



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: August 2, 2006

SUBJECT: Study Session Agenda for August 7, 2006

PREPARED BY: J. Brent McFall, City Manager

Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

A light dinner will be served in the Council Family Room 6:00 P.M.

CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

PRESENTATIONS

1. Northeast Comprehensive Development Plan and Intergovernmental Agreement
Renewal with Jefferson County
2. Senior Housing Service Commitments
3. Water and Sewer Code Revisions
4. Charter Amendments for Initiative, Referendum and Recall
5. Open Space and Parks Ballot Language

6:30 P.M.

EXECUTIVE SESSION

None at this time.

INFORMATION ONLY STAFF REPORTS

1. 4TH of July Celebration
2. Summer Celebration
3. Father and Daughter Ball

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

City Council Study Session Meeting
August 7, 2006



SUBJECT: Northeast Comprehensive Development Plan and Intergovernmental Agreement
Renewal with Jefferson County

PREPARED BY: David Falconieri, Planner III

Recommended City Council Action:

Direct staff to proceed with negotiations with Jefferson County to renew the Intergovernmental Agreement (IGA) conditional upon the adoption of an amended Northeast Comprehensive Development Plan (copy attached) as outlined below.

Summary Statement

- The Northeast Comprehensive Development Plan (NECDP) IGA was approved jointly by the City of Westminster and Jefferson County in 1996. The NECDP governs the uses and densities of new developments within the Jefferson County enclave area located generally in between Wadsworth Boulevard and Wadsworth Parkway and north of 92nd Avenue. (See attached map.)
- The IGA was written so that after ten years either jurisdiction could terminate the agreement or, if no action is taken, the agreement would automatically renew for an additional ten years. The first ten years for the NECDP will end this September.
- Staff is recommending that the plan be renewed for another ten years, conditionally upon a number of proposed amendments to the plan that are detailed below. The County staff is amenable to these proposed amendments.

Expenditure Required: \$0

Source of Funds: NA

Policy Issue

Should the NECDP be renewed for another ten years and should the amendments as proposed by staff be approved?

Alternatives

1. Direct staff to terminate negotiations with the County and to notify Jefferson County that the NECDP will expire this September. If this action is taken, Jefferson County zoning regulations will govern the area of the enclaves and while the City controls provision of water taps in the area, undesirable uses could be permitted by the County.
2. Direct staff to permit the NECDP to automatically renew for an additional ten years without change. If this action is taken, outdated and some undesirable provisions of the NECDP, such as continued land use restrictions after annexation into the City, will remain in effect for another ten years.

Background Information

The NECDP was adopted in 1996 in an effort to control the types of land uses and densities that could be approved in the enclaves area. The general intent was to preserve the rural character of the area while continuing to permit development and annexations, when such was desired by the property owners, and to assure that new development was in general conformance with the policies and design goals of the City of Westminster.

The changes desired by the City staff are listed below and are incorporated into the attached IGA draft. These changes have been approved in principle by the County staff.

1. The proposed revised plan has been simplified by reducing the number of Sub Areas from nine to three (Please refer to the attached Exhibit A).
2. The parcels that have been annexed since 1996 have been deleted from the area subject to the agreement, except for the Stewart and Jaidinger properties that the county has requested remain subject to the IGA due to their location within the Airport Critical Zone.
3. Language has been added that permits the City to add newly annexed parcels to the City's Comprehensive Land Use Plan (CLUP), and thereafter the CLUP would regulate future uses of those parcels.
4. The revised NECDP adopts the City's Design Guidelines (Commercial and Single-Family Detached) as the required standards for development within the area.
5. Permitted uses within the proposed commercial areas have been simplified to permit the City broad discretion when reviewing proposed uses. These areas must develop within the City.

If directed to proceed by the City Council, Staff will schedule two neighborhood meetings to gather comments from affected residents during the month of August and will then present a final draft to the County and to the City Council during the month of September.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Exhibit A-Sub Area map
- Draft Northeast Comprehensive Development Plan



Staff Report

City Council Study Session Meeting
August 7, 2006



SUBJECT: Senior Housing Service Commitments

PREPARED BY: Shannon Sweeney, Planning Coordinator

Recommended City Council Action:

Direct Staff to proceed with a City Council resolution awarding Service Commitments to the Erickson Retirement Communities project (proposed for the northeast corner of 128th Avenue and Huron Street) as part of the City's residential competition process.

Summary Statement

- Over the last several months, the City has received inquiries regarding potential senior housing projects. Because no projects were submitted and no Service Commitments (SCs) were awarded in the senior housing competition held at the beginning of the year, and due to subsequent interest, Staff organized a mid-year senior housing competition to provide a second opportunity for developers to compete in this category.
- One application, from Erickson Retirement Communities for the northeast corner of 128th Avenue and Huron Street, was submitted for the competition. (See the Background section for a project description). Two other developers initially interested in the competition chose sites in areas of the City that are not subject to the competition process, per the City's Growth Management Program.
- The Erickson application proposes 1,553 senior housing units on the 86-acre site. Senior housing SCs are calculated at 0.35 per unit, and the project would require a maximum of 544 SCs over the 7-10 year build-out as indicated on the application. The applicant would not require SCs in 2006 and has requested 100 per year starting in 2007.
- This project could be a long-term asset to the community by helping provide higher-density residential near the City's I-25 District Center and providing Westminster residents with additional retirement options within the City. Staff is supportive of the proposed development. Due to the large size of this project, Staff wanted to brief City Council on this SC request prior to bringing forward a resolution for adoption. Staff will be present at the August 7 study session to answer any questions.
- Adoption of a resolution would enable this project to be submitted for the City's review process. The resolution would be contingent upon ultimate City approval of any necessary documents and does not commit the City to approve any document or project as a result of the SC award.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City award 544 Service Commitments desired by Erickson Retirement Communities for a proposed senior housing project at the northeast corner of 128th Avenue and Huron Street as a result of the City's residential competition process?

Alternative

Direct Staff not to proceed with a resolution awarding Service Commitments to the Erickson Retirement Communities senior housing project. If this option is chosen, this project would not be allowed to proceed to the City's development review process and no Service Commitments would be awarded as a result of the mid-year senior housing competition.

Background Information

The intent of the SC competitions is for a limited number of new residential projects to proceed to the City's development review process. Any project awarded SCs must process any required documents (including CLUP amendments, if necessary). The City does not require that applications for the competitions comply with the CLUP designation for the site, but a CLUP amendment must be submitted with the application if a change is proposed. It is not necessary for projects to process their CLUP amendments prior to the awards. The SC awards do not obligate the City to approve any required plan or document as a result of the award. Should any project not receive approval of any required documents, the SCs are returned to the water supply figures.

