

**Town of Basalt, Colorado
Ordinance No. 6
Series of 2021**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, APPROVING WATER RATE CHARGES PURSUANT TO SECTION 13-
47 OF THE TOWN CODE**

RECITALS

- A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to approve water rates for users of water pursuant to the Town Code.
- B. The Town Staff utilized the 2010 water rate study completed by the Town's engineer, SGM, to determine the new water rates which recommended an initial rate increase of 21% to balance revenues to expenses (the "Rate Study"). A range of annual increases were also recommended which varied from 3.9% to 4.88%. The Rate Study is incorporated herein by this reference.
- C. By Ordinance No. 2, Series of 2019 ("Ordinance No. 2"), the Town Council amended water rates to increase rates by 45%, consistent with the Rate Study; however, the water rates set forth in Ordinance No. 2 were slightly less than a 45% increase and the water rates billed were consistent with a 45% increase. Further consistent with the contemplated 45% increase, the 2019, 2020, and 2021 budgets all reflect a 45% increase to the pre-Ordinance No. 2 rates, which are slightly more than the rates set forth in Ordinance No. 2.
- D. In addition, despite the increase to out-of-Town rates in Ordinance No. 2, the Town continued bill usage rates at pre-Ordinance No. 2 rates (base rates were consistent with Ordinance No. 2).
- E. Accordingly, the Town Council wishes to "clean up" the water rates being charged by re-adopting and setting forth the water rates in full and making appropriate amendments to Section 13-47 of the Town Code;
- F. At a public meeting on May 11, 2021, the Town Council considered this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance on May 25, 2021 for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.
- G. At a public hearing held on May 25, 2021, the Town Council considered the testimony as offered by the Town Staff and members of the public.
- H. The Town Council finds and determines it is in the best interests of the Town to approve the Water Rates as provided herein. The Town Council finds and determines the Water Rates approved herein are reasonably necessary to

promote the legitimate public purposes of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated herein as findings of Town Council.
2. Water Rates. Pursuant to Section 13-47(a) of the Town Code, the Town Council hereby approves the following water rates:

(a) *In Town Water Users*. In addition to other applicable charges, customers in the Town shall pay a water service charge consisting of two (2) parts, base charge and gallons-used charge, which shall be paid as follows:

- (1) Base Charge of \$79.75 per EQR; and
- (2) Gallons-Used Charge of:

<u>Gallons Used per EQR</u>	<u>Charge per 1,000 Gallons</u>
0 to 31,500	\$2.51
31,501 to 80,325	\$3.45
80,326 to 111,600	\$7.06
111,601 and more	\$8.63

(b) *Outside of Town Water Users*. In addition to other applicable charges, customers outside the Town shall pay a water service charge consisting of two (2) parts, base charge and gallons-used charge, which shall be paid as follows:

- (1) Base Charge of \$117.00 per EQR; and
- (2) Gallons-Used Charge of:

<u>Gallons Used per EQR</u>	<u>Charge per 1,000 Gallons</u>
0 to 31,500	\$3.48
31,501 to 80,325	\$4.79
80,326 to 111,600	\$9.79
111,601 and more	\$11.96

(c) Such rates shall remain in effect until amended, repealed, or replaced by ordinance of the Town Council.

3. Amendments to Section 13-47. The Town Council hereby amends Section 13-47 of the Town Code with the ~~strike-through~~ deletions, and **bold, underlined** additions set forth below:

Sec. 13-47. - Water rates.

- (a) *Basic rate.* Except for those users set forth in the Subsections below, the charge for water service within and outside of the Town shall consist of two (2) parts, base charge and gallons used charge. The amount of such base charges and gallons-used charges shall be set on a periodic basis by ordinance of the Town Council and may distinguish between water users inside and outside of the Town corporate limits.
- (b) [Deleted].
- (c) *Governmental or nonprofit entities requiring processed water.* The availability of service and the rate structure for governmental entities requiring processed water shall be determined by the Town Council.
- (d) *Reduced rates for certain persons.*
- (1) Upon written request to the Town Manager, who shall make such decision, by the owner of a residential unit showing compliance with the requirements of this Subsection, the charge for water service within the Town to such unit shall be ~~thirty-four dollars (\$36.7934.00)~~ per quarter and the charge for water service outside the Town limits shall be ~~sixty-five dollars (\$103.4665.00)~~ per quarter. Gallons used will be calculated at the rates referenced in Section 13-47(a). The requirements for receiving such a reduced rate are as follows:
- a. The applicant must be a resident of the Town for not less than thirty-two (32) consecutive days or an outside-of-Town-limits water user for not less than thirty-two (32) consecutive days.
 - b. The applicant must be the owner of the property or the person obligated to pay for services and a resident of the property for which the reduced rate is requested. Compliance with this Section must be certified annually by completing an affidavit included with the January billing every year.
 - c. The applicant must be sixty-two (62) years of age or older or have a permanent disability preventing the person from having a regular source of income. An affidavit from a physician, the State or the County must be submitted for a rate reduction due to a disability.
- (2) Any person aggrieved by the decision of the Town Manager may appeal said decision to the Town Council upon written notice of appeal

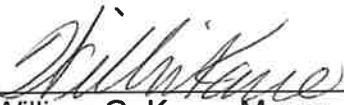
submitted to the Town Manager within ten (10) days from the date of the decision by the Town Manager, which notice shall state the basis of such appeal. The appeal shall be decided by the Town Council within thirty (30) days from the date said notice is submitted, and said decision shall be final.

- (e) **Standby and Disconnected tap service fees.** Taps to which water service has **not yet been connected or has** been disconnected shall be charged a fee of ~~ten dollars (\$15.67)~~ **10.00** per quarter. Failure to pay this charge as provided in Section 13-42 will result in the loss of the tap. **Upon loss of the tap, and in** order to reinstate service to that location, a new tap fee is required as per Section 13-26(a).
- (f) **Bulk water rates.** Water may be purchased in bulk from the Town for a fee of six dollars (\$6.00) per one thousand (1,000) gallons, provided that a permit has been secured from the Water Superintendent and it is in the possession of the user. The permit for such bulk water usage shall be five dollars (\$5.00) plus a four-hundred-dollar deposit to cover plant damages (including fire hydrants). The Water Superintendent must be notified each time water is purchased in bulk.
4. **Severability.** If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.
5. **Effective Date.** This Ordinance shall be effective 14 days after final publication in accordance with the Town of Basalt Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING TO BE HELD ON May 25, 2021 by a vote of 7 to 0 on May 11, 2021.

AFTER A PUBLIC HEARING AND SECOND READING, THE ORDINANCE WAS ADOPTED by a vote of 6 to 0 on May 25, 2021.

TOWN OF BASALT, COLORADO

BY: 
William G. Kane, Mayor

ATTEST:


Pamela K Schilling, Town Clerk

First Publication: 05/20/2021
Final Publication: 06/03/2021
Effective Date: 06/17/2021