

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO. CB __-XXXX
COMMITTEE OF REFERENCE:
4 Land Use Transportation and Infrastructure

5
6 A BILL

7 **For an ordinance amending certain provisions in Articles III and V of Chapter 56**
8 **of the Denver Revised Municipal Code regarding current water resource**
9 **management practices within the city.**

10
11 **WHEREAS**, as a matter of public health and safety, the City operates and maintains
12 stormwater and sanitary sewer systems in the City with, among other objectives, a focus on the
13 preservation of water quality, mitigation of water and stream pollution, and management and control
14 of potential impacts from drainage and flooding, including impacts to ecosystems and natural
15 habitats;

16 **WHEREAS**, current water resource management practices seek to (1) implement holistic and
17 resilient water management and land use strategies through interagency and regional collaborations,
18 and (2) promote the integration of natural waterway systems and ecosystem restoration into existing
19 and proposed storm drainage and floodplain systems to improve urban water quality and storm
20 drainage results; and

21 **WHEREAS**, the proposed revisions are for clarity and not intended to materially change or
22 adversely impact the covenants of the outstanding Wastewater Enterprise revenue bonds and, in
23 the event of any inconsistencies, the terms of the applicable Wastewater Enterprise revenue bond
24 ordinances would control as to such bonds; and

25 **WHEREAS**, it is the intent of the City to confirm that such considerations are incorporated
26 into its stormwater management practices where practical to continue to prevent water and stream
27 pollution by management and control of storm drainage and floodplain systems,

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

30 **Section 1.** That Section 56-91, Article III, Division 3 of Chapter 56 of the Denver Revised
31 Municipal Code shall be amended by adding the language underlined as follows:

32 **Sec. 56-91. - Purpose.**

33 This division is enacted to protect, preserve and promote the health, safety and welfare of
34 the citizens of the city and prevent water and stream pollution by the control of sewage wastes and

1 other wastewater; to enhance sanitary and storm sewerage quality, implement green stormwater
2 infrastructure strategies, preserve and restore affected ecosystems directly connected to the city's
3 waterways, tributaries and watersheds, and preserve and restore natural habitats directly
4 connected to the city's waterways, tributaries and watersheds; to provide funds necessary for the
5 payment of the cost of the administration, management, operation and maintenance, planning and
6 engineering of sanitary and storm sewerage facilities and for payment of the cost of construction,
7 reconstruction, enlargement and replacement of sanitary and storm sewerage system facilities; for
8 the payment of the principal and interest upon bonds issued and outstanding, and to be issued, for
9 such sewerage facilities; for the acquisition of land for such purposes; for payment to Metro Water
10 Recovery, formerly known as the Metro Wastewater Reclamation District (Metro),¹ for treatment of
11 the sewage of the city and its connectors, and for other related expenditures. To achieve this
12 purpose, it is necessary to fix and collect fees and charges for permission to connect to the sanitary
13 sewerage system of the city, to fix and collect sewer service charges upon and against all lots,
14 lands and premises connected to the sewerage system of the city, and the owners thereof, and to
15 control the emission of sewage wastes and other wastes and wastewaters into storm and sanitary
16 sewers and watercourses. To the extent that any of the foregoing objectives fall within the authority
17 of multiple agencies or departments within the city, responsibilities shall be allocated pursuant to
18 interdepartmental or other cooperative agreements among such agencies or departments.

19 **Section 2.** That Section 56-104, Article III, Division 3 of Chapter 56 of the Denver Revised
20 Municipal Code shall be amended by adding the language underlined as follows:

21 **Sec. 56-104. - Authority of the manager of transportation and infrastructure.**

22 The manager of transportation and infrastructure shall have the authority to classify and
23 reclassify customers for sewer service charges and surcharges; to require applications for the
24 connection of building sewers to the public sewers; to require the installation of sanitary sewage
25 flow meters, water meters, inspection chambers or control manholes; to issue or revoke sewer use
26 permits; to sample the sewage flow of building sewers; to require the submission of production unit
27 data for sewer service charge billing periods or sewer sampling periods; to adjust water billing data
28 prior to the calculation of sewer service charges; to establish strength indexes for industrial waste
29 class customers; to enter upon private and public premises at reasonable times and hours to
30 inspect sewer facilities and sewage disposal operations and for sampling, measuring and testing
31 sewage discharge; start to determine residential equivalents for commercial and industrial

