

ORDINANCE NO. 005, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO CLARIFY WATER AND SEWER PLANT INVESTMENT FEES

WHEREAS, the City owns and operates Fort Collins Utilities, which includes a Water Utility and a Wastewater Utility; and

WHEREAS, City Code Sections 26-120 provides for water plant investment fees (“WPIFs”) and subsection (c) states that no user of City water shall make any changes or additions to the property served that would significantly affect the nature or quantity of the use of water without first obtaining a new water service permit from the utility; and

WHEREAS, there is the potential for the nature or quantity of the use of water to be changed when users of City water increase their annual allotment by meeting an additional Water Supply Requirement pursuant to City Code Section 26-149(g) and related sections of City Code, which results in the issuance of a new water service permit; and

WHEREAS, City Code Sections 26-283 provides for sewer plant investment fees (“SPIFs”) and subsection (c) states that no wastewater utility user shall make any changes or additions to the property served or operations at the property that would significantly affect the nature or quantity of the wastewater discharged and/or cause a change in the category of use without first obtaining the approval of the Utilities Executive Director and paying a SPIF based on the altered service; and

WHEREAS, there is the potential for the nature or quantity of the wastewater discharged and/or cause a change in the category of use to be significantly affected when wastewater utility users increase the annual allotment by meeting an additional Water Supply Requirement pursuant to City Code Section 26-149(g) and related sections of City Code for water service permits associated with the wastewater service; and

WHEREAS, City Code historically has not expressly stated that increases in a water users’ annual allotments are changes that may require additional WPIFs and SPIFs, although this has been the meaning and intent of the above sections of City Code; and

WHEREAS, the City Manager and City staff have also recommended to the City Council that City Code be clarified in this respect; and

WHEREAS, the Water Board considered the proposed clarification to City Code at its meeting on October 15, 2020, and recommended approval of the proposed adjustments; and

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

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

Section 2. That Section 26-120 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-120. Water plant investment fees.

...

- (c) No user of City water shall make any changes or additions to the property served that would significantly affect the nature or quantity of the use of water without first obtaining a new water service permit from the utility and paying the WPIF based on the new use. Such changes include without limitation the resumption of service by replacement of an abandoned service line, an increase in the size of the water meter, an increase in the number of dwelling units or the lot area to be served, an increase of the annual allotment, and a change from residential to nonresidential use.

...

Section 3. That Section 26-283 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-283. - Sewer plant investment fees (SPIF); basis.

...

- (c) No wastewater utility user shall make any changes or additions to the property served or operations at the property that would significantly affect the nature or quantity of the wastewater discharged and/or cause a change in the category of use without first obtaining the approval of the Utilities Executive Director and paying a SPIF based on the altered service. Such changes include without limitation the replacement of an abandoned service line, an increase in the water or sewer tap size, an increase in the number of dwelling units, a change from residential use to nonresidential use, an increase of the annual allotment for a water service permit associated with the wastewater service, or a modification of production by a nonresidential user.

...


Introduced, considered favorably on first reading, and ordered published this 5th day of January, A.D. 2021, and to be presented for final passage on the 19th day of January, A.D. 2021.

ATTEST:


City Clerk



Passed and adopted on final reading on the 19th day of January, A.D. 2021.


Mayor

ATTEST:


City Clerk

