

TOWN OF HOT SULPHUR SPRINGS,
COLORADO
RESOLUTION NO. 2011 3 1

A RESOLUTION SETTING THE FEE SCHEDULE FOR METERED WATER

WHEREAS, Sections 7-4-26 and 7-4-35 of the Town Code provide that there shall be levied and charged on each property and user served with water or served by or having sewer connection with the sanitary sewer system of the Town, or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the Town sanitary sewer system, a water and sewer service charge established in accordance with resolution adopted by the Board of Trustees; and

WHEREAS, Sections 7-4-26 and 7-4-35 of the Town Code provide that base rates for water and sanitary sewer service shall be based on the number of single family equivalents ("SFE") being served; and

WHEREAS, by Resolutions 2009-5-2 and 2010-3-2, the Board of Trustees approved a schedule for determining SFEs by land use within the Town and set water and sanitary sewer base rates and capital improvement base rates based on assigned number of SFEs; and

WHEREAS, by Resolutions 2009-5-2 and 2010-3-2, the Board of Trustees provided that commercial uses within the Town would be charged at a discounted SFE structure rate; and

WHEREAS, the Board of Trustees, in light of current economic stresses on business within the Town, finds that it is in the best interest of the Town to provide a temporary discount to the assigned schedule of SFEs in which water and sanitary sewer base rates, water and sanitary sewer capital improvement base rates, and metered water rates are calculated to certain commercial and business uses within the Town that meet the criteria set forth herein; and

WHEREAS, the discount provided hereunder will continue until terminated by the Town but is declared to be temporary only, may be repealed, revised or amended at any time by further resolution of the Board of Trustees, and shall be reevaluated annually; and

WHEREAS, it is the current intent of the Board of Trustees to not raise the water and sanitary sewer base rates, water and sanitary sewer capital improvement base rates and metered water rates for any users of the Town's water and sanitary sewer system until the discount provided hereunder is terminated, although the Town reserves the right to do so in the event the finances of the Town and/or its water and sewer enterprises require such action; and

WHEREAS, in order to avoid possible confusion about the currently effective SFE schedule and base rates and to promote administrative efficiencies, the Town desires to repeal Resolutions 2009 5-2 and 2010-3-2 and readopt and restate the SFE and rate schedule as set forth in and amended by this Resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Hot Sulphur Springs as follows:

Section 1. SFE Schedule: The Board of Trustees hereby approves the following schedule for determining single family equivalents ("SFE") to be assigned to each water and sanitary sewer customer served by or having connection with the Town's water and/ or sanitary sewer system. No property at any time will be assigned an SFE less than 1.

A. SFE Assignments. One SFE is based, by a generally accepted standard, on a 3/4 - inch water service line because it is recognized that a 3/4 - inch service line provides sufficient water for indoor and outdoor use for one single family.

1 SFE	=	15,000 gal./quarter
2 SFEs	=	30,000 gal./quarter
4 SFEs	=	60,000 gal./quarter

B. Residential Units

For residential uses, one (1) SFE equals a single family home, individually billed mobile home, a mobile home on a single lot, a mobile home established as a permanent residence, an apartment, a condominium unit, a town home in a multi-family structure, any of which do not have more than 1 kitchen, 3 bedrooms or 3 bathrooms per unit.

Note: Rental privileges or multifamily usage of any kind are not included in Single Family Residential Classifications. When rental privileges or multifamily usage are included, the unit will be assessed according to the Transient unit schedule.

C. Commercial Units

Subject to Section 4 of this Resolution, hotels, motels, mobile home parks, dormitories, restaurants, bars, lounges, banquet rooms, and drive-ins, office buildings, retail sales buildings, multiple use buildings, laundromats, service stations, shops, garages, churches, other commercial uses and similar facilities shall pay water rates based on the following SFE schedule:

1. Transient Units.

Hotels, motels, transient mobile home parks, dormitories, and similar facilities.

Note: Each complex shall be applied an assessment of a minimum of one manager unit.

a. Manager unit (per unit). 1.0

b. Units without kitchen facilities;
 4 or more bedroom unit (per unit). 0.9
 3 bedroom unit (per unit). 0.7
 2 bedroom unit (per unit). 0.5
 1 bedroom or studio unit (per unit). 0.3

c. Units with kitchen facilities;
 4 or more bedroom unit (per unit). 1.25
 3 bedroom unit (per unit). 1.05
 2 bedroom unit (per unit). 0.85
 1 bedroom or studio unit (per unit). 0.65

d. Commercial cafeteria (per 10 occupants) 0.35

2. Restaurants and bars.

Restaurants, bars, lounges, and banquet rooms.

a. Restaurants and bars (per 10 seats by building code). 0.6

b. Banquet rooms (per 10 seats by building code). 0.35

3. Other commercial buildings.

Office buildings, retail sales buildings, multiple use buildings, laundromats, service stations, shops, garages and similar facilities.

a. Offices and office buildings. (per 1,000 sq. ft. of gross occupied area). .6

b. Retail sales area. (per 1,000 sq. ft. of gross sales and display area). 0.3

c. Laundromats. (per washing machine or available hook-up). 0.2

Note: This category does not include commercial laundries.

d. Service stations.

