

ORDINANCE NO.: 3511  
INTRODUCED BY: Phillips

AN ORDINANCE PRESCRIBING STORMWATER RATES AND CHARGES FOR THE OPERATION AND MAINTENANCE OF THE STORMWATER AND SURFACE WATER MANAGEMENT ENTERPRISE FOR THE CITY.

WHEREAS, the City operates and maintains a municipal stormwater system; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, 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 "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.
- 1.2 "Customer" means the person shown on City records as being responsible for payment on the water and/or sewer and/or solid waste and/or stormwater account.
- 1.3 "Developed" means any man-made change to real property including but not limited to buildings, other structures, streets, or parking lots.
- 1.4 "Director" means the Executive Director of Infrastructure or his/her designee.
- 1.5 "Duplex" or "townhome" means two or more dwelling units sharing a wall or other interconnections.
- 1.6 "Dwelling unit" means one or more rooms designed to accommodate one family and containing only one kitchen plus living, sanitary, and sleeping facilities.
- 1.7 "ERU" means equivalent residential unit. One ERU equals 2,900 square feet impervious area.
- 1.8 "Impervious Area" means any surface area that prevents or impedes the infiltration of stormwater into the soil of any real property. Impervious areas include, but are not limited to, rooftops, driveways, sidewalks, pavement, walkways, parking lots, and patio areas.

- 1.9 "Lot" means a designated area of land established by a plat and to be used, developed or built upon as a unit.
- 1.10 "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.
- 1.11 "Multifamily" means a residential structure having three or more dwelling units within such lot whereby the dwelling units are not individually owned.
- 1.12 "Nonresidential" service means service to Developed property other than Residential.
- 1.13 "Owner" means the fee owner of real property identified in the County property records.
- 1.14 "Property" means the real property that is served by the City's stormwater system.
- 1.15 "Residential" service means service to a single-family residence, a townhome, a duplex, or a manufactured home.
- 1.16 "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 requirement to pay a Residential Stormwater Charge.

Section 2. Stormwater Rates and Charges.

- 2.1 Residential Stormwater Charge. The following monthly charge is established for residential service inside the City.

\$5 per month per Lot

- 2.2 Nonresidential and Multifamily Stormwater Charge. The following monthly charge is established for Nonresidential and Multifamily service inside the City based on measured impervious area.

\$5 per month per ERU

The owner of any Nonresidential and/or Multifamily property required to pay a stormwater fee may request an appeal of the measured impervious area. Such appeal may be requested based upon incorrect or updated impervious area and

should be addressed to the Director or his/her designee. Such appeal shall be in writing and shall state with specificity and include evidence of the reason or reasons the owner believes the measured impervious area is not properly calculated. The Director or his/her designee may grant, deny, or grant in part and deny in part any such appeal and shall render a written decision within 60 calendar days following receipt of the appeal.

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 change a name on any such account to have stormwater service provided on accounts where the City does not also provide water, sewer, or trash, 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.

Section 4. 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 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 5. Adjustments by City Manager.

The City Manager or his/her designee shall have the authority to determine that the public interest is best served by:

- 5.1 Adopting rules and regulations to aid in the administration and interpretation of this ordinance.
- 5.2 Waiving charges when deemed appropriate and only after adopting written standards for granting waivers.

Section 6. Stormwater Assistance Program.

The Stormwater Assistance Program (Program) is intended to provide short-term assistance to customers meeting qualifying criteria during difficult economic times. The

Program is not intended to be permanent nor supersede any other programs or payment arrangements for customers currently offered to customers.

- 6.1 Qualification Criteria. To qualify for this Program, the Customer must provide evidence that the Customer's household income does not exceed 185% of the Federal Household Poverty Level or provide evidence that the Customer qualifies for any other assistance program for which the criteria is equal to or more restrictive than 185% of the Federal Household Poverty Level for the year in which the Customer seeks assistance. Examples of such other programs include: Low-Income Energy Assistance Program and Temporary Assistance for Needy Families. The City may utilize a third-party entity to determine qualification of applicants. The customer will need to reapply each year to receive assistance.
- 6.2 Program Funding. Funding is established by City Council through the annual budget appropriation process.
- 6.3 Assistance. Qualifying Customers will be eligible for an annual credit against their stormwater bill, or in the case where the customer resides in a multifamily master meter community, a one-time payment made payable to the property management company or leasing agent.
- 6.4 Ineligible Customers. Stormwater customers who are also water utility customers who have been assessed a fee for tampering associated with their water meter within the last three years are not eligible for this Program. Customers who provide false information or tamper with the meter shall be removed from the Program.
- 6.5 Other. Customers receiving assistance under this Program will still be subject to all provisions of this ordinance including late fees.

Section 7. 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 8. Inconsistent Ordinances Repealed.

All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 9. 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.

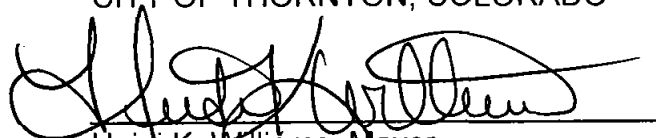
Section 10. Effective Date.

This ordinance shall take effect April 1, 2019.

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 November 27, 2018.

PASSED AND ADOPTED on second and final reading on December 18, 2018.

CITY OF THORNTON, COLORADO

  
Heidi K. Williams, Mayor

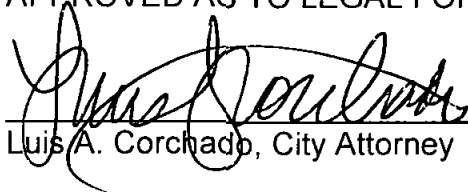
ATTEST:



Kristen N. Rosenbaum, City Clerk

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

APPROVED AS TO LEGAL FORM:



Luis A. Corchado, City Attorney

PUBLICATION:

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

Published on the City's official website after first reading on November 28, 2018, and after second and final reading on December 19, 2018.