1 establishments; to bill and collect sewer service charges, surcharges, permit charges and other
2 applicable fees; to adjust inequities in sewer service charges of all classes; to determine and
3 establish limits of quality and quantity of deleterious wastes to be discharged into the sanitary
4 sewerage system; to issue orders requiring compliance of discharge of wastes within established
5 limits of quality and quantity; to make the design, plans and construction of private sewerage
6 systems subject to review and approval by the department of transportation and infrastructure; to
7 require the installation of sewage pretreatment facilities; to establish conditions and fees for the
8 discharge of septic tank pumpage into the sewerage system; and to do any and all other things
9 necessary for the enforcement and administration of the terms of this division, including, but not
10 limited to, the power to issue legal process to enforce the provisions of this division. The manager
11 of transportation and infrastructure may set priorities for the allocation of wastewater resources to
12 protect or restore the city's watersheds, its tributaries and waterways as described in this division,
13 without an obligation at any point in time to direct resources to any particular endeavor.

14 **Section 3.** That Section 56-108(f), Article III, Division 4 of Chapter 56 of the Denver Revised
15 Municipal Code shall be amended by adding the language underlined as follows:

16 **Sec. 56-108. – General Provisions; legislative findings.**

17 (f) In addition to the above-stated general purposes, the council declares that this division is
18 enacted for the following specific purposes:

19 (1) To promote the general public health, safety and welfare by assuring that the movement
20 of emergency vehicles is not prohibited or inhibited during storm or flooding periods
21 and by minimizing storm and flood losses and inconvenience and damage resulting
22 from uncontrolled storm runoff in the city.

23 (2) To provide for the establishment of a master drainage plan for effective storm drainage
24 management.

25 (3) To establish reasonable storm drainage fees and service charges computed on a basis
26 of the use made of, and the need for, and the service provided by, the storm drainage
27 system of the city.

28 (4) To encourage and facilitate urban water resources management techniques, including
29 detention of storm runoff, minimization of the need to construct storm drainage
30 facilities, reduction of pollution and the enhancement of the urban environment.

31 (5) To provide an integrated and sustainable stormwater management program that

1 protects or restores the city's watersheds, its tributaries and waterways.

2 To the extent that any of the foregoing objectives fall within the authority of multiple agencies
3 or departments within the city, responsibilities shall be allocated pursuant to interdepartmental
4 or other cooperative agreements among such agencies or departments.

5 **Section 4.** That Section 56-109(17), Article III, Division 4 of Chapter 56 of the Denver Revised
6 Municipal Code shall be amended by adding the language underlined and deleting the stricken
7 language as follows:

8 **Sec. 56-109. – Definitions.**

9 (17) *Storm drainage system* means all facilities used in whole or in part for collecting and
10 conveying stormwater to, through and from drainage areas to the points of final outlet including, but
11 not limited to, any and all of the following: conduits and appurtenant features, channels, ditches,
12 streams, gulches, gullies, flumes, culverts, streets, alleys, curbs, gutters, crosspans, and pumping
13 stations, and portions or all of natural ecosystems and waterway systems incorporated into any or
14 all of the foregoing.

15 **Section 5.** That Section 56-115, Article III, Division 4 of Chapter 56 of the Denver Revised
16 Municipal Code shall be amended by adding the language underlined as follows:

17 **Sec. 56-115. – Administration of division by manager of transportation and infrastructure.**

18 The administration of the provisions of this division is hereby vested in and shall be
19 exercised by the manager of the department of transportation and infrastructure who may (1) set
20 priorities for the allocation of wastewater resources to protect or restore the city's watersheds, its
21 tributaries and waterways as described in this division, without an obligation at any point in time to
22 direct resources to any particular endeavor, and (2) in accordance with article VI of chapter 2,
23 prescribe forms and rules and regulations in conformity with this division for the ascertainment,
24 computation and collection of the fees and charges imposed hereunder, and for the proper
25 administration and enforcement hereof. The manager of transportation and infrastructure may
26 delegate the administration of this division, or any part thereof, subject to the limitations of the
27 Charter and this Code, to duly qualified deputies and agents of the manager of transportation and
28 infrastructure.

