

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL NO. CB16-XXXX

SERIES OF 2016

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)

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	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	11.61	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
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

(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

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First water closet	21.000
Each additional water closet	14.600
Each water-using device	5.475

57

58 (5) For users whose sewage is measured by a meter or method approved by the manager of
59 public works, the charge shall be computed by multiplying the volume of sewage during
60 the billing period by \$3.97/thousand gallons effective July 1, 2016; \$4.17/thousand gallons
61 effective January 1, 2017; \$4.34/thousand gallons effective January 1, 2018;
62 \$4.51/thousand gallons effective January 1, 2019; \$4.69/thousand gallons effective
63 January 1, 2020~~\$2.83/thousand gallons effective July 1, 2011; \$3.25/thousand gallons~~
64 ~~effective July 1, 2012; \$3.58/thousand gallons effective July 1, 2013.~~

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

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

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

82 CPI for current period, Less CPI for previous period:

83 Equals index point change

84 Divided by previous period CPI

85 Equals result multiplied by 100

86 Equals percent change

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

90~~(Code 1950, § 167.2; Ord. No. 49-80, § 3, 1-28-80; Ord. No. 681-81, § 2, 12-14-81; Ord. No. 738-~~
91~~83, § 2, 12-19-83; Ord. No. 696-84, § 3, 12-17-84; Ord. No. 78-87, §§ 30, 31, 2-9-87; Ord. No.~~
92~~728-87, § 3, 12-14-87; Ord. No. 560-88, §§ 3, 4, 9-6-88; Ord. No. 755-88, § 1, 12-5-88; Ord. No.~~
93~~459-89, § 1, 8-21-89; Ord. No. 505-90, § 1, 8-27-90; Ord. No. 727-91, § 1, 10-15-91; Ord. No. 688-~~
94~~92, § 2, 9-28-92; Ord. No. 671-93, § 1, 8-30-93; Ord. No. 801-94, § 1, 10-11-94; Ord. No. 834-95, §~~

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~~953, 10-10-95; Ord. No. 1057-00, § 1, 12-26-00; Ord. No. 200-02, § 2, 3-11-02; Ord. No. 267-11, § 5, 965-16-11; Ord. No. 340-11, § 2, 6-20-11)~~

97 **Section 2.** That Section 56-94, Article III, Division 3 of Chapter 56 of the Denver Revised
98Municipal Code shall be amended by deleting the language stricken and adding the language
99underlined as follows:

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

101
102(a) In addition to the sanitary sewage service charge set forth in section 56-93, a sewer service
103 surcharge calculated in accordance with the following formula shall be billed to and paid by
104 industrial waste customers in the same frequency as the service charge:

105
$$SC = (V \times 8.34) \times [\$ (0.2035)(BOD - 255 \text{ mg/l}) + (\$0.1694)(SS - 260 \text{ mg/l}) + (\$0.1074)(TKN - 40$$

106
$$\text{mg/l})]$$

107Beginning July 1, 2016:

108
$$SC = (V \times 8.34) \times [\$ (0.2317)(BOD - 255 \text{ mg/l}) + (\$0.2308)(SS - 260 \text{ mg/l}) + (\$0.2830)(TKN - 40$$

109
$$\text{mg/l})]$$

110Beginning January 1, 2017:

111
$$SC = (V \times 8.34) \times [\$ (0.2600)(BOD - 255 \text{ mg/l}) + (\$0.2922)(SS - 260 \text{ mg/l}) + (\$0.4587)(TKN - 40$$

112
$$\text{mg/l})]$$

113Beginning January 1, 2018:

114
$$SC = (V \times 8.34) \times [\$ (0.2882)(BOD - 255 \text{ mg/l}) + (\$0.3536)(SS - 260 \text{ mg/l}) + (\$0.6343)(TKN - 40$$

115
$$\text{mg/l})]$$

116Where:

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

117 (b) The surcharges for BOD, SS and TKN are applied separately. If the strength of either BOD,
118SS or TKN is less than or equal to the upper limit of normal strength sewage, there shall be no
119surcharge for that particular category, nor shall there be any credit towards the total surcharge.

120~~(Code 1950, § 167.3; Ord. No. 49-80, § 4, 1-28-80; Ord. No. 82-89, § 2, 2-21-89; Ord. No. 290-90,~~
121~~§§ 1, 2, 5-21-90; Ord. No. 160-94, § 1, 2-28-94; Ord. No. 834-95, § 4, 10-10-95; Ord. No. 932-96,~~
122~~§ 3, 10-28-96; Ord. No. 53-15, § 1, 3-2-15)~~

123 **Section 3.** That Section 56-112, Article III, Division 4 of Chapter 56 of the Denver Revised
124Municipal Code shall be amended by deleting the language stricken and adding the language
125underlined as follows:

127**Sec. 56-112. Storm drainage service charge.**

128(a) There is hereby imposed on each and every lot or parcel of land within the city, and the owners
129 thereof, a storm drainage service charge. This charge is deemed reasonable and is necessary
130 to pay for (1) the operation, maintenance, improvement and replacement of the existing city
131 storm drainage facilities, and (2) the operation, maintenance, and replacement of future
132 facilities. All of the proceeds of these service charges are deemed to be in payment for use of
133 the city storm drainage system by the real property on, and with respect to, which the charge is
134 imposed, and the owners thereof. Real property owned by the city pursuant to the Charter
135 authority of the department of aviation shall not be subject to payment of such service charge
136 for so long as the department of aviation performs all necessary and appropriate maintenance,
137 repair, replacement and future construction relating to storm drainage facilities located on such
138 real property.