One application was received for the mid-year senior housing competition. Erickson Retirement Communities submitted a concept for the northeast corner of W. 128th Avenue and Huron Street in the Huron Park Planned Unit Development. Two other developers who inquired about the competition are now considering sites in Legacy Ridge (southwest corner of 112th Avenue and Federal Boulevard) and in South Westminster (in the Shoenberg Farms PUD east of Depew Street at the 73rd Avenue alignment), and due to exceptions detailed in the City's Growth Management Program for these areas of the City, developers of these sites are not required to compete prior to submitting plans for the development review process.

Because detailed site development plans are not reviewed as part of this competition process, and significant changes typically occur during the development review process, sketch plans submitted for the competition process are not reviewed with City Council as part of the competitions. The applicant chose 850 incentive points for items that go beyond the City's minimum design requirements, and these items will be included on plans submitted for the development review process, should City Council award SCs to this project. Incentive items chosen include: various active and passive recreational amenities (pool, solarium, outdoor physical therapy area, etc.); greater landscaping at the entry area; wider pathways throughout the site; a detention area designed as a permanent water feature; etc.

Erickson Communities describes their concept as a campus-type environment consisting of three different "neighborhoods" with "access to a continuum of life and health care services." Each neighborhood would include a community building (for various services such as dining, banking, and postal and retail/convenience shopping) and four residential structures up to four stories in height. All of the buildings in the various neighborhoods would be interconnected by enclosed pedestrian pathways to encourage interaction between neighborhoods and to provide variety, since each community building would offer different services. Private open spaces include "landscaped courtyards, community garden plots, putting green, sitting areas, and extensive walking paths." Other planned amenities listed in the application include "extensive interior social and recreational areas" including a fitness center, swimming

pool, classrooms, chapel, auditorium, and solarium. Erickson Communities has 15 existing campuses across the country and has begun construction on one campus in Colorado, Wind Crest, (S. Santa Fe Drive and W. County Line Road in Highlands Ranch) with a planned opening of summer of 2007. Information about the company is available on their website, www.ericksoncommunities.com.

The Erickson application specifies a total of 1,462 units and 228 assisted living and skilled nursing beds. For assisted living and skilled nursing facilities, the City allows a conversion rate of 2.5 beds per unit for calculating overall density. When applied to this project, the unit equivalent is 91 units (228/2.5). This 91-unit equivalent was then added to the 1,462 senior housing units for a total of 1,553. This would conform with a maximum density of 18 dwelling units per acre that would apply should the project ultimately receive a Comprehensive Land Use Plan amendment as they have requested from Business Park to R-18 Residential. Below is a summary of the SCs requested per year for the project.

SENIOR HOUSING COMPETITION - 2006 (Mid-Year)						# SCs Requested Per Year							
Project Name/Location	Developer	Acres	Units	du/a*	Score	'06	'07	'08	'09	'10	'11	'12	Total
Erickson Retirement NEC 128th & Huron (Huron Park PUD)	Erickson Retirement Communities	86.3	1553	18	850	0	100	100	100	100	100	44	544

**dwelling units per acre*

If City Council gives direction to proceed with the Service Commitment resolution, Staff plans to schedule the resolution for the August 14 City Council meeting.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

City Council Study Session Meeting
August 7, 2006



SUBJECT: Water and Sewer Code Revisions

PREPARED BY: Jim Arndt, P.E., Public Works and Utilities Director
Mike Happe, P.E., Water Resources and Treatment Manager
Stu Feinglas, Water Resource Analyst

Recommended City Council Action

Direct Staff to prepare an ordinance, for Council action, to implement the proposed modifications to the water and sewer portions of the Municipal Code.

Summary Statement

- Staff proposes modifications to the Municipal Code (ordinance attached) that clarify existing regulations or modify existing regulations and, in some cases, establish new regulations to improve public safety, water conservation, utility operations, and update provisions on cost recovery land and finance.
- Several minor “housekeeping” changes have been made to the Code and are not detailed in the Staff Report. The Staff Report describes the “policy level” changes that are being proposed.
- Staff will be in attendance on Monday night to answer questions regarding these issues.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should City Council approve modifications to the Municipal Code that clarify existing regulations or modify existing regulations and, in some cases, establish new regulations to improve public safety, water conservation, utility operations, and update provisions on cost recovery land and finance?

Alternative

City Council may choose to not accept the proposed modifications or may select only specific changes for approval.

Background Information

Modifications to Chapter 7- Water Regulations:

Staff proposes modifying the water and sewer code to add and clarify existing language, update fees to reflect costs at current levels, and to add policy to address areas of need. Proposed modifications that require a change in policy or the implementation of new policy include the following:

8-7-2: Tap Permit Required:

8-7-2: (C) When the cost of a tap increases after a tap is purchased but before the meter is installed, the difference must be paid prior to meter installation.

One of the problems the City is trying to help resolve is unauthorized water use at construction sites by providing an incentive to install the meter earlier in the construction process. Currently, there is no disincentive to delay the installation of the water meter as long as possible. The construction process does require water use and plumbing and other trades often hook up jumpers (a section of pipe designed to bypass the water meter connection) in the meter pit to take water illegally. It is difficult to prosecute this offense since the City generally cannot prove who installed the jumper.

An additional benefit to the City would be in the event a developer purchases taps and, for some reason, the project is delayed for a significant time period. During the delay period tap fees may rise significantly. At the time the project is ultimately developed and the water meter is actually installed, the developer would be required to pay the tap fee differential. One example of this occurring is the Prospectors Point apartment complex. Taps were purchased by US Homes for the development in 1988. All but two buildings were completed. The water meters to serve the remaining two buildings were never installed. In 2005 a new owner decided to build the remaining two buildings. The change in water tap fees during the 17-year construction delay was \$139,074 and was unable to be recovered.

8-7-2: (E) (NEW) This subsection is added to require all new construction within Westminster to connect to the City's water supply.

There is currently no code provision requiring connection to the municipal water supply. Such a requirement does exist for connection to the municipal sewer system. The City plans and invests in development of its water supply, as well as treatment and distribution systems, to deliver sufficient water to all properties within the city limits. To ensure equitable cost recovery for all users, properties should be required to connect to the municipal water system. Additionally, the City does not have control of water quality within private water systems. Arguably, there is a health benefit when commercial activities are required to use City water.

8-7-3: Water Tap Fees Within the City of Westminster:

This section has been amended many times in the past and is lacking a consistent style. City Attorney's Office performed a significant rewrite of this section to improve the organization and readability. The rewrite does not change any requirements or policy, except as follows.

8-7-3: (B) The categories for residential service commitments have been modified to coincide with the categories within the City's Growth Management Program. The Water Regulations contained two multifamily service commitment categories while the Growth Management program only contained one. The change had the result of eliminating the 0.4 Service Commitment (SC) multifamily category.

