enforced in the same manner as water and sewer charges are collected and enforced in Chapter 74 of the City Code.

Section 13. Resident Participation.

Participation by residents in the City's automated or semi-automated integrated solid waste collection service is voluntary. Additionally, the City reserves the right to refuse service to anyone who fails to comply with any City ordinances or regulations concerning this service, including but not limited to the following: 1) failure to pay fees; or 2) abuse, misplacement, and/or neglect of containers.

Section 14. Commercial Recyclable Material Collection Services.

Commercial customers may apply to the City for collection of recyclable materials. The Executive Director of Infrastructure is authorized to and shall approve or reject such application based on then-existing availability and capacity of necessary equipment, labor, and administrative support for such services, and in the best interests of the City.

If approved, the City shall supply appropriate containers to such commercial customers. The contents of each container shall be removed by the City and transported to a landfill or materials recovery facility on a regularly scheduled basis.

Section 15. Fees for Commercial Collection.

The fee for commercial recyclable material collection services provided by the City to commercial customers shall be \$119.23 per month per City-provided container.

Section 16. Commercial Business Participation.

Participation by commercial entities in the City's recyclable material collection service is voluntary. Additionally, the City reserves the right to refuse service to any entity that fails to comply with any City ordinances or regulations concerning this service, including but not limited to the following: 1) failure to pay fees; or 2) abuse, misplacement, and/or neglect of containers.

Section 17. Commercial Container Repair or Replacement.

Container repair or replacement fees shall be assessed to commercial customers as and when necessary in accordance with costs to the City for such repair or replacement.

Section 18. Commercial Payment Cycle

The payment of the recyclable material collection user fee will cover service received for the previous billing cycle.

Section 19. Severability of Invalid Provision.

If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

Section 20. Adjustments by City Manager.

The City Manager shall have the authority to determine that the public interest is best served by:

- 20.1 Making determinations regarding the placement of customers within the most appropriate rate classification (domestic, commercial, irrigation, or industrial) in keeping with the intent of this ordinance.
- 20.2 Adjusting the AWC for specific accounts where the prescribed calculations provide amounts that are significantly different than the customer's actual and reasonable usage.

20.3 Waive charges contained in Section 3 for good cause shown.

Section 21. Saving Clause.

The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 22. Effective Date.

22.1 This ordinance shall take effect on January 1, 2023.

22.2 Any developer of a multifamily residential project where Special Merit Designation was approved by the City Council on or before October 17, 2002 shall be allowed to pay the 2002 City sewer development fees set forth in Ordinance 2698 for that project until the Special Merit Designation expires, except for Metro Water Recovery fees which are effective pursuant to contractual agreement between the City and Metro.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on _____, 2022.

PASSED AND ADOPTED on second and final reading on _____, 2022.

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

Tami Yellico, City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, Thornton Active Adult Center, and Trail Winds Recreation Center after first and second readings.

Published on the City's official website after first reading on _____, 2022, and after second and final reading on _____, 2022.