

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB16-0306
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 and County of Denver Storm Drainage Master Plan completed in September 2014 identified an estimated 1.5 billion dollars in project costs to upgrade the City's storm drainage infrastructure to meet minimum current drainage criteria,

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.

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

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
3/4	11.61	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
1 1/4	29.06	33.42	36.76	40.75	42.79	44.50	46.28	48.13
1 1/2	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

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

(4) For users whose potable water is not metered or measured (flat rate customers), the charge shall be one-twelfth of the annual charge which shall be computed by multiplying the annual equivalent sewage contribution 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~~. The annual equivalent sewage contribution shall be the total of the annual unit equivalent sewage contributions in relation to the number of rooms and water-using 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
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

(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)~~ (c) 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 underlined as follows:

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

4(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:

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

Beginning July 1, 2016:

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

Beginning January 1, 2017:

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

Beginning January 1, 2018:

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

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

(b) (1) The storm drainage service charge shall be payable in advance, annually or at some other billing frequency that the manager shall determine is necessary and appropriate and shall be paid to the city, as billed by the city, by the owner or owners of each and every lot or parcel of real property located within the political jurisdiction of the city and shall be computed by first determining the ratio of impervious surface, as defined herein, for the lot or parcel of real property; second, based on the aforesaid ratio determination assigning the lot or parcel of real property to a ratio group as defined and set forth herein; and third, multiplying the drainage service charge per one hundred (100) square feet for the assigned ratio group by the number of one hundred (100) square feet of impervious surface in or on the lot or parcel; provided, however, that the annual storm drainage service charge for each lot or parcel of real property in or on which there is impervious surface shall not be less than ~~twelve-fifteen~~ dollars and ~~thirty-one-two~~ cents (\$~~12.31~~15.02) effective July 1, ~~2014~~ 2016; ~~twelve-sixteen~~ dollars and ~~fifty-six-sixty-seven~~ cents (\$~~12.56~~16.67) effective July 1, ~~2012~~ January 1, 2017; ~~twelve eighteen~~ dollars and ~~eighty-one fifty~~ cents (\$~~12.84~~18.50) effective ~~after July 1, 2013~~ January 1, 2018; ~~twenty dollars and thirty-five cents (\$20.35)~~ effective January 1, 2019; and ~~twenty-two dollars and thirty-nine cents (\$22.39)~~ effective January 1, 2020. On ~~July 1, 2014~~ January 1, 2021 and thereafter, the minimum storm drainage service charge shall be adjusted annually, based on the percentage change from the previous year in CPI-U as that term is defined in subsection 56-92(13.5). The percentage change to be applied to the minimum charge shall be calculated as set forth in subsection 56-93(d).

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

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

- (1) On-site measurements of the impervious surface in or on such real property made by the city or in its behalf;
- (2) Computation of the impervious surface using the dimensions of the impervious surfaces in or on the real property which are set forth and contained in the records of the office of the assessor of the city;
- (3) Estimation, calculation and computation of the impervious surfaces using aerial photography, photogrammetry, or equivalent technology, or using the information and data from on-site measurements of like or similar property or features or as contained in the records of the city which set forth certain characteristics of the improvements on such real property such as the sum of the living space above the basement level in all buildings on the real property, the number of garages, the area of the real property, the year of

construction of the buildings, the number of garage spaces, the assessor's use code, the number of levels in the primary building, and the assessor's class code, hereinafter referred to as "assessor's characteristics" of the improvements of such real property and actual measurements made by the city, or in its behalf, if any, of impervious surfaces in or on real properties whose assessor's characteristics are similar to those assessor's characteristics of the real property for which the estimation, calculation and computation is made.

Section 4. That Section 56-113, 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. 56-113. Storm drainage service unit charge.

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

Ratio Group	July 2011	July 2012	July 2013	July 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	\$2.11	<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	2.63	<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	3.20	<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	3.77	<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	4.31	<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	4.61	<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	4.90	<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	5.44	<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	5.98	<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	6.57	<u>7.29</u>	<u>8.09</u>	<u>8.90</u>	<u>9.79</u>

(b) On ~~July 1, 2014~~January 1, 2021, and thereafter, the current rates of charge (per one hundred (100) square feet of impervious surface) shall be adjusted annually, based on the percentage change from the previous year in the CPI-U as that term is defined in subsection 56-1792(13.5). The percentage change to be applied to the rates shall be calculated as set forth in subsection 56-93(d).

1COMMITTEE APPROVAL DATE: May 18, 2016

2MAYOR-COUNCIL DATE: May 24, 2016

3PASSED BY THE COUNCIL: _____, 2016

4_____ - PRESIDENT

5APPROVED: _____ - MAYOR _____, 2016

6ATTEST: _____ - CLERK AND RECORDER,
7EX-OFFICIO CLERK OF THE
8CITY AND COUNTY OF DENVER

9NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016

10PREPARED BY: Jessica Brody, Assistant City Attorney

DATE: May 26, 2016

11Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
143.2.6 of the Charter.

15Denver City Attorney

16BY: _____, Assistant City Attorney

DATE: May 26, 2016