8-7-3: (H) 9. (NEW). This paragraph allows the City to transfer tap credits generated through demolition within urban renewal areas to be transferred to an urban renewal authority or the City for use in redevelopment projects within that urban renewal area.

8-7-4: Specifications:

8-7-4: (C) Clarifies the requirement for separate single-family detached water taps and adds that single-family attached units are required to have separate water taps as well.

In the past, single-family attached buildings were treated as multi-family or single-family based on how the building was owned. Common parcel ownership required a common building tap while individual parcel ownership required individual taps. As a result, there was often confusion during different phases of construction about plumbing and water tap requirements. Individual water taps also lead to water conservation since each customer pays for his/her own water use. This policy change standardizes the water tap and meter requirement for the housing classification. There may be an increase in cost to the builder related to additional tap installations but there will be a corresponding cost reduction since builders currently are required to install sub-meters on all units that do not have their own tap and City meter.

8-7-4: (E) Requires sub-meters in all new development except single-family attached or detached units that are required to have individual meters. Currently, submeters are required in new multifamily development. New commercial units are not required to be sub-metered at this time.

Up to this point, only multi-family projects have been required to install sub-meters to determine individual unit water consumption data. Studies show a water use reduction when customers are billed for the water they actually use. Without sub-meters, it can be

difficult to locate water leaks or waste within multi-tenant developments. Further, as water costs rise, an inequitable distribution of water costs to tenants often results in conflicts where the City may become involved. Information on actual water consumption provides an incentive to use water wisely.

8-7-5: Modification of Water Taps:

This section has been rewritten to include related requirements that have been removed from other sections and centralized in this location to improve organization, readability, and provide a consistent style.

8-7-5: (B) Changes to existing water use served by a water tap will trigger a new tap fee when that use is considered expanded.

Only uses that require a larger tap than the existing tap, by plumbing code requirements, will be considered an expanded water use. This is a codification of current implementation procedures. A plumbing code review by the Building Division to determine water velocity and tap sizing may be triggered by;

- Change of land use or zoning category
- Building or plumbing modifications that require a permit
- New or additional water use
- Tap relocation
- Landscape modifications that add water consumption are considered expanded when an Official Development Plan (ODP), ODP amendment, or ODP waiver is required.

Full credit at current costs will be given for any current tap that is required to be upgraded.

8-7-5: (C) Currently, demolished units have one year to use their old tap before the tap is considered abandoned. The proposed modification to the subsection increases that time period to three years recognizing the time lag in reconstruction.

8-7-5: (D) Currently, property owners who abandon a water tap for use at another location are required to abandon, or remove, the physical tap as per City specifications. Taps which are abandoned through non-use need to be removed as well. In most cases these abandoned taps are not removed for the same reasons the non-use occurred. In these instances, the City would be able to remove the tap and charge all costs to the property.

8-7-7: Water Rate Schedule:

8-7-7: (E) Non-consumption based charges, such as concrete replacement or meter charges, will continue to accrue when water is not consumed, including periods when the meter is shut off by the City for non-payment, until the City is requested to remove the meter and the account is declared inactive. City expenses related to these charges accrue regardless of water use.

8-7-9: Delinquent Payments and Service Charges:

When a customer performs an unauthorized water turn-on after the water has been shut off by the City, the City will impose a turn on/off fee per the schedule established. An additional turn-off fee is imposed when the City turns off an unauthorized water turn-on. Turn-on/off charges are higher each time they are applied within a 12 month period. Each

time the charges are applied, they increase until they reach the maximum where they stay until a 12 month period of no turn-on or turn-off charges occurs.

The City may charge for damaged equipment as well as the fully loaded labor cost for the repair or installation. Charges are updated on specific items listed in the code. Repair or replacement of any equipment damaged that is not specifically listed may be charged at full cost plus the fully loaded labor costs for the installation. Currently, the City may charge customers for equipment that customers damage only if the item is specifically listed in this section. In cases where equipment is not listed, yet damaged, the proposal would allow the City to charge full cost. There is no current provision in the code to charge labor costs for repairs or installation of damaged equipment. Repair and/or replacement of damaged equipment is an unplanned and unbudgeted expense to the City that is made necessary due to customer's actions or his/her lack of required maintenance.

8-7-12: Unauthorized Use or Tampering Prohibited:

- 8-7-12:** (A) The definition of unauthorized use or tampering is expanded to include;
- o All tampering including meters, pipes, and connection devices within or without a meter pit or vault prior to the point of customer ownership
 - o Unauthorized connections to the water system
 - o Taking water without a paid utility permit
 - o Unauthorized water use from fire hydrants
 - o Unauthorized water turn-on's
 - o Use of unauthorized bypass pipes

The City may turn off water service for unauthorized use.

Though it is a criminal offense, the City often finds it not to be cost effective to prosecute for unauthorized use. Under the proposed language there would be a charge for unauthorized use. The charge is set at \$500 for the first occurrence, \$750 for a second occurrence, and \$1,000 for a third or additional occurrence within a 12-month period. Customers would need to have a 12-month violation-free-period to reset the unauthorized use charges to the lowest level. These charges accrue to the property, or in the case of unauthorized use through a fire hydrant the entity or individual benefiting from the water use, and are billed to the owner. The charge increases based on unauthorized use occurrences at all properties under the same ownership throughout the City.

In the past, the City has not been able to charge for the water used when unauthorized use occurs prior to the installation of a water meter or when the use bypasses the water meter. In such a case, it is proposed that the City be allowed to use reasonable methods to determine water use such as historical consumption, pipe size and water pressure.

When outstanding unauthorized use charges exist, no new tap or meter installations for properties under the same ownership will be allowed. This provision will help when dealing with developers who may have unauthorized use occurring at several locations.

8-7-13: Duty of Consumer:

8-7-13: (H) The compliance notification period for meter accessibility and maintenance requirements is modified in certain instances.

Currently, when there are issues with access to or maintenance of water meters by City Staff, a notice must be sent to the customer and property owner which allows two weeks for compliance. The proposed language requires immediate compliance in an emergency or shutoff situation and allows all related costs to be assessed to the property owner for non-compliance.

8-7-15: VARIANCE; CITY MANAGER AUTHORITY:

This new section centralizes the City Manager’s authority to vary the requirements of sections 8-7-2, 8-7-4, and 8-7-5. Previously the City Manager’s authority was detailed in each of the individual sections.

8-7-26: Meter Set Installation Reinspection Fee:

Inspection fees are increased and set on a graduated increasing level when reinspection is required due to contractor error.

Utilities crews find they are often performing multiple inspections for meter sets due to faulty or incorrect installations. Currently, up to two inspections are included in the meter connection fee. The third inspection is billed at \$90 and each inspection after is \$30. The proposed change allows one inspection in the meter connection fee, charges \$45 for a second inspection and \$90 for each inspection beyond three.

