

Ordinance No. 2019 -08

AN EMERGENCY ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO AMENDING THE RIDGWAY MUNICIPAL CODE SECTION 9-1-17 TO UPDATE WATER SERVICE RATES AND WATER ALLOCATIONS.

WHEREAS, The Town of Ridgway (the “Town”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the Town (the “Charter”); and

WHEREAS, The Town is governed by its Home Rule Charter (“Charter”) as authorized by Article XX § 6 of the Colorado Constitution; and

WHEREAS, The Town Council has the authority, pursuant to Article III, Section 3-8 of the Charter, to enact emergency ordinances for the preservation of the public peace, safety, or welfare upon the affirmative vote of six members of the Town Council; and

WHEREAS, the Town Council adopted Ordinance No. 2018-06 on October 10th, 2018 amending water rates and water allocations; and

WHEREAS, the Town Council amended Ordinance No. 2018-06 with Ordinance No. 2019-04 on June 5th, 2019, temporarily adjusting non-residential water service rates for usage over the base water allocation for a defined period of time; and

WHEREAS, Ordinance 2019-04 creates a temporary rate structure for the months of June, July, August, September and October 2019, reverting back to the rates described in Ordinance No. 2018-06 after the month of October 2019, unless such rates are superseded by the adoption of an ordinance by the Ridgway Town Council providing a revised rate structure;

WHEREAS, the Town Council participated in numerous public meetings, hearings and workshops, and evaluated various base water and overage water usages, water rate options, and the needs of the Water Utility Fund and the Ridgway community, beginning in March 2018 coincident with the early discussions on drought conditions and water supply; and

WHEREAS, the Town Council desires to update the water rates and water allocations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO as follows:

SECTION 1.

Ridgway Municipal Code Section 9-1-17 Water Service Rates, is repealed and replaced, as follows:

* * *

9-1-17 WATER SERVICE RATES.

- (A) (1) Single family homes, mobile homes, churches, and non-profit lodges and civic organizations shall be subject to the following charges for each meter serving the customer:

Type of Customer	Minimum Monthly Charge 0 to 5,000 gal/mo	Rate for Use over 5,000 and up to 10,000 gal./month	Rate for Use 10,000 and up to 18,000 gal./month	Rate for Use Over 18,000 gal./month
Customer age 65 & over owning a single family home or mobile home, and enrolled in the Senior Rate prior to 1/1/2009*	Beginning on 11/1/19: Base gallons: 5000 Base Cost: \$42.75;	\$11.00/1,000 gal.	\$13.00/1,000 gal.	\$15.00/1,000 gal.
Vacancy Rate	Beginning on 11/1/19: \$30.00;	N/A	N/A	N/A
All other Residential per dwelling unit (Multi-unit meters over their base allotment will be averaged and charged according to tier) ADUs = 0.72XUnit rate	Beginning on 11/1/19: Base gallons: 5000 Base Cost: \$52.00;	\$11.00/1,000 gal.	\$13.00/1,000 gal.	\$15.00/1,000 gal.

* Senior rates are no longer offered after 1/1/2009

(2) In order to qualify for the vacancy rate, the customer must notify the Town of the vacancy and pay a shut-off fee of \$30.00. Before the water can then be turned back on, the customer must pay a turn-on fee of \$30.00. No water may be used at that meter during the vacancy period. In the event of failure to meet these requirements, the bill shall be adjusted to the regular rate.

- (B) (1) Accessory dwelling units shall be subject to a minimum monthly charge per unit calculated to be 0.72 x the principal residential unit rate as provided in Subsection (A)(1) above. Any usage over the base allocation will be billed at typical residential rates provided in Subsection (A)(1).

(2) Each unit in multiple residences and dwelling facilities including but not limited to duplexes, multi-family residences, apartments, mobile homes and mobile home parks, providing permanent residences and utilizing a single meter, shall be subject to the applicable rate for the principal residential unit rate as provided in Subsection (A) above. Water used in any month in the amount greater than the base amount e.g. (Base Amount in gallons at \$52.00 for the first unit + Base Amount in gallons at \$52.00 for the second unit, etc. for each unit or space served by the meter) shall be billed at the rates identified in Subsection (A)(1) for the associated base rate changes over time and the additional gallons used per unit.

(C) The following rates shall apply to the Ridgway public schools, but shall not include the provision of non-potable Town water for irrigation purposes:

Type of Customer	Minimum Monthly Charge	Rate for Use Over 10,000 gal./month
Ridgway Schools	Beginning on 11/1/19: Base gallons: 10,000 Base Cost: \$105.00	\$11.00/1,000 gal.

(D) The sale of bulk water is prohibited.

(E) (1) All other customers (including customers with both a residential and a non-residential use on the same premises which are located in commercial, business or industrial zoning districts) shall pay the following charges for each meter serving the customer.

Type of Customer	Minimum Monthly Charge	Rate for Use Over 5,000 gal./month and up to 17,000 gal./month	Rate for Use Over 17,000 gal./month and up to 38,000 gal./month	Rate for Use Over 38,000 gal./month
All other Customers (commercial, industrial, multi-use, etc.)	Beginning on 11/1/19: Base gallons: 5,000 Base Cost: \$52.00	\$11.00 / 1,000 gal.	\$13.00/1,000 gal.	\$15.00/1,000 gal.

Provided, however, that accessory dwelling units inside Town shall be subject to a minimum monthly charge per unit calculated to be 0.72 x the principal unit rate as provided in Subsection (A)(1) above, with any usage over the base allocation to be billed at typical residential rates provided in Subsection (A)(1); and further provided, however, that if the non-residential use qualifies as an accessory use to a residence pursuant to the criteria of Subsection 7-3-13(A) of Town Zoning Regulations, such customer shall be subject to the rates in Subsection (A)(1) above.

(F) Water service charges shall be charged at the time service is first initiated and continue until the tap is abandoned.

(G) Minimum charges for periods of service less than one month shall be pro-rated.

(H) In the event that any two separate structures are served by Town water from a single meter under circumstances where none of the foregoing rates specifically apply, the rate shall be computed in conformity with the provisions of Subsection (B)(2) with each structure considered a separate "unit" for purposes of the calculation regardless of its use.

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SECTION 3.

Effective Date and Duration. Pursuant to Article III, Section 3-8 of the Charter, this Ordinance shall be effective November 1st, 2019, as it is necessary for the immediate preservation of the public health and safety of the citizens of the Town for the reasons recited herein

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SECTION 4.

Publication of Notice. Pursuant to Article III, Section 3-8 of the Charter, the Town Clerk shall publish this Ordinance by title upon adoption by the Town Council.

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SECTION 5.

Severability. The provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

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Section 6.

Public Hearing. A public hearing on this Ordinance was held on the 9th day of October, 2019 in the Town Council Chambers of the Town of Ridgway, 201 N. Railroad Street, Ridgway, CO 81432.

INTRODUCED, HEARD and FINALLY ADOPTED before the Town Council of the Town of Ridgway, Colorado on the 9th day of October, 2019.

**TOWN OF RIDGWAY, COLORADO, A HOME-RULE
MUNICIPALITY**

By _____
John Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved As to Form:

BO JAMES NERLIN, Town Attorney

CERTIFICATE OF TOWN CLERK

The foregoing Ordinance was published by title and posted thereafter, and adopted by the Ridgway Town Council on October 9th, 2019.

(SEAL)

Pam Kraft, MMC, Town Clerk