29 **Section 6.** That Section 56-200(c), Article V of Chapter 56 of the Denver Revised Municipal
30 Code shall be amended by deleting the stricken language and adding the language underlined as
31 follows:

32 **Sec. 56-200. - Legislative Intent.**

1 (c) *Statement of purpose.* This article is enacted to promote the public health, safety, and general
2 welfare, and to minimize public and private losses due to flood conditions in specific areas, by
3 provisions designed to:

- 4 (1) Protect human life and health;
- 5 (2) Minimize expenditure of public money for costly flood control projects;
- 6 (3) Minimize the need for rescue and relief efforts associated with flooding and generally
7 undertaken at the expense of the general public;
- 8 (4) Minimize prolonged business interruptions;
- 9 (5) Minimize damage to critical facilities, infrastructure and other public facilities and utilities
10 such as water, sewer and gas mains; electric and communications facilities; and streets
11 and bridges located in the regulatory floodplain;
- 12 (6) Help maintain a stable tax base by providing for the sound use and development of the
13 regulatory floodplain so as to minimize future flood blight areas;
- 14 (7) Ensure that potential buyers are notified that property is located in the regulatory floodplain;
- 15 (8) Ensure that those who occupy the regulatory floodplain assume responsibility for their
16 actions;
- 17 (9) Encourage and facilitate urban water resources management techniques for reduction of
18 pollution and the enhancement of the urban environment;
- 19 (10) Preserve natural and beneficial functions of floodplains, implement holistic and resilient
20 water management and land use strategies through interagency and regional
21 collaborations, preserve and restore affected ecosystems directly connected to the city's
22 waterways, tributaries and watersheds, enhance stormwater quality, implement green
23 stormwater infrastructure strategies, and preserve and restore natural habitats directly
24 connected to the city's waterways, tributaries and watersheds. To the extent that any of
25 the foregoing objectives fall within the authority of multiple agencies or departments within
26 the city, responsibilities shall be allocated pursuant to interdepartmental or other
27 cooperative agreements among such agencies or departments.

28 **Section 7.** That Section 56-204(a), Article V of Chapter 56 of the Denver Revised Municipal
29 Code shall be amended by adding the language underlined as follows:

30 **Sec. 56-204. - Administration.**

1 (a) *Administration of article by manager.* The administration of the provisions of this article
2 is hereby vested in and shall be exercised by the manager who may, in accordance with
3 article VI of chapter of the Revised Municipal Code, prescribe forms and rules and
4 regulations in conformity with this article for the proper administration and enforcement
5 hereof. The manager of transportation and infrastructure may set priorities for the
6 allocation of wastewater resources to protect or restore the city's watersheds, its
7 tributaries and waterways as described in this article, without an obligation at any point
8 in time to direct resources to any particular endeavor. The manager may delegate the
9 administration of this article or any part thereof, subject to the limitations of the Charter
10 and this Code, to duly qualified deputies and agents of the manager of transportation
11 and infrastructure. For the purposes of this article, the manager shall delegate the
12 administration thereof to the designated floodplain administrator except subsection 56-
13 202(e)(1), "Adoption of regulatory floodplain map," subsection 56-204(e), "Variances,"
14 and subsection 56-204(f), "Administrative review."

15 **[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**
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2 COMMITTEE APPROVAL DATE:
3 MAYOR-COUNCIL DATE:
4 PASSED BY THE COUNCIL: _____, 2023
5 _____ - PRESIDENT
6 APPROVED: _____ - MAYOR _____, 2023
7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER
10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2023; _____, 2023
11
12 PREPARED BY: John G. McGrath, Assistant City Attorney DATE:
13 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
14 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
16 3.2.6 of the Charter.
17 Kerry Tipper, City Attorney for the City and County of Denver
18 BY: _____, Assistant City Attorney DATE: _____, 2023