The section is further amended to require the payments of inspection fees be made to the Department of Public Works and Utilities for tracking purposes. Current fees are paid through the Building Division that uses a different inspection program than the Utilities Division to track fees and inspections.

Modifications to Chapter 8- Sanitary Sewage:

Staff proposes modifying the method used for calculating sewer tap fees to meet the Metropolitan Wastewater Reclamation District (Metro) calculation method in all instances. Metro tap fees apply to new sewer taps within the Metro service area, generally south of 92nd Avenue while Westminster tap fees apply to sewer taps within the Big Dry Creek (BDC) service area, generally north of 92nd Avenue.

8-8-5: Service and User Charges Within the City of Westminster and Shaw Heights:

8-8-5: (B) The sewer tap fee is comprised of two components. The transport facilities fee covers the costs associated with transporting sewage including pipes and lift stations. These costs are the City’s and the associated tap fees go to the City regardless of location. The treatment facilities fee covers the costs related to treatment of sewage. In the Metro service area, the portion of the sewer tap fee related to treatment facilities, the Metro Fee, is passed through to Metro since those treatment facilities costs are Metro’s. Metro sets Metro tap fees and adjusts them annually. While the current Westminster and Metro tap fees are the same, existing differences in the tap fee calculation method can require

Westminster to pay Metro more than was collected from the new development. The most significant proposed change is that both the BDC and Metro service area portions of multi-family tap fees will now be based on the water meter size rather than the service commitment factor Westminster currently uses in determining a portion of the sewer tap fees. This will allow Westminster to recover full costs. Metro currently bills Westminster based on the proposed calculation method. Westminster will continue to use a per unit fee, based on living unit density, to calculate the transport portion of the sewer tap fee.

This modification will marginally lower developer sewer tap fees in some instances while marginally raising them in other instances. All multifamily sewer tap fees paid to the City from 2001 through 2004 were reviewed using the proposed calculation method. A total of 1.8 million dollars of sewer tap fees calculated, using the proposed method, would add \$57,600 in revenues over a period of four years, or approximately a 3% increase.

8-8-13: Sewer Tap Fee Credits:

This section has been rewritten to include changes related to tap fee credits within the Water Regulations as well as to improve organization, readability, and provide a consistent style.

8-8-13: Modification of Sewer Taps:

This section has been rewritten to include changes related to the modification of water taps within the Water Regulations as well as to improve organization, readability, and provide a consistent style.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **XX**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE, CHAPTERS 8-7 AND 8-8, CONCERNING WATER REGULATIONS AND SANITARY SEWERAGE REGULATIONS, RESPECTIVELY, AND SETTING OUT DETAILS IN RELATION THERETO

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Index to Chapter 8-7, W.M.C., is hereby AMENDED to read as follows:

CHAPTER 7

WATER REGULATIONS

8-7-1: DEFINITIONS

8-7-2: TAP PERMIT REQUIRED

8-7-3: ~~TAP FEE~~ WATER TAP FEES AND CREDITS

8-7-4: SPECIFICATIONS

8-7-5: ~~SINKING FUND TRANSFERS~~ MODIFICATION OF WATER TAPS

8-7-6: APPLICABILITY OF CHAPTER; RULES GOVERNING SUBDIVISIONS

8-7-7: WATER RATE SCHEDULE

8-7-8: COMPUTATION OF RATE

8-7-9: DELINQUENT PAYMENTS AND RETURNED CHECKS

8-7-10: ~~WHEN DEPOSIT REQUIRED~~ INACTIVE ACCOUNT; REACTIVATION

8-7-11: ~~(REPEALED BY ORDINANCE 1251)~~ WHEN DEPOSIT REQUIRED

8-7-12: UNAUTHORIZED USE OR TAMPERING ~~OR A BYPASS~~ PROHIBITED

8-7-13: DUTY OF CONSUMER

8-7-14: BLDG OCCUPIED BY MORE THAN ONE TENANT; OWNER PAY; EXCEPTIONS

8-7-15: ~~(REPEALED BY ORDINANCE 2634)~~ VARIANCE; CITY MANAGER AUTHORITY

8-7-16: USING WATER FROM ANOTHER CONNECTION PROHIBITED; ADD'L FEE

8-7-17: POLLUTION OF WATER PROHIBITED

8-7-18: USE OF WATER; SUPERINTENDENT TO SUPERVISE

8-7-19: USE OF WATER DURING FIRE

8-7-20: WHEN TAPPING REQUIRED

8-7-21: ACQUISITION OF WATER RIGHTS

8-7-22: ~~PERMIT REQUIRED FOR RECREATIONAL USE OF WATER FACILITIES~~

8-7-23: CREDIT FOR OVERCHARGE

8-7-24: WATER SHORTAGE OR DROUGHT

8-7-25: WASTE OF WATER

8-7-26: METER SET INSTALLATION REINSPECTION FEE
8-7-27: CROSS CONNECTION AND BACKFLOW CONTROL
8-7-28: VIOLATIONS AND PENALTIES

Section 2. Section 8-7-1, W.M.C., DEFINITIONS, is hereby AMENDED to read as follows:

8-7-1: DEFINITIONS: when used in this Chapter, the following words and phrases shall be interpreted as follows, unless the context clearly indicates otherwise:

~~(A) CONSUMER:~~ Any person, firm or corporation receiving water from the City waterworks.

~~(B) DWELLING UNIT:~~ A single unit providing complete independent living facilities for one or more persons including permanent provisions for sleeping, eating, cooking and sanitation.

~~(C) ATTACHED SENIOR HOUSING UNIT:~~ An attached residential dwelling unit within a housing project restricted to persons sixty (60) years of age or over, as may otherwise be determined by Council.

CITY MANAGER: MEANS THE MANAGER OF THE CITY OF WESTMINSTER, COLORADO, OR HIS DESIGNEE.

CONSUMER: ANY PERSON, FIRM OR CORPORATION RECEIVING WATER FROM THE CITY WATERWORKS.

DWELLING UNIT: A SINGLE UNIT PROVIDING COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS INCLUDING PERMANENT PROVISIONS FOR SLEEPING, EATING, COOKING AND SANITATION.

~~(D) MAINS:~~ The main pipes and connections forming a part of the City waterworks.

~~(E) METER:~~ The device, appropriate to the premise served, installed to measure the amount of water passing through it, with an accuracy of between ninety five percent (95%) and one hundred one percent (101%) of actual quantities delivered. The term shall also include detector devices for water passing through fire service lines.

~~(F) METER SERVICE CHARGE:~~ The fee for maintaining the meter, reading the meter, periodically billing the account, and processing payments.

