

ORDINANCE NO. 168, 2017  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26, ARTICLES VI AND VII OF THE CODE OF THE CITY OF  
FORT COLLINS TO CORRECT ERRORS IN HOW CERTAIN UTILITY FEES FORMULAE  
ARE EXPRESSED RELATED TO ELECTRIC UTILITY DEVELOPMENT FEES AND  
SINGLE-FAMILY RESIDENTIAL STORMWATER UTILITY FEES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the City Charter, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, Articles VI and VII, Chapter 26 of the City Code, respectively, establish the electric utility and stormwater utility as utility services furnished by and enterprises of the City; and

WHEREAS, on October 3, 2006, City Council adopted Ordinance No. 141, 2006, which modified the stormwater utility fee charge for residential and non-residential lots, including the formula for single-family residential lots larger than 12,000 square feet; and

WHEREAS, during codification of the updates in Ordinance No. 141, 2006, additional characters were added to the formula at City Code Sec. 26-514 for single-family residential lots larger than 12,000 square feet which did not appear in the ordinance as adopted; and

WHEREAS, pursuant to City Code Secs. 26-473 through 26-475, the City imposes development fees for new or modified electric service connections, comprised of an Electric Capacity Fee (ECF) and a Building Site Charge, designed to recover the cost of adding new development to the electric system, and the actual time and materials costs associated with building on site electric facilities at the specific development; and

WHEREAS, on June 6, 2017, City Council adopted Ordinance No. 068, 2017, which modified the ECF charge for non-residential developments by updating formulae for calculating the single-phase and three-phase service kilo-watt components of the ECF in City Code Sec. 26-475; and

WHEREAS, Ordinance No. 068, 2017 omitted a portion of the single-phase and three-phase service kilo-watt components of the ECF formulae, though the complete formulae were described by staff when that Ordinance was adopted; and

WHEREAS, the correct single-family residential stormwater utility fee and ECF have been billed and collected since the adoption of the respective updates, despite the typographical errors stated in the City Code for the two formulae; and

WHEREAS, Utilities staff recommends correcting the statements of the single-family residential storm water utility fee and ECF in the City Code to conform to the intended fee formulae adopted by City Council and as have been used to calculate billings since each fee was adopted; and

WHEREAS, prior to adoption of Ordinance No. 068, 2017, staff provided mail and published notice to customers of the proposed changes to the ECF charge, as required by C.R.S. §40-3.5-104; and

WHEREAS, pursuant to C.R.S. §40-3.5-104 (3), City Council finds the ECF formula corrections described herein are clerical in nature, comport with the intent of Ordinance No. 068, 2017, and good cause exists for not providing renewed mail and published notice of the formula corrections, which corrections shall go into effect and be published as described in Article II, Section 7 of the City Charter; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the formulae stated therein of the single-family residential stormwater utility fee on lots larger than 12,000 square feet and the ECF charge for non-residential developments, as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-475(b)(1) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-475. - Nonresidential electric development fees and charges.**

(b) The ECF shall be the total of the kVA service charge and systems modification charge, to be determined as follows:

(1) The kVA service charge shall be determined as follows.

a. For customer electric loads served by the utility, the kVA service charge shall be calculated as follows:

|   |  |
|---|--|
| ECF shall be calculated as follows:   |  |
| secondary metered services  | $\$/kW = 320.31 + 21 \times \ln(kW)$                                       |
| primary metered services  | $\$/kW = 212.78 + 7.89 \times \ln(kW),$                                    |
| Where ln is the natural logarithm   |  |
| kW is calculated as follows:  |  |
| three phase services  | $kW = A \times V \times \text{SQRT}(3) \times \text{PF} \times 0.3 / 1000$ |
| single phase services   | $kW = A \times V \times \text{PF} \times 0.3 / 1000$                       |
| Where A is the requested amperage. V is requested line to line voltage. PF is the power factor, which is assumed to be 0.9. |  |

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Section 3. That Section 26-514(a)(6) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-514. - Determination of stormwater utility fee.**

(a) The stormwater utility fee shall be determined as set forth in this Section, and shall be based upon the area of each lot or parcel of land and the runoff coefficient of the lot or parcel. For the purposes of this Section, the total lot or parcel area shall include both the actual square footage of the lot or parcel and the square footage of open space and common areas allocated to such lot as provided in Paragraph (4) of this Subsection. The stormwater utility fee shall recover the costs of both operations and maintenance and a portion of capital improvements. The Utilities Executive Director shall determine the rates that shall apply to each specific lot or parcel of land within the guidelines herein set forth and shall establish the utility fee in accordance with the rate together with the other factors set forth as follows:

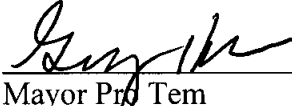
....

(6) Single-family residential lots or parcels larger than twelve thousand (12,000) square feet, but not larger than one-half (1/2) acre, shall be assessed on the basis of the first twelve thousand (12,000) square feet in accordance with the formula described in (5) above, and the remainder shall be assessed in accordance with the following formula:

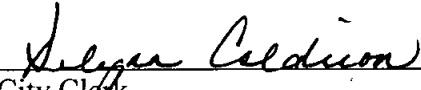
$$\text{Remainder of monthly fee} = (\text{remaining area}) \times (\text{rate factor}) \times (\text{base rate}) \times (0.25).$$

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Introduced, considered favorably on first reading, and ordered published this 5th day of December, A.D. 2017, and to be presented for final passage on the 19th day of December, A.D. 2017.

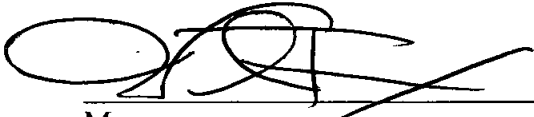
  
\_\_\_\_\_  
Mayor Pro Tem

ATTEST:

  
\_\_\_\_\_  
City Clerk



Passed and adopted on final reading on the 19th day of December, A.D. 2017.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

