

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB16-XXXX
COMMITTEE OF REFERENCE:
Infrastructure & Culture

A BILL

For an ordinance amending Article III of Chapter 56 of the Denver Revised Municipal Code regarding sanitary sewage service charges and storm drainage service charges.

WHEREAS, as a matter of public health and safety, the City prevents water and stream pollution by control of sewage and storm wastes,

WHEREAS, in order to control sewage and storm waste, the City pays the costs of planning, engineering, construction, replacement, operation, maintenance and other costs related to sewage and storm system facilities,

WHEREAS, the City has fully reviewed and considered necessary revisions to matters governing sanitary sewage and storm drainage service charges in order to continue to control sewage and storm wastes due to a growing population in the City of Denver,

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Section 56-93, Article III, Division 3, of Chapter 56 of the Denver Revised Municipal Code shall be amended by deleting the language stricken and adding the language underlined as follows:

Sec. 56-93. - Sanitary sewage service charges within the city.

(a) Rates. The sanitary sewage service charge for each monthly period which shall be made to and against, and collected from each and every lot, parcel of land, building or premises within the legal boundaries and political jurisdiction of the city, and the owners thereof, which are connected to and discharging or to which, by virtue of such connection, there is available the opportunity to discharge sewage, industrial waste, water, liquid or wastewater into the sanitary sewerage system of the city shall be the greatest of the amounts computed as set forth and described in subsections (1) through (4) or in accordance with subsection (5) as follows:

(1) For each residential unit: Monthly charge of ~~\$7.74~~10.85 effective July 1, ~~2011~~2016; monthly charge of ~~\$8.90~~11.39 effective ~~July~~January 1, ~~2012-2017~~; monthly charge of ~~\$9.79~~11.85 effective ~~July~~January 1, ~~2013~~2018; monthly charge of \$12.32 effective January 1, 2019; monthly charge of \$12.81 effective January 1, 2020.

(2) For other than residential units, the charge shall be computed in relation to the rated size of the water meter as follows:

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Size (inches)	July 1, 2011	July 1, 2012	July 1, 2013	July 2016	January 2017	January 2018	January 2019	January 2020
5/8	\$7.74	\$8.90	\$9.79	\$10.85	\$11.39	\$11.85	\$12.32	\$12.81
¾	11.64	13.35	14.69	16.29	17.10	17.78	18.49	19.23
1	19.34	22.24	24.46	27.11	28.47	29.61	30.79	32.02
1¼	29.06	33.42	36.76	40.75	42.79	44.50	46.28	48.13
1½	38.73	44.54	48.99	54.31	57.03	59.31	61.68	64.15
2	61.93	71.22	78.34	86.84	91.18	94.83	98.62	102.56
3	116.10	133.52	146.87	162.81	170.95	177.79	184.90	192.30
4	193.55	222.58	244.84	271.43	285.00	296.40	308.26	320.59
6	387.09	445.15	489.67	542.82	569.96	592.76	616.47	641.13
8	619.60	712.54	783.79	868.86	912.30	948.79	986.74	1,026.21
10	890.29	1,023.83	1,126.21	1,248.45	1,310.87	1,363.30	1,417.83	1,474.54
12	1,664.44	1,914.11	2,105.52	2,334.06	2,450.76	2,548.79	2,650.74	2,756.77

1 (3) For users whose potable water is metered or measured, whether by the board of water
 2 commissioners or by other methods approved by the manager of public works or both
 3 (metered customers), the charge shall be computed by multiplying the volume of potable
 4 water into the premises during the billing period by ~~\$2.833.97~~/thousand gallons effective
 5 July 1, 2011~~2016~~; ~~\$3.254.17~~/thousand gallons effective July~~January~~ 1, 2012~~2017~~;
 6 ~~\$3.584.34~~/thousand gallons effective July~~January~~ 1, 2013~~2018~~; ~~\$4.51~~/thousand gallons
 7 effective January 1, 2019; ~~\$4.69~~/thousand gallons effective January 1, 2020.