~~(G) MOBILE HOME:~~ Any dwelling unit built on a permanent wheeled chassis exceeding either 8 feet in width or 32 feet in length and designed for long term residential occupancy in a temporary or permanent location which is capable of being towed over public streets or highways as a unit or in sections and duly licensable as such.

~~(H) MULTI FAMILY:~~ any residential housing other than single-family detached or single family attached.

~~(I) RESIDENTIAL IRRIGATION, APARTMENT, TOWNHOME/CONDO, PUBLIC/QUASI-PUBLIC USERS:~~ Class of water user that includes homeowner's associations, townhouses (four units or more) and condominiums with master meters, apartments (four units or more) City facilities, other public agencies including special districts formed under Colorado Law, schools and churches.

~~(J) SERVICE COMMITMENT:~~ The average water service provided to one single family detached dwelling unit.

~~(K)~~ SERVICE PIPE: A branch pipe with its fittings and connections through which water is taken.

~~(L)~~ SINGLE FAMILY ATTACHED: A single dwelling unit contained in a free-standing structure which has party walls with other structures IN WHICH EACH UNIT EXTENDS FROM FOUNDATION TO ROOF WITH OPEN SPACE ON AT LEAST TWO SIDES.

~~(M)~~ SINGLE FAMILY DETACHED: A single dwelling unit contained in a free-standing structure which has no party walls with other structures.

~~(N)~~ STREET: Any street, avenue, alley, lane or other thoroughfare.

~~(O)~~ WATER TAP: An opening or connection in the mains through which water is taken.

~~(P)~~ CITY MANAGER: means the Manager of the City of Westminster, Adams and Jefferson Counties, Colorado, or his designee.

Section 3. Section 8-7-2, W.M.C., subsections (C), (E), (F), and (G) are hereby AMENDED to read as follows:

8-7-2: TAP PERMIT REQUIRED:

(C) Payment of the WATER ~~Tap~~ Fee shall be made no earlier than the date upon which a building permit is issued and no later than ~~a~~THE date ~~prior to~~OF the water meter installation. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy, OR THE ESTABLISHMENT OF A PERMANENT WATER ACCOUNT⁷. ~~The~~ amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made. Payment of the ~~Water~~ ~~Tap~~ Fee for an irrigation system, or for any other installation or construction not requiring issuance of a building permit, shall be MADE at the time of THE water tap UTILITY permit application. WHEN THE CALCULATED WATER TAP FEE, BASED ON THE TAP FEE SCHEDULE IN EFFECT AT THE TIME OF THE WATER METER INSTALLATION, IS DIFFERENT THAN THE WATER TAP FEE PAID AT THE TIME OF THE ISSUANCE OF THE UTILITY PERMIT, THE DIFFERENCE IN SUCH FEES MUST BE PAID PRIOR TO THE INSTALLATION OF THE WATER METER. WATER TAPS MAY NOT BE MADE WITHOUT A UTILITY TAP PERMIT.

~~(E) Where any unit currently having a water tap is demolished, and a building permit for reconstruction purposes on the same parcel is issued within one year of the date of demolition, and the reconstructed unit maintains the same water use patterns of the pre-existing unit, no new tap fee shall be required and the new unit shall be regarded as being served by the tap in service prior to demolition of the unit. Failure to satisfy the above criteria shall constitute an abandonment of the water tap and the service commitment and any subsequent construction shall be done in conformance with the City Code of the City. ALL NEWLY CONSTRUCTED BUILDINGS AND IRRIGATION SYSTEMS WITHIN THE CITY OF WESTMINSTER THAT REQUIRE WATER SERVICE MUST CONNECT TO THE CITY'S WATER SUPPLY SYSTEM. PRIVATE OR ALTERNATE WATER SUPPLIES ARE NOT ALLOWED.~~

ANY PROPERTY WITHIN THE CITY SERVICED BY A PRIVATE WATER SOURCE MUST CONNECT TO THE CITY'S WATER SUPPLY SYSTEM UPON A CHANGE OF USE OF THE PROPERTY THAT REQUIRES A CHANGE IN THE LAND USE DESIGNATION.

~~(F) Any unit having a water meter not registering usage, and for which payment of the monthly meter charge has not been made, for more than thirty-six (36) consecutive months, shall constitute an~~

~~abandonment of the associated water tap and service commitment and the meter shall be removed by the City. Notification of the effective date of the abandonment of the water tap shall be mailed to the last known address of the property owner or manager. Any subsequent occupation of that unit shall be done in conformance with the City Code of the City of Westminster.~~

~~(G) An account may be declared inactive if a request is made in writing by the customer to the city. Upon being declared inactive, the city shall remove the water meter. Inactive accounts will not accrue monthly fees. The customer shall have 36 months to reactivate their account, at which time the meter shall be reinstalled and the customer shall pay the current applicable connection fee. In the event the account is not returned to active status within 36 months, Section 8-7-2(F) shall apply.~~

Section 4: Section 8-7-3, W.M.C., is hereby REPEALED and REENACTED as follows:

8-7-3: WATER TAP FEES AND CREDITS:

(A) FEE CALCULATION:

1. An applicant for a water tap shall pay the fees set forth hereinafter, the total of which shall be known as the water tap fee, or those portions that are applicable to the type of tap required by this Chapter. The water tap fee or portions thereof are due and payable upon issuance of the water tap utility permit unless earlier paid as provided in Section 8-7-2(C). The water tap fee may consist of the following individual fees:
 - a. Water resources fee, being the share of the cost to provide adequate raw water supply to be utilized by the tap;
 - b. Treated water investment fee, being the share of the utility system related to treating and distributing water to be utilized by the tap;
 - c. Meter connection fee, being the actual City cost for installation of a meter with electronic remote readout device, when applicable; inspection of the tap, service line and meter pit installation; meter testing, when applicable; account and billing activation and other administrative procedures;
 - d. and, when applicable, a fire connection fee, being that charge associated with a tap providing fire protection.

2. Water taps, water tap lines, and meters for the same service shall normally be the same size. If otherwise approved and/or required by the City, the tap and meter may be of different sizes in which case the fee for the meter size shall be paid. Water taps cannot be issued prior to building and/or tap entitlement approval. Any exceptions must be approved by the City Manager, i.e., conversion from well to the City water system, pursuant to Section 8-7-15.

3. The base water tap fees are as follows*:

Water Resources Fee	\$6,435.00
Treated Water Investment Fee	\$7,880.00
Meter Connection Fee	This connection fee is based on installed meter size and assessed on a per meter basis. See connection fee chart below.
Fire Connection Fee	\$161.00

*On April 1st of each year, the water tap fee and its individual components shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver metropolitan area. The meter connection fee may also be adjusted separately at any time, when necessary, to reflect the full cost of said connection to the City.

