

## ORDINANCE O-2021-

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 14.04, 14.12,

14.24, AND 14.50 OF THE LONGMONT MUNICIPAL CODE ON FEES AND CHARGES

## ASSESSED IN UTILITY BILLS

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

## Section 1

In this ordinance, ellipses indicate material not reproduced as the Council intends to leave that material in effect as it now reads.

## Section 2

The Council amends section 14.04.380 of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

14.04.380. - New residential structures—Meters required—Application of metered-use rates.

All new single-unit or multiple-unit residential structures shall be equipped with a meter registering the flow of water to and for each ~~residential unit~~*structure*. The applicant for a building permit for such structures shall purchase, from the city and at the cost to the city, water-measuring equipment for each residential ~~unit~~*structure* at the time of issuance of such permit. The measuring equipment shall be installed by the applicant, at the expense of the applicant, and in accordance with the specifications of and at locations designated by the city for such installation, to facilitate uniformity of operation and readings.

1    Section 3

2           The Council amends the Longmont Municipal Code by adding the following section:

3           *14.04.495. – Pass-through of water charges.*

4           *An owner or utility billing customer who seeks reimbursement for the fees or*  
5           *charges assessed under this chapter from any tenant or lessee of the customer, or*  
6           *any other person, shall charge no more than the actual fee or charge attributable*  
7           *to such person's actual proportionate use of the water, plus any actual, reasonable,*  
8           *demonstrable, administrative costs associated with collecting the reimbursement,*  
9           *which shall not exceed five percent of such attributed amount.*

10   Section 4

11           The Council amends section 14.12.060(B) of the Longmont Municipal Code, by adding  
12   italicized material and deleting stricken material, to read as follows:

13           14.12.060. - Charges for solid waste and recycling collection services—Waste  
14           management fee—Combined billing—Special collection fee.

15           ...

16           B.     The city also assesses, and each residential utility billing customer within  
17           the city shall also pay, *per residential unit*, a monthly waste management fee of  
18           \$2.96. The city shall use the fee to operate and maintain city-wide waste  
19           management functions, including, but not limited to: solid waste and recycling  
20           collection services for city departments, city facilities and property (including, but  
21           not limited to, public buildings and parks) and city-wide special events, Main Street  
22           collection, educational programs and all additional special programs and services.

23           ...

1 Section 5

2 The Council amends section 14.12.090 of the Longmont Municipal Code, by adding  
3 italicized material and deleting stricken material, to read as follows:

4 14.12.090. - Multi-family residential solid waste collection.

5 A. The owner or utility billing customer for every dwelling unit within any  
6 multiple-family residential building having eight or more units within the city shall  
7 subscribe to and pay for at least weekly solid waste collection and disposal from  
8 such dwelling unit, either through the services of the city or a licensed private  
9 hauler.

10 *B. The owner or utility billing customer for every dwelling unit within any*  
11 *multiple-family residential building within the city shall be billed the waste*  
12 *management fee for all units in the building if the units are not individually billed*  
13 *by the city for water or electric service.*

14 ~~CB~~. Upon presentation to the utility billing office of a contract for solid waste  
15 collection by a single licensed private solid waste hauler, providing for at least  
16 weekly collection for every unit within a multi-family dwelling building having  
17 eight or more units, the city shall relieve the responsible party of the obligation to  
18 pay for, and shall not provide the building with city-provided solid waste and  
19 recycling collection services. The city shall remove any city-provided solid waste  
20 containers from the premises. The city shall not return city containers unless, upon  
21 request of the owner of the multi-family building, it again serves the building and  
22 bills responsible parties for municipal solid waste and recycling collection services.

~~DE~~. Upon termination of service to any unit in a multi-family residential building having eight or more units, a licensed hauler shall notify *the* utility billing office of the names and addresses of the building and customers within the building, who shall then become subject to the city-provided solid waste and recycling collection service charges and shall receive the city-provided solid waste and recycling service.

~~ED~~. As used in this section, a residential building is one in which people reside, except a hotel or motel, billed for ~~electric~~-*water* service at a residential *or mixed use* rate.

#### Section 6

The Council amends section 14.24.040 of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

14.24.040. - Rates—Monthly user charge for operations and services for stormwater system.

A. Except as stated in subsection B of this section, each *owner or* utility billing customer receiving service within the city shall be assessed and charged the following monthly user charge for operations and maintenance of the storm drainage system and for storm drainage capital improvements:

	2022	2023	2024
Residential customer	\$14.90	\$16.70	\$18.85
Nonresidential customers per each 20,000 square feet of surface area or portion thereof	\$14.90	\$16.70	\$18.85

The rates shall become effective January 1<sup>st</sup> of each year listed, except the rate listed for the year 2024 shall continue in effect until changed.

