

ORDINANCE NO.: 3748
INTRODUCED BY: Unrein

AN ORDINANCE REPEALING ORDINANCE 3712 AND REENACTING A NEW ORDINANCE PRESCRIBING STORMWATER RATES AND CHARGES FOR THE OPERATION AND MAINTENANCE OF THE STORMWATER SYSTEM FOR THE CITY OF THORNTON, COLORADO.

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:

1. Ordinance 3712 is hereby repealed in its entirety, effective January 1, 2026.
2. A new ordinance for the stormwater rates and charges for the operation and maintenance of the stormwater system 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 “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.
- 1.2 “Developed” means any man-made change to real property including but not limited to buildings, other structures, streets, or parking lots.
- 1.3 “Domestic” or “Residential” service means service to a single dwelling unit detached; dwelling unit 2 attached; and any multi-unit residential structure, or a manufactured home.
- 1.4 “Director” means the Executive Director of Infrastructure or his/her designee.
- 1.5 “Dwelling Unit” means one or more rooms designed to accommodate the occupancy limits as defined within the International Building Code, Chapter 10, Table 1004.1 and as amended plus independent living, sanitary, and sleeping facilities.
- 1.6 “Dwelling Unit 2 (DU2)” means a building with two dwelling units, that share a wall or floor/ceiling.
- 1.7 “ERU” means equivalent residential unit. One ERU equals 2900 square feet impervious area.

- 1.8 “Impervious Area” means hard surface area on a land parcel.
- 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 any preconstructed building unit or combination of preconstructed building units or closed panel systems that meet the requirements noted in Chapter 18 of this Code. It does not include travel trailers, campers, camper buses, motor homes, or recreational vehicles.
- 1.11 “Multi-unit residential” means a residential structure having three or more dwelling units.
- 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 dwelling unit detached, dwelling unit 2, any multi-unit residential structure, or a manufactured home.
- 1.16 “Single dwelling unit detached” means any building 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 as defined in Chapter 18 of this code shall be exempt from the requirements for a separate and independent connection to main service lines.

Section 2. Stormwater Rates and Charges.

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

\$5.48 per month per Dwelling unit

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

\$5.48 per month per ERU

The owner of any nonresidential 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 sixty (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.

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 Thornton 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.

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 60% of the State Median Income level (as determined annually by the U.S. Department of Health and Human Services or provide evidence that

the Customer qualifies for any other assistance program for which the criteria is equal to or more restrictive than 60% of the State Median Income 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 multi-unit 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. 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 9. Effective Date.

This ordinance shall take effect on January 1, 2026

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 September 10, 2025.

PASSED AND ADOPTED on second and final reading on September 23, 2025.

CITY OF THORNTON, COLORADO

DocuSigned by:



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Jan Kulmann, Mayor

ATTEST:

Signed by:



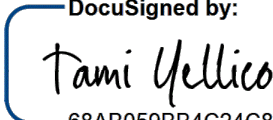
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Kristen N. Rosenbaum, City Clerk

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

APPROVED AS TO LEGAL FORM:

DocuSigned by:



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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 September 10, 2025, and after second and final reading on September 24, 2025.

COUNCIL COMMUNICATION

Meeting Date: September 23, 2025	Agenda Item: 12C	Agenda Location: CONSENT CALENDAR	<input type="checkbox"/> 1 st Reading <input checked="" type="checkbox"/> 2 nd Reading
Subject: An ordinance repealing Ordinance 3712 and reenacting a new ordinance prescribing stormwater rates and charges for the operation and maintenance of the stormwater system for the City of Thornton, Colorado.			
Department Head Review: Kimberly Newhart, Finance Director		Approved by: Tansy Hayward, City Manager	Ordinance previously introduced by: <u>Unrein</u>
Presenter(s): Kimberly Newhart, Finance Director			

SYNOPSIS:

The purpose of this item is to repeal Ordinance 3712 and reenact an ordinance prescribing stormwater rates and charges for the operation and maintenance of the stormwater system for the City of Thornton, Colorado.

RECOMMENDATION:

Staff recommends Alternative No. 1, adopt the proposed stormwater rate and charges ordinance.

BUDGET/STAFF IMPLICATIONS:

The proposed ordinance change will increase stormwater revenue by approximately \$290,000 in 2026.

ALTERNATIVES:

1. Approve the ordinance as recommended.
2. Do not approve the ordinance.

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

The proposed ordinance reflects a 6% rate increase in stormwater rates, effective January 1, 2026. This increase will result in an estimated average monthly residential bill of \$5.48, or an average increase of approximately \$0.31 per month.

City Council adopted Ordinance 3712 on November 19, 2024, prescribing the water rates and charges for 2025.

ATTACHMENTS:

Attachment A: Summary of Charges

ATTACHMENT A:

SUMMARY OF CHANGES

Stormwater Rates and Charges. The following monthly charges are established for residential service inside the City.

~~Effective January 1, 2025~~

~~Residential Stormwater \$ 5.17~~

Effective January 1, 2026

Residential Stormwater \$ 5.48

Stormwater Rates and Charges. The following monthly charges are established for non-residential service inside the City.

~~Effective January 1, 2025~~

~~Residential Stormwater \$ 5.17~~

Effective January 1, 2026

Residential Stormwater \$ 5.48

COUNCIL COMMUNICATION

Meeting Date: September 9, 2025	Agenda Item: 13A	Agenda Location: ACTION ITEMS	<input checked="" type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading
Subject: An ordinance repealing Ordinance 3712 and reenacting a new ordinance prescribing stormwater rates and charges for the operation and maintenance of the stormwater system for the City of Thornton, Colorado.			
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