4. The connection fees based on meter size are as follows:

METER SIZE (INCHES)	CONNECTION CHARGE*
5/8"	\$283
3/4"	\$283
1"	\$226
1-1/2"	\$226
2"	\$283
3"	\$340
4"	\$396
6"	\$453
8"	\$511

5. The water resources and treated water investment portions of the tap fee for City owned facilities may be implemented at rates below 100% at the direction the city manager or his designee.

(B) RESIDENTIAL WATER TAPS: The following regulations apply to residential water taps:

1. The water tap fee is based on a standard 5/8" meter size (commonly called a 5/8" by 3/4" meter) and is assessed on a per dwelling unit basis. One single-family detached dwelling unit served by a standard 5/8" meter has an assumed average annual water usage of 140,000 gallons per year.
2. The ratio of the average annual water usage of each dwelling unit type to the water usage of a single-family detached unit establishes the service commitment factor (Sc factor). The service commitment factors are listed in the following chart:

Residence Type	Single Family Detached	Mobile Home Space	Single Family Attached Unit	Multifamily Unit	Attached Senior Housing Unit
SC factor	1.0	1.0	0.7	0.5	0.35

3. The residential tap fees shall be calculated by applying the respective Sc factor to both the water resources fee and the treated water investment fee on a per unit basis plus the applicable meter connection fee, on a per meter basis, plus any applicable fire connection charge. If a tap and meter larger than the standard 5/8" meter is requested for any residential unit, the tap fees shall be calculated using the non-residential treated water investment calculation and SC factor in subsection (C) 2, below.
4. No additional tap fees are required for landscaped areas on residential properties that are irrigated by the water tap for the individual unit or units. Tap fees for landscaped areas on or adjacent to residential properties, such as common areas, private parks and play areas, medians, and right-of-way strips, not irrigated by individual units shall be assessed as provided hereinafter under subsections (C) or (D).
5. Tap fees for clubhouses, swimming pools, and other common buildings or structures shall be assessed as provided hereinafter under subsections (C) or (D).

(C) NON-RESIDENTIAL WATER TAPS: The following regulations apply to non-residential water taps:

1. The City shall review and evaluate each applicant's requested water tap and meter size, and may adjust the requested tap and/or meter size if it determines the projected water usage will be greater than that requested.
2. Every meter size has a corresponding service commitment factor (SC factor) that is based upon multiples of a single-family detached dwelling unit's usage characteristics. The treated water investment fee portion of the tap fee shall be calculated by multiplying the treated water investment fee, in subsection (A)3. above, by the respective SC factor in the following chart:

METER SIZE (INCHES)	treated water investment sc factor
5/8"	1.0
3/4"	1.5
1"	2.5
1-1/2"	5.0
2"	8.0
3"	17.5
4"	30.0
6"	62.5
8"	90

3. The water resource fee portion of the tap fee shall be calculated based upon the estimated annual consumption, business type, and tap size required using methods and estimates developed by the Public Works and Utilities Department to determine the appropriate water resources service commitment factor, which shall be multiplied by the water resources fee in subsection (A)3, above.
4. All non-residential developments that contain an irrigated area less than 40,000 square feet, which area is served by the water tap and meter for the building, shall pay the irrigation tap fees calculated pursuant to subsection (D) 4. below, in addition to the water tap fee for the building.

(D) IRRIGATION WATER TAPS: The following regulations apply to taps for irrigation:

1. Separate irrigation taps and meters shall be required for all residential developments other than a development whose land area consists entirely of single-family detached lots. A separate irrigation tap and meter is not required for non-residential developments having less than 40,000 square feet of irrigated area.
2. Irrigation tap fees are required based on the area and type of landscaping. Landscape types are defined as either standard or low-water as determined by the Community Development Department.
3. An irrigation water tap shall be used only for irrigation purposes. Each irrigation water tap shall be assigned a service address and billing account in the name of the property owner or manager.
4. The irrigation tap fee consists of the meter connection fee plus the following square footage fees based upon landscape type:
 - A. \$1.43 per square foot for standard landscaping requiring an annual application of more than ten (10) gallons of water per square foot;

B. \$0.72 per square foot for low water landscaping requiring an annual application of up to and including ten (10) gallons of water per square foot.

(E) FIRE PROTECTION:

1. For any water tap which is intended to also provide fire protection, the fire connection fee shall be included in the total water tap fee in the amount provided for in subsection (A) 4. of this section.
2. For any size tap that is determined by the City Manager, or his designee, to provide solely fire protection, only the fire connection charge shall be collected. The applicant for a fire protection tap shall furnish all materials and labor as specified by the City, including any device required to detect any use of water for purposes other than fire protection.

(F) CONSTRUCTION WATER METERING: If any water is required for construction purposes, construction water meters must be installed, deposits collected as per Section 8-7-10, and water usage billed at commercial rates as per 8-7-7(D). It is prohibited to install any by-pass or jumper to provide water service without the installation of a water meter as per 8-7-12.

(G) PROVISION OF MATERIALS AND LABOR: For all water taps, the applicant shall furnish all labor and all materials as specified by the City except as provided by this paragraph. The City shall provide the applicant with a list of required materials & approved suppliers, at the time of application. The City shall provide all 5/8" by 3/4" meters. All other meter sizes shall be provided by the applicant as specified by the City at applicant's sole cost, and must be tested for accuracy by the City before installation. After payment of all required fees and charges, the City shall install all meters.

(H) TAP CREDITS:

1. Upon issuance of a tap permit for the first new service tap, a tap fee credit shall be given in an amount to be calculated by subtracting the cost of the current water resources fee and treated water investment fee of the original tap from the current value of the water resources fee and treated water investment fee of the first new service tap.
2. Treated water service commitment credits shall be calculated based on the tap size of the former tap. Water resource service commitment credits shall be calculated based on the most recent ten (10) year average annual water consumption through the former water tap.
3. The amount of credit shall be fixed at the issuance of the first new service tap and may be used for payment for additional service taps that are used on the same property.
4. When a credit is used for full or partial payment for a new water tap, all other applicable charges shall be assessed using the then current fee schedule in effect.
5. In no instance shall cash refunds be granted.
6. No credit shall be given for the meter connection fee or fire connection fee portions of the water tap fee.
7. If any tap is installed and completed without receiving a utility permit and the proper inspection and approval by the city, no tap fee credit shall be given.
8. If a demolition or vacation of a unit results in an abandonment of an associated water tap as defined in 8-7-5, no tap fee credit shall be granted at the time a new tap permit is issued.

9. Any service commitments associated with water taps to serve buildings demolished in established urban renewal areas may be transferred as tap credits to an urban renewal authority or the city for use in approved redevelopment projects within that same urban renewal area.

