

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO
ORDINANCE NO. 2022-679**

AN ORDINANCE AMENDING THE TOWN OF LOCHBUIE 2011 FEE SCHEDULE TO INCREASE THE SEWER PLANT INVESTMENT FEE AND USER RATES AS PREVIOUSLY APPROVED BY THE LOCHBUIE MUNICIPAL SEWER BOARD

WHEREAS, the Town of Lochbuie ("Town") is a Colorado statutory town that, through its Wastewater Enterprise, owns and operates a wastewater treatment plant and supply system; and

WHEREAS, in accordance with Section 2-2-180 of the Lochbuie Municipal Code, the Board of Trustees ("Board") of the Town is authorized to establish, suspend, repeal and amend by resolution those rates, tolls, charges and fees imposed by the Town; and

WHEREAS, Sections 31-35-615 and 31-35-701, C.R.S., authorize the Town to fix rates for connection with its sewerage system by ordinance as may be just, reasonable and necessary; and

WHEREAS, by Resolution No. 2011-4, the Board of Trustees adopted the 2011 Fee Schedule for the Town of Lochbuie, which is currently in effect except as may have been amended by intervening resolution or ordinance of the Board, including without limitation Ordinance 623 setting wastewater rates effective January 1, 2018; and

WHEREAS, the Town imposes wastewater plant investment fees ("PIFs") on new development within the Town to defray the costs of capital improvements needed to sustain and grow the wastewater treatment system and imposes user rates on customers to defray the costs of operating and maintaining the wastewater treatment plant and system; and

WHEREAS, the Town is a party to the First Amended and Restated Beebe Draw Wastewater Service Agreement entered into on August 14, 2009, by and between the Town of Lochbuie, the City of Brighton and the South Beebe Draw Metropolitan District ("WSA"), which required the Town to establish the Lochbuie Municipal Sewer Board as authorized by Section 31-35-501, *et seq.* C.R.S.; and

WHEREAS, the WSA governs the actions of the Lochbuie Municipal Sewer Board in setting PIF rates and user rates for funding the construction and operation of the Lochbuie Wastewater Treatment Plant; and

WHEREAS, the WSA does not govern the action of the Town in setting PIF rates for the Town's wastewater collection system; and

WHEREAS, Section 3.26.1 of the WSA provides that the annual setting of user rates shall require a supermajority concurring vote of four (4) voting members of the Lochbuie Municipal Sewer Board (with provisions if a supermajority vote cannot be obtained); and

WHEREAS, Section 3.26.2 of the WSA provides that the annual setting of user rates shall require a supermajority concurring vote of four (4) voting members of the Lochbuie Municipal Sewer Board (with provisions if a supermajority vote cannot be obtained); and

WHEREAS, the Lochbuie Municipal Sewer Board and the Town Board of Trustees undertook a study of the wastewater treatment plant and sewer system capital improvement needs and rates, which study was presented to and considered by the Sewer Board and the Town Board of Trustees; and

WHEREAS, consistent with the decision of the Lochbuie Municipal Sewer Board dated November 3, 2022, it is in the Town’s best interest to raise the sewer Plant Investment Fees required of new development within the Town and to raise the volumetric based sewer user fees as set forth herein starting January 1, 2023; and

WHEREAS, based on the same study presented to the Lochbuie Municipal Sewer Board, and the recognized future capital improvement needs of the Town’s wastewater collection system, the Town Board of Trustees finds that the previously adopted fees charged by the Town to defray necessary capital improvement costs associated with the Town’s wastewater collection system should be increased in amounts recommended in the study starting January 1, 2023; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO:

Section 1. Revisions to Fee Schedule. The Revised 2011 Fee Schedule previously adopted by Resolution 2011-4 is further amended to increase Wastewater Treatment Plant PIFs and Wastewater Collection System PIFs and user fees as shown in the charts below.

A. Effective upon the effective date of this ordinance, sewer treatment PIF rates shall be adjusted as follows:

5/8" tap Lochbuie & 3/4" tap Lochbuie / Brighton	\$4,830
1" tap	\$8,066
1 ½" tap	\$16,084
2" tap	\$25,744
3" tap	\$51,536
4" tap	\$80,516

B. Effective upon the effective date of this ordinance, sewer collection PIF rates shall be adjusted as follows:

5/8" tap Lochbuie & 3/4" tap Lochbuie / Brighton	\$3,900
1" tap	\$6,500
1 ½" tap	\$13,000
2" tap	\$20,800

3" tap	\$41,600
4" tap	\$65,000

C. Effective with the first meter reading (rates to be applied to all usage measured at such reading) in 2023, sewer user base and volumetric rates shall be as follows:

Customer Type	Monthly Base Rate \$ per Bill
Residential	\$14.68
Commercial	\$36.70
Schools	\$22.40

Lochbuie Volumetric Rate (per 1,000 gallons)	\$4.64
Brighton Wholesale Rate (per 1,000 gallons)	\$4.07

Section 2. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 3. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, 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 Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of 6 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only this 6th day of December, 2022.

TOWN OF LOCHBUIE, COLORADO


Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of December 6th, 2022, and ordered published by title only one time by *The Brighton Blade* newspaper on December 15, 2022.




Heather Meierkort, Town Clerk