*Accordingly, the owner or utility billing customer for every unit within any multi-family residential building or multiple-unit nonresidential building shall be billed the storm drainage fee for each unit in the building if the units are not individually billed.*

B. The following utility accounts are exempt from the monthly user charge: sprinkler control boxes; utility boxes; telecommunications towers; and the electricity account for a nonresident garage accessory to a single-family home when the home and garage accounts are in the name of the same customer.

#### Section 7

The Council amends section 14.50.020 of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

14.50.020. - Definitions.

A. Feepayer means ~~a person or entity~~ *each owner or utility billing customer* who is obligated to pay ~~a fee in accordance with the provisions of this chapter, and who is liable for the electric service portion of the~~ *a* utility bill pursuant to chapters 14.20 ~~and 14.32~~ of the Longmont Municipal Code.

B. Finance director means the ~~director of finance and support services~~ *chief financial officer*, or his or her designee.

#### Section 8

The Council amends section 14.50.030 of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

1 14.50.030. - Imposition of fee.

2 A. There is hereby established a park and greenway maintenance fee which  
3 shall be assessed and charged monthly, pursuant to the provisions of this chapter,  
4 to the feepayer for the purpose of funding the maintenance, operation, repair, and  
5 renewal of parks, greenways and pools.

6 B. ~~The amount of the fee shall be \$1.00 per feepayer per month for the year~~  
7 ~~2013. The amount of the fee shall be \$4.00 per feepayer per month for the years~~  
8 ~~2014, 2015 and 2016.~~ The amount of the fee shall be \$2.00 per feepayer-unit per  
9 month, ~~commencing the year 2017 and continuing thereafter.~~ Said amount  
10 represents the portion of total park and greenway maintenance, repair, operation  
11 and renewal costs to be borne by the fee, as determined by the city council, divided  
12 by the total number of feepayer accounts within the city.

13 C. The following feepayer utility accounts are exempt from the monthly park  
14 and greenway maintenance fee: Sprinkler control boxes; utility boxes;  
15 telecommunications towers; and the electricity account for a nonresident garage  
16 accessory to a single-family home when the home and garage accounts are in the  
17 name of the same customer.

18 ~~D. The following limitations shall apply to the fees established at subsection~~  
19 ~~14.50.030.B of this Code for years 2014, 2015 and 2016: \$2.00 per feepayer per~~  
20 ~~month shall be deposited in an account separate from the remaining fees and be~~  
21 ~~spent only to remediate damage caused by the 2013 flood.~~

1 Section 9

2 The Council amends section 14.50.060 of the Longmont Municipal Code, by adding  
3 italicized material and deleting stricken material, to read as follows:

4 14.50.060. - Appeals.

5 A. Unless specific provisions of a feepayer's written service contract provide  
6 otherwise, a feepayer that disagrees with a decision of the city concerning billing  
7 or rebate pursuant to this chapter may request a hearing before a hearing officer  
8 during which the feepayer will have the opportunity to challenge the decision of  
9 the city and to present any relevant facts regarding matters in dispute. *The appeal*  
10 *shall be conducted pursuant to chapter 2.98 of this Code.*

11 B. If the feepayer requests a hearing within 30 days of the billing date on  
12 which the disputed charges first appeared the city will not, except as authorized  
13 by subsection 14.20.150.F, disconnect service for nonpayment of any amount  
14 under dispute until the hearing officer decides the dispute.

15 Section 9

16 To the extent only that they conflict with this ordinance, the Council repeals any conflicting  
17 ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of  
18 any part shall not affect the validity or effectiveness of the rest of this ordinance.

19 Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

20  
21 Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

22  
23  
24  
25 \_\_\_\_\_  
MAYOR

1 ATTEST:

2  
3  
4 \_\_\_\_\_  
5 CITY CLERK  
6  
7

8 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT  
9 7:00 P.M. ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, AT THE  
10 LONGMONT CITY COUNCIL MEETING.  
11  
12

13 APPROVED AS TO FORM:

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16 \_\_\_\_\_  
17 CITY ATTORNEY

\_\_\_\_\_ DATE  
18  
19

20  
21 \_\_\_\_\_  
22 PROOFREAD

\_\_\_\_\_ DATE  
23

24 APPROVED AS TO FORM AND SUBSTANCE:

25  
26  
27 \_\_\_\_\_  
28 ORIGINATING DEPARTMENT

\_\_\_\_\_ DATE  
29  
30

CA File: 10704