Section 5. Section 8-7-4, W.M.C., subsections (B), (C), (D), (E), are hereby AMENDED and new subsection (F) has been ADDED to read as follows:

8-7-4: SPECIFICATIONS:

(B) Authorization to install any tap or meter may be withheld by the City if the applicant is in violation of any law of the City or in default in any agreement with the City. It shall be unlawful to use, or permit to be used any water tap installation until the meter has been set, or approved by the City. Upon approval, the entire installation, INCLUDING THE WATER METER, shall become the property of the City.

(C) Except as may be provided elsewhere in this paragraph, each separate structure shall have a separate water tap and water meter. A SEPARATE TAP AND METER MUST BE INSTALLED FOR EACH SINGLE FAMILY DETACHED AND SINGLE FAMILY ATTACHED UNIT. An exception may be granted by the City Manager if an additional structure is an accessory use of the principal structure and the accessory use does not exceed one (1.0) Service Commitment.

(D) A SEPARATE TAP AND METER MUST BE INSTALLED FOR EACH PREMISES, UNIT OR STRUCTURE SERVED;

1. EXCEPT WHERE TWO (2) OR MORE PREMISES, UNITS OR STRUCTURES ARE LOCATED ON A SINGLE SUBDIVIDED PARCEL OF LAND UNDER SINGLE OR CONDOMINIUM OWNERSHIP IN WHICH CASE ONE TAP MAY BE REQUIRED. ALL UNITS MUST BE INDIVIDUALLY METERED OR SUBMETERED.
2. WATER AND SEWER TAPS SHALL SERVE THE SAME PREMISES, UNITS OR STRUCTURES.
3. AN EXCEPTION MAY BE GRANTED IF AN ADDITIONAL STRUCTURE IS AN ACCESSORY USE OF THE PRINCIPAL STRUCTURE AND THE ACCESSORY USE BY ITSELF DOES NOT EXCEED ONE (1.0) SERVICE COMMITMENT.

~~(D) Separate irrigation water taps and meters also shall be required for all non residential developments if the irrigated area exceeds 40,000 square feet. An irrigation water tap shall be used only for irrigation purposes. Each irrigation water tap shall be assigned a service address and billing account in the name of the property owner or manager.~~

(E) The provisions of this paragraph and Section 8-7-3 notwithstanding, new residential developments other than single-family detached OR SINGLE FAMILY ATTACHED shall provide individual water meters for each individual dwelling unit, commonly referred to as submeters, to encourage water conservation, EQUITABLE DISTRIBUTION OF UTILITY EXPENSES, and timely correction of plumbing problems. Submeters shall be the property of the owner who shall be responsible for maintenance, repair and use of submeters.

(F) ALL METERS SHALL BE KEPT IN GOOD REPAIR BY THE CITY, AND SHALL BE AND REMAIN THE PROPERTY OF THE CITY AND UNDER ITS CONTROL. NO METER SHALL BE

SET SO THAT THERE SHALL BE MORE THAN TWO FEET (2') OF EXPOSED UNMETERED SERVICE PIPE.

Section 6. Section 8-7-5, W.M.C., is hereby REPEALED and REENACTED to read as follows:

8-7-5: MODIFICATION OF WATER TAPS: A water tap, once installed, is associated with the building and property that it serves and no person shall disconnect, modify or change said tap in any way, except as provided below:

(A) RELOCATING TAPS: The disconnection or relocation of a water tap is subject to the following requirements:

1. Any person disconnecting or relocating a water tap must obtain written permission of the Director of Public Works and Utilities prior to commencing said disconnection or relocation; and
2. Disconnection of an existing water tap and/or installation of a relocated tap shall meet all requirements of section 8-7-3 and section 8-7-4 and shall be completed by the owner at the owners expense; and
3. Existing water taps may be disconnected and relocated to serve a use or building elsewhere on the same property or moved to serve a use or building on a different property only if both the property served by the existing tap and the property to which the tap is being moved are under the same ownership; and
4. When a water tap is relocated and applied to the same use with the same pattern and amount of water use, a utility permit and the payment of the connection fee shall be required for the connection.

(B) CHANGE IN USE CONSTITUTING EXPANSION: A change in use is subject to the following requirements:

1. A change in use must be reviewed by the City's Building Division using the applicable plumbing code. Such review will include a fixture unit count evaluation, a water velocity evaluation, and an AWWA guidelines review. A change in use is presumed to occur when:
 - (a) The use of the served property is changed to a different use category for zoning or land use purposes, or
 - (b) Any modifications to the landscape are made that require an ODP, ODP amendment, or ODP waiver, or
 - (c) Any building or plumbing modifications that require a permit are made to the served property, or
 - (d) A new or additional water use is introduced on the served property, or
 - (e) A water tap is relocated and applied to a different use or building on the served property, or
 - (f) A water tap is relocated to a different property.
2. If the review of the change in use determines the need for a larger water tap and/or meter than previously purchased for the property, the use will be considered an "Expansion of Use" and the provisions stated in paragraph 3) below apply.
3. When an expansion of use occurs, a water tap fee in an amount equal to the difference between the current water tap fee for the existing tap and the current water tap fee for the new tap, including the connection fee, serving the new location and/or use shall be paid.

(C) BUILDING DEMOLITION:

1. When any building currently having a water tap is demolished, and a building permit for a new building on the same parcel is issued within three (3) years of the last registered water consumption and the new building maintains the same use with the same pattern and amount of water use as the pre-existing building, no new water tap fee shall be required and the new building shall be regarded as being served by the tap in service prior to demolition of the pre-existing building. However, if the new building requires a meter installation, the current connection fee shall be paid.
2. When any building currently having a water tap is demolished and no new building permit on the same parcel is issued within three (3) years of the last registered water consumption abandonment will be presumed pursuant to subsection (D) below.

(D) ABANDONMENT:

1. Water resource service commitments are associated with a tap. Abandonment of any tap will result in the forfeiture of the associated service commitments.
2. Any building having a water meter not registering usage for more than thirty-six (36) consecutive months, and for which payment of the monthly meter charge has not been made continuously, shall constitute an abandonment of the associated water tap and service commitment and the meter shall be removed by the city. Notification of the effective date of the abandonment of the water tap shall be mailed to the last known address of the property owner or manager. Any subsequent water usage by that building shall require receiving a new service commitment and the purchase of a new water tap.
3. Upon abandonment of a tap, the consumer or the property owner shall be responsible for returning the meter to the city, and removing the existing service line from the meter pit to the corporation stop at the water main. An appropriate street cut permit shall be required to assure proper inspection and reconstruction of the street. In the event the service line is not appropriately removed, the city may remove the same and charge the cost thereof to the real property former served and may collect said charges in the same manner provided for in §8-7-9, delinquent payments and additional charges, W.M.C.