139(b) (1) The storm drainage service charge shall be payable in advance, annually or at some other
140 billing frequency that the manager shall determine is necessary and appropriate and shall
141 be paid to the city, as billed by the city, by the owner or owners of each and every lot or
142 parcel of real property located within the political jurisdiction of the city and shall be
143 computed by first determining the ratio of impervious surface, as defined herein, for the lot
144 or parcel of real property; second, based on the aforesaid ratio determination assigning the
145 lot or parcel of real property to a ratio group as defined and set forth herein; and third,
146 multiplying the drainage service charge per one hundred (100) square feet for the
147 assigned ratio group by the number of one hundred (100) square feet of impervious
148 surface in or on the lot or parcel; provided, however, that the annual storm drainage
149 service charge for each lot or parcel of real property in or on which there is impervious
150 surface shall not be less than ~~twelve-fifteen~~ twelve-fifteen dollars and ~~thirty-one-two~~ thirty-one-two cents (\$~~12.31~~15.02)
151 effective July 1, 2011 2016; ~~twelve-sixteen~~ twelve-sixteen dollars and ~~fifty-six-sixty-seven~~ fifty-six-sixty-seven cents
152 (\$~~12.56~~16.67) effective July 1, 2012 January 1, 2017; ~~twelve eighteen~~ twelve eighteen dollars and ~~eighty-~~
153 ~~one~~ one ~~fifty~~ fifty cents (\$~~12.84~~18.50) effective after July 1, 2013 January 1, 2018; ~~twenty~~ twenty dollars
154 ~~and thirty-five cents (\$20.35)~~ and thirty-five cents (\$20.35) effective January 1, 2019; and ~~twenty-two dollars and thirty-~~
155 ~~nine cents (\$22.39)~~ nine cents (\$22.39) effective January 1, 2020. On July 1, 2014 January 1, 2021 and
156 thereafter, the minimum storm drainage service charge shall be adjusted annually, based
157 on the percentage change from the previous year in CPI-U as that term is defined in
158 subsection 56-92(13.5). The percentage change to be applied to the minimum charge shall
159 be calculated as set forth in subsection 56-93(d).

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

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

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

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

170 (3) Estimation, calculation and computation of the impervious surfaces using aerial
171 photography, photogrammetry, or equivalent technology, or using the information and data
172 from on-site measurements of like or similar property or features or as contained in the
173 records of the city which set forth certain characteristics of the improvements on such real

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174 property such as the sum of the living space above the basement level in all buildings on
175 the real property, the number of garages, the area of the real property, the year of
176 construction of the buildings, the number of garage spaces, the assessor's use code, the
177 number of levels in the primary building, and the assessor's class code, hereinafter
178 referred to as "assessor's characteristics" of the improvements of such real property and
179 actual measurements made by the city, or in its behalf, if any, of impervious surfaces in or
180 on real properties whose assessor's characteristics are similar to those assessor's
181 characteristics of the real property for which the estimation, calculation and computation is
182 made.

183(~~Ord. No. 160-80, § 1(167A.5), 4-14-80; Ord. No. 73-83, § 8, 1-31-83; Ord. No. 560-88, § 14, 9-6-~~
184~~88; Ord. No. 676-96, § 1, 8-5-96; Ord. No. 1101-01, § 2, 12-17-01; Ord. No. 189-05, § 1, 3-21-05;~~
185~~Ord. No. 267-11, § 12, 5-16-11; Ord. No. 340-11, § 4, 6-20-11)~~

186 **Section 4.** That Section 56-113, Article III, Division 4 of Chapter 56 of the Denver Revised
187Municipal Code shall be amended by deleting the language stricken and adding the language
188underlined as follows:

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

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

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

192 (b) On ~~July 1, 2014~~January 1, 2021, and thereafter, the current rates of charge (per one
193hundred (100) square feet of impervious surface) shall be adjusted annually, based on the
194percentage change from the previous year in the CPI-U as that term is defined in subsection 56-
19592(13.5). The percentage change to be applied to the rates shall be calculated as set forth in
196subsection 56-93(d).

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197(~~Ord. No. 160-80, § 1(167A.6), 4-14-80; Ord. No. 629-88, § 1, 10-11-88; Ord. No. 676-96, § 2, 8-5-~~
198~~96; Ord. No. 1101-01, § 3, 12-17-01; Ord. No. 200-02, § 9, 3-11-02; Ord. No. 267-11, § 13, 5-16-11;~~
199~~Ord. No. 340-11, § 5, 6-20-11)~~

200

201COMMITTEE APPROVAL DATE:

202MAYOR-COUNCIL DATE:

203PASSED BY THE COUNCIL: _____, 2016

204_____ - PRESIDENT

205APPROVED: _____ - MAYOR _____, 2016

206ATTEST: _____ - CLERK AND RECORDER,
207 EX-OFFICIO CLERK OF THE
208 CITY AND COUNTY OF DENVER

209NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016

210PREPARED BY: Jessica Brody, Assistant City Attorney DATE:

211Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
212the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
213ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
2143.2.6 of the Charter.

215D. Scott Martinez, City Attorney for the City and County of Denver

216BY: _____, Assistant City Attorney DATE: _____, 2016