8 (4) For users whose potable water is not metered or measured (flat rate customers), the
 9 charge shall be one-twelfth of the annual charge which shall be computed by multiplying
 10 the annual equivalent sewage contribution by ~~\$3.97~~/thousand gallons effective July 1,
 11 2016; ~~\$4.17~~/thousand gallons effective January 1, 2017; ~~\$4.34~~/thousand gallons effective
 12 January 1, 2018; ~~\$4.51~~/thousand gallons effective January 1, 2019; ~~\$4.69~~/thousand
 13 gallons effective January 1, 2020~~\$2.83~~/thousand gallons effective July 1, 2011;
 14 ~~\$3.25~~/thousand gallons effective July 1, 2012; ~~\$3.58~~/thousand gallons effective July 1,
 15 2013. The annual equivalent sewage contribution shall be the total of the annual unit
 16 equivalent sewage contributions in relation to the number of rooms and water-using
 17 devices in the premises of the users as follows:

Equivalency Factors	Annual Unit Equivalent Sewage Contribution (in thousands of gallons)
Room (1—4, each)	8.030
Room (all rooms over 4, each)	1.736

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First bath facility	16.425
Each additional bath facility	10.950
First water closet	21.000
Each additional water closet	14.600
Each water-using device	5.475

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(5) For users whose sewage is measured by a meter or method approved by the manager of public works, the charge shall be computed by multiplying the volume of sewage during the billing period by \$3.97/thousand gallons effective July 1, 2016; \$4.17/thousand gallons effective January 1, 2017; \$4.34/thousand gallons effective January 1, 2018; \$4.51/thousand gallons effective January 1, 2019; \$4.69/thousand gallons effective January 1, 2020~~\$2.83/thousand gallons effective July 1, 2011; \$3.25/thousand gallons effective July 1, 2012; \$3.58/thousand gallons effective July 1, 2013.~~

(b) Billing periods. Whenever the manager of public works shall determine that it is necessary or appropriate, he may designate a sanitary sewer account to be billed other than monthly. Such a designation may be used for the convenience of the city or for accounts such as those including an industrial waste surcharge, water gain factor (well), water loss factor (e.g., evaporation or product usage) or high-volume water usage. For users who are designated for sanitary sewer billing on a different periodicity, those who qualify for charges under subsection (a)(1) or (2) of this section shall be charged at prorated amounts based on the rates shown in those subsections for each billing period. Otherwise, the charges will be computed as shown in subsections (a)(3), (4) or (5), as appropriate.

~~(c) Billing system surcharge. Beginning July 1, 2011, and ending December 31, 2011, in addition to the sanitary sewage charge specified in subsection (a) of this section, a billing system surcharge in the amount of \$2.25 per month shall be billed to all sanitary sewer users in the same frequency as the service charge.~~

~~(d)~~ (dc) CPI-U adjustment. On ~~July~~January 1, ~~2014~~2021, and annually thereafter, the current rates named above in subsection (a) of this section shall be adjusted, in an amount equal to the percentage change from the previous year in the CPI-U. The percentage change to be applied to the rates shall be calculated as follows:

- CPI for current period, Less CPI for previous period:
- Equals index point change
- Divided by previous period CPI
- Equals result multiplied by 100
- Equals percent change

~~(e) Report to council. The manager shall provide a report to city council concerning the fiscal status of the wastewater management enterprise fund, including both the sanitary and storm sewer sub funds, by May 31, 2012.~~

Section 2. That Section 56-94, Article III, Division 3 of Chapter 56 of the Denver Revised Municipal Code shall be amended by deleting the language stricken and adding the language

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underlined as follows:

Sec. 56-94. - Industrial waste surcharge within the city.

(a) In addition to the sanitary sewage service charge set forth in section 56-93, a sewer service surcharge calculated in accordance with the following formula shall be billed to and paid by industrial waste customers in the same frequency as the service charge:

~~SC = (V × 8.34) × [\$(0.2035)(BOD - 255 mg/l) + (\$0.1694)(SS - 260 mg/l) + (\$0.1074)(TKN-40 mg/l)]~~

Beginning July 1, 2016:

SC = (V × 8.34) × [\$(0.2317)(BOD - 255 mg/l) + (\$0.2308)(SS - 260 mg/l) + (\$0.2830)(TKN-40 mg/l)]

Beginning January 1, 2017:

SC = (V × 8.34) × [\$(0.2600)(BOD - 255 mg/l) + (\$0.2922)(SS - 260 mg/l) + (\$0.4587)(TKN-40 mg/l)]