• per fueling station (1 set of nozzles). 0.3

• add for each bay/track where cars can be washed. 1.5

e. Non-retail work area such as garages, machine shops, and warehouses with less than 10 employees. 1

10 or more employees .5 per 1,000 sq. ft.

f. Process water from commercial establishments discharged to the collection system shall be evaluated based on the metered water inflow (per 1000 gpd, maximum day). 3.5

4. Churches. (per 100 seats). Note: Rectories or other living areas are additional.

1.0

5. Public Restrooms. (per toilet or urinal).

0.20

For uses not described herein, the Plant Operator shall determine the appropriate fees based on approximate water flow, service line size, square footage, and number of bathrooms.

Section 2. Quarterly base fee rates: The Board of Trustees hereby approves the following rate for determining quarterly base rates for water and sanitary sewer service for each water and sanitary sewer customer served by or having connection with the Town's water and/ or sanitary sewer system.

Water Base Rate:	Fee per SFE:
Properties Located Within the Town of Hot Sulphur Springs (per SFE):	\$137.22
Properties Located Outside the Town of Hot Sulphur Springs (per SFE):	\$274.44
Capital Replacement Water Base Rate:	
Properties Located Within the Town of Hot Sulphur Springs (per SFE):	\$21.00
Properties Located Outside the Town of Hot Sulphur Springs (per SFE):	\$42.00
Sanitary Sewer Base Rate:	
Properties Located Within the Town of Hot Sulphur Springs (per SFE):	\$112.38
Properties Located Outside the Town of Hot Sulphur Springs (per SFE):	\$224.76
Capital Replacement Sanitary Sewer Base Rate:	
Properties Located Within the Town of Hot Sulphur Springs (per SFE):	\$12.00
Properties Located Outside the Town of Hot Sulphur Springs (per SFE):	\$24.00

Section 3. Metered water rates: Anytime a user exceeds the allotted water amount for the number of SFEs assigned for the use in accordance with Section 1(A) of this Resolution, the Board of Trustees hereby approves the following rate for metered water and for each water customer served by or having connection with the Town's water"

No. of gallons of water	Fee per 1,000 gallons in addition to quarterly base rate set forth herein
15,001 gallons and up	\$10.55/per 1000 gallons

Section 4. Discount for non-residential users.

- (a) For purposes of this Section 4, a "Non-residential user" is a user who meets at least two (2) of the following three (3) criteria:
1. The user of the water and sanitary sewer system holds a current Town of Hot Sulphur Springs business license for any and all business(es) operating on the property at the location of the water and sanitary sewer connection.
 2. The user of the water and sanitary sewer system holds a sales tax license for any and all business(es) required to have a sales tax license operating on the property at the location of the water and sanitary sewer connection and has collected and remitted to the Town through the Colorado Department of Revenue sales taxes on a regular monthly basis.
 3. The property on which the water and sanitary sewer service is provided is assessed as and pays property tax at a commercial rate.
- (b) Until terminated or amended by further resolution of the Board of Trustees, Non-residential users shall be given a 25% temporary discount on the assigned SFE used in the calculation of their water and sanitary sewer bill if they:
1. use less than 90% of the water allotted under the non-discounted SFE schedule (based on a consecutive 12 month retroactive period); and
 2. are current with their water and sewer bills; and
 3. have been doing business within the Town for a minimum of 1 year; and
 4. the water meter is operative at all times or, if inoperative no more than one time in any twelve month period, the meter is repaired or replaced within two (2) weeks.
 5. No SFE discount provided hereunder will have the effect of reducing assigned SFEs for any user below 1.
- (c) Restaurants and Bars shall be assigned SFEs based on seating capacity as set forth in Section (1)(C) with capacity equal to 50% of capacity set by building code.

Section 5. Failure to allow inspection or make required repairs: After written notification is delivered pursuant to Section 7-4-8 of the Town Code, if a property owner does not allow inspection or if stated repairs are not completed within the time frame set forth in such notice or such request for repairs, as the case may be, base rates for water and sewer will double until such inspection is allowed and/ or such repairs as set forth in the notice or as required after inspection are completed to the satisfaction of the Town.

Section 6. Severability: If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 7. Repeal of Prior Resolutions. All resolutions of the Board of Trustees inconsistent with the provisions of this Resolution, including but not limited to Resolutions 2009-5-2 and 2010-3-2, are hereby repealed.

Section 8. Effective Date: This Resolution shall be effective immediately upon approval of the Board of Trustees for the Town of Hot Sulphur Springs and the rate structure set forth herein shall be effective for water sold on or after April 1, 2011.

ADOPTED by a vote of 4 in favor and 0 against, and 0 abstaining, this 17th day of March, 2011.

By: [Signature]
Hersha Deputy, Mayor

ATTEST:
By: [Signature]
Sandy White, Town Clerk

