

**CITY COUNCIL OF THE
CITY OF VICTOR, COLORADO**

ORDINANCE NO. 447

TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 338 AND ORDINANCE 348 TO MODIFY THE WATER CAPITAL REPLACEMENT FEE TO OFFSET THE COST OF THE NEW WATER TREATMENT PLANT

WHEREAS, Section 16 of Ordinance No. 338, as amended by Ordinance 348, establishes a capital replacement fee to cover capital costs of operating and maintaining the City water system;

WHEREAS, the City, through its water enterprise, borrowed approximately \$283,000 (the "Loan") to construct a new water treatment plant to ensure that users of the City's water system received safe and clean water;

WHEREAS, this loan must be repaid over a period of ten years;

WHEREAS, the residents of the City are repaying one-half of the Loan by allocating a portion of the water revenue received by City's Water Enterprise Fund to repayment of the Loan;

WHEREAS, the City Council finds that it is fair and equitable for non-City users of the City's water system to repay the other half of the Loan; and

WHEREAS, to provide for the repayment by non-City water users, the City Council finds and determines that a capital replacement fee of \$14.75 per month should be imposed on non-City water users

WHEREAS, the additional fee is anticipated to expire when the Loan is fully repaid, which will be in approximately ten years.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTOR, COLORADO:

Section 1. Section 16 of Ordinance No. 338, as amended by Ordinance 348, is hereby amended to read as follows:

Section 16. FEE FOR WATER CAPITAL REPLACEMENT FEES.

A. In addition to water usage rates, each account inside the City limits, whether or not actively connected, shall be charged a flat fee of three dollars (\$3.00) per month per Billable User. In addition to water usage rates, each account outside the City limits, whether or not actively connected, shall be charged a flat fee of seventeen dollars seventy five cents (\$17.75) per month per Billable User. Such fees shall be used for capital debt service and capital replacement reserve.

B. A "Billable User" means a single family living unit or single business unit. The

number of such units may be determined by the number of physical taps, separate residences (such as a duplex unit, apartment, condominium, mobile home, etc.), business licenses, or distinct physical or legal business activities, or any combination of the above, as determined by the City Council. Notwithstanding the above, a building used primarily for professional activities shall be assessed one such fee for each distinct unit containing plumbing fixtures.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Victor, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, FIRST READ, PASSED AND ORDERED PUBLISHED IN FULL ON FIRST READING THIS 12th DAY OF JANUARY, 2006.

Kathy Justice, Mayor

ATTEST:

Daniel S. Delaney, City Clerk

PASSED, ADOPTED, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY ON SECOND READING THIS _____ DAY OF _____, 2006.

Kathy Justice, Mayor

ATTEST:

Daniel S. Delaney, City Clerk

APPROVED AS TO FORM:

Kendra L. Carberry, City Attorney

PUBLISHED: _____