Beginning January 1, 2018:

SC = (V × 8.34) × [\$(0.2882)(BOD - 255 mg/l) + (\$0.3536)(SS - 260 mg/l) + (\$0.6343)(TKN-40 mg/l)]

Where:

SC	=	Surcharge in dollars and cents.
V	=	Volume of sewage in millions of gallons contributed to the city's sewerage system by the user during the billing period.
8.34	=	Conversion factor; one (1) gallon of water to pounds.
mg/l	=	Milligrams/liter

(b) The surcharges for BOD, SS and TKN are applied separately. If the strength of either BOD, SS or TKN is less than or equal to the upper limit of normal strength sewage, there shall be no surcharge for that particular category, nor shall there be any credit towards the total surcharge.

Section 3. That Section 56-112, Article III, Division 4 of Chapter 56 of the Denver Revised Municipal Code shall be amended by deleting the language stricken and adding the language underlined as follows:

Sec. 56-112. Storm drainage service charge.

(a) There is hereby imposed on each and every lot or parcel of land within the city, and the owners thereof, a storm drainage service charge. This charge is deemed reasonable and is necessary to pay for (1) the operation, maintenance, improvement and replacement of the existing city storm drainage facilities, and (2) the operation, maintenance, and replacement of future facilities. All of the proceeds of these service charges are deemed to be in payment for use of the city storm drainage system by the real property on, and with respect to, which the charge is imposed, and the owners thereof. Real property owned by the city pursuant to the Charter

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1 authority of the department of aviation shall not be subject to payment of such service charge
2 for so long as the department of aviation performs all necessary and appropriate maintenance,
3 repair, replacement and future construction relating to storm drainage facilities located on such
4 real property.

5 (b) (1) The storm drainage service charge shall be payable in advance, annually or at some other
6 billing frequency that the manager shall determine is necessary and appropriate and shall
7 be paid to the city, as billed by the city, by the owner or owners of each and every lot or
8 parcel of real property located within the political jurisdiction of the city and shall be
9 computed by first determining the ratio of impervious surface, as defined herein, for the lot
10 or parcel of real property; second, based on the aforesaid ratio determination assigning the
11 lot or parcel of real property to a ratio group as defined and set forth herein; and third,
12 multiplying the drainage service charge per one hundred (100) square feet for the
13 assigned ratio group by the number of one hundred (100) square feet of impervious
14 surface in or on the lot or parcel; provided, however, that the annual storm drainage
15 service charge for each lot or parcel of real property in or on which there is impervious
16 surface shall not be less than ~~twelve-fifteen~~ dollars and ~~thirty-one-two~~ cents (~~\$12.3415.02~~)
17 effective July 1, 2011 2016; ~~twelve-sixteen~~ dollars and ~~fifty-six-sixty-seven~~ cents
18 (~~\$12.5616.67~~) effective July 1, 2012 January 1, 2017; ~~twelve eighteen~~ dollars and ~~eighty-~~
19 ~~one~~ fifty cents (~~\$12.8418.50~~) effective ~~after July 1, 2013~~ January 1, 2018; ~~twenty~~ dollars
20 and thirty-five cents (\$20.35) effective January 1, 2019; ~~and twenty-two dollars and thirty-~~
21 ~~nine cents (\$22.39)~~ effective January 1, 2020. On July 1, 2014 January 1, 2021 and
22 thereafter, the minimum storm drainage service charge shall be adjusted annually, based
23 on the percentage change from the previous year in CPI-U as that term is defined in
24 subsection 56-92(13.5). The percentage change to be applied to the minimum charge shall
25 be calculated as set forth in subsection 56-93(d).

26 (2) For users who are not billed on an annual basis, charges under subsection (b)(1) of this
27 section shall be prorated for each billing period.

28 (c) The manager of public works shall determine the number of square feet of impervious surface
29 in or on the real property of each owner or owners thereof using the definition of impervious
30 surface set forth in this division by any of the following methods:

31 (1) On-site measurements of the impervious surface in or on such real property made by the
32 city or in its behalf;

33 (2) Computation of the impervious surface using the dimensions of the impervious surfaces in
34 or on the real property which are set forth and contained in the records of the office of the
35 assessor of the city;

36 (3) Estimation, calculation and computation of the impervious surfaces using aerial
37 photography, photogrammetry, or equivalent technology, or using the information and data
38 from on-site measurements of like or similar property or features or as contained in the
39 records of the city which set forth certain characteristics of the improvements on such real
40 property such as the sum of the living space above the basement level in all buildings on
41 the real property, the number of garages, the area of the real property, the year of
42 construction of the buildings, the number of garage spaces, the assessor's use code, the
43 number of levels in the primary building, and the assessor's class code, hereinafter
44 referred to as "assessor's characteristics" of the improvements of such real property and
45 actual measurements made by the city, or in its behalf, if any, of impervious surfaces in or
46 on real properties whose assessor's characteristics are similar to those assessor's
47 characteristics of the real property for which the estimation, calculation and computation is
48 made.

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1 **Section 4.** That Section 56-113, Article III, Division 4 of Chapter 56 of the Denver Revised
 2 Municipal Code shall be amended by deleting the language stricken and adding the language
 3 underlined as follows:

4 **Sec. 56-113. Storm drainage service unit charge.**

5 (a) The storm drainage service unit charge per one hundred (100) square feet of impervious
 6 surface per twelve-month period for each ratio group is fixed as follows:

Ratio Group	July 2011	July 2012	July 2013	<u>July</u> 2016	<u>January</u> 2017	<u>January</u> 2018	<u>January</u> 2019	<u>January</u> 2020
.0 to .10	\$1.73	\$1.76	\$1.80	<u>\$2.11</u>	<u>\$2.34</u>	<u>\$2.60</u>	<u>\$2.86</u>	<u>\$3.15</u>
.11 to .20	2.17	2.21	2.25	<u>2.63</u>	<u>2.92</u>	<u>3.24</u>	<u>3.56</u>	<u>3.92</u>
.21 to .30	2.62	2.67	2.72	<u>3.20</u>	<u>3.55</u>	<u>3.94</u>	<u>4.33</u>	<u>4.76</u>
.31 to .40	3.10	3.16	3.22	<u>3.77</u>	<u>4.18</u>	<u>4.64</u>	<u>5.10</u>	<u>5.61</u>
.41 to .50	3.54	3.61	3.68	<u>4.31</u>	<u>4.78</u>	<u>5.31</u>	<u>5.84</u>	<u>6.42</u>
.51 to .60	3.77	3.85	3.93	<u>4.61</u>	<u>5.12</u>	<u>5.68</u>	<u>6.25</u>	<u>6.88</u>
.61 to .70	4.01	4.09	4.17	<u>4.90</u>	<u>5.44</u>	<u>6.04</u>	<u>6.64</u>	<u>7.30</u>
.71 to .80	4.46	4.55	4.64	<u>5.44</u>	<u>6.04</u>	<u>6.70</u>	<u>7.37</u>	<u>8.11</u>
.81 to .90	4.91	5.01	5.11	<u>5.98</u>	<u>6.64</u>	<u>7.37</u>	<u>8.11</u>	<u>8.92</u>
.91 to 1.00	5.38	5.49	5.60	<u>6.57</u>	<u>7.29</u>	<u>8.09</u>	<u>8.90</u>	<u>9.79</u>

7 (b) On ~~July 1, 2014~~January 1, 2021, and thereafter, the current rates of charge (per one
 8 hundred (100) square feet of impervious surface) shall be adjusted annually, based on the
 9 percentage change from the previous year in the CPI-U as that term is defined in subsection 56-
 10 92(13.5). The percentage change to be applied to the rates shall be calculated as set forth in
 11 subsection 56-93(d).

12

13 COMMITTEE APPROVAL DATE:

14 MAYOR-COUNCIL DATE:

15 PASSED BY THE COUNCIL: _____, 2016

16 _____ - PRESIDENT

17 APPROVED: _____ - MAYOR _____, 2016

18 ATTEST: _____ - CLERK AND RECORDER,
 19 EX-OFFICIO CLERK OF THE
 20 CITY AND COUNTY OF DENVER

21 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016

22 PREPARED BY: Jessica Brody, Assistant City Attorney DATE:

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1 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
2 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
3 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
4 3.2.6 of the Charter.

5 D. Scott Martinez, City Attorney for the City and County of Denver

6 BY: _____, Assistant City Attorney DATE: _____, 2016