Section 7. Section 8-7-7, subsection (E), W.M.C., is hereby AMENDED to read as follows:

8-7-7: WATER RATE SCHEDULE:

(E) CONTINUANCE OF CUSTOMER CHARGES: Monthly customer charges shall be assessed in all cases including where no water is consumed until such time as City personnel are specifically requested to discontinue water service at the meter, PURSUANT TO SECTION 8-7-11 OF THIS CHAPTER.

Section 8. Section 8-7-9, W.M.C., subsections (A), (B), (C), and (D) are hereby AMENDED to read as follows:

8-7-9: DELINQUENT PAYMENTS AND SERVICE CHARGES:

(A) Statements for the rates and charges for the water service shall be dated and sent out to users at regular intervals. Water meters shall be read within a time frame of 27 to 33 days. In the event a water bill is not paid by the forty fifth day following the date of the bill, the City Manager, or his designee, shall be authorized to forthwith disconnect service; and the water so disconnected shall not again be reconnected until the delinquent bill and a disconnect charge for turning the water off and for turning the

water on have been paid. ASSESSMENT OF NON-CONSUMPTION BASED FEES AND CHARGES WILL CONTINUE DURING ANY SHUTOFF PERIOD.

The number of turn offs and turn ons for an account accumulate over the most recent twelve month period. IF AN UNAUTHORIZED WATER TURN ON OCCURS AT A PROPERTY, AN ADDITIONAL TURN OFF/ON FEE SHALL BE APPLIED AND ELEVATE TO THE NEXT LEVEL OR REMAIN AT THE MAXIMUM ONCE AT THE MAXIMUM TURN OFF/ON FEE LEVEL, THE FEE LEVEL WILL NOT BE REDUCED UNTIL A TWELVE MONTH PERIOD WITHOUT TURN OFF'S OCCURS. AN ADDITIONAL TURN OFF/ON FEE SHALL BE APPLIED WHEN THE CITY TURNS OFF ANY UNAUTHORIZED WATER TURN ON. DAMAGED EQUIPMENT CHARGES ARE AS LISTED. ADDITIONALLY, LABOR IS CHARGED AT THE THEN CURRENT RATE FOR ACTUAL HOURS OF THE INSTALLATION. The charges for FINALS (SERVICE TRANSFERS), DAMAGED EQUIPMENT, AND turn offs and turn ons during the twelve month period are as follows:

Action / DAMAGE	Residential	All Other Classifications
First turn off/on FEE	\$30.00	\$30.00
Second turn off/on FEE	\$60.00	\$60.00
All additional TURN OFF/ON FEE	\$90.00	\$100.00
ACCOUNT FINAL	\$15.00	\$15.00
Damaged lock	\$15.00	\$15.00
Damaged can	\$30.00 35.00	\$30.00 35.00
Damaged pin	\$30.00 10.00	\$30.00 10.00
DAMAGED 5/8"X3/4" METER BODY	\$37.00	N/A
DAMAGED TRANSPONDER	\$180.00	180.00
DAMAGED SERVICE LINE PLUGS	\$16.00	16.00

EQUIPMENT DAMAGED, BUT NOT LISTED ABOVE, WILL BE CHARGED AT ACTUAL COST TO REPAIR AND/OR REPLACE PLUS ANY LABOR REQUIRED AT THE THEN CURRENT RATE FOR ACTUAL HOURS OF THE INSTALLATION.

(B) Any account paid with a check subsequently returned by the bank, will be charged a service charge equal to the service charge assessed by Section 1-8-3. THE CITY MAY REQUIRE THE CUSTOMER TO MAKE ANY SUBSEQUENT PAYMENTS USING CASH, CERTIFIED OR BANK CHECK, CREDIT CARD, OR MONEY ORDER.

(C) The City shall have as security for the collection of such water utility rates, penalties and charges a lien upon the real property served by such water service, which lien shall become effective immediately upon the supplying of such water and shall not be discharged until the payment is made of all the water service bills, penalties and charges as herein provided. SUCH LIENS SHALL BE GOVERNED BY TITLE I, CHAPTER 31 OF THE WESTMINSTER MUNICIPAL CODE.

~~(D) In the event the lien provided in this Section is not discharged by payment, the City Manager shall report the delinquency to the Council within not less than three (3) months from the date thereof; and the Council shall be authorized to collect the delinquent water bill causing such delinquent charges to be certified to the Treasurer for the City in the same manner as taxes, pursuant to Section 3-20-105, Colorado Revised Statutes, 1973.~~

Section 9. Sections 8-7-10 and 8-7-11 are hereby AMENDED to read as follows:

8-7-10: INACTIVE ACCOUNTS; REACTIVATION: AN ACCOUNT MAY BE DECLARED INACTIVE IF A REQUEST IS MADE IN WRITING BY THE CUSTOMER TO THE CITY. UPON BEING DECLARED INACTIVE, THE CITY SHALL REMOVE THE WATER METER. INACTIVE ACCOUNTS WILL NOT ACCRUE MONTHLY FEES. THE CUSTOMER SHALL HAVE THIRTY-SIX (36) MONTHS TO REACTIVATE THEIR ACCOUNT, AT WHICH TIME THE METER SHALL BE REINSTALLED AND THE CUSTOMER SHALL PAY THE CURRENT APPLICABLE CONNECTION FEE. IF THE ACCOUNT IS NOT REACTIVATED WITHIN THIRTY-SIX (36) MONTHS, ABANDONMENT WILL BE PRESUMED AND §8-7-5(D) SHALL APPLY.

~~8-7-10: 8-7-11:~~ (Rep. by Ordinance 1251) **WHEN DEPOSIT REQUIRED:** (953 1892 2968)

(A) The Department of Public Works and Utilities shall collect a deposit fee of an amount equivalent to the value of the metering device for the use of metering devices in connection with temporary water service used in construction and similar activities. Water use through these meters may be billed as needed based on consumption patterns. Any outstanding charge for temporary water service shall be deducted from the deposit fee when the meter is returned less a twenty five dollar (\$25) administrative fee. If the meter is not returned by the deadline specified by the city, or is reported as lost, the entire deposit fee shall be forfeited in order to compensate the City for loss of the equipment and for administering this service. Accounts of non-returned or lost meters shall have an additional amount equal to the value of the meter billed to the customer account for an assumed level of un-billed water registered on the missing meter.

Section 10. Section 8-7-12, W.M.C., Title, and subsection (A), are hereby AMENDED to read as follows:

8-7-12: UNAUTHORIZED USE OR TAMPERING ~~OR A BY-PASS~~ PROHIBITED:

(A) It shall be unlawful for any person to tamper with any meter, ~~or to install or use any by pass or other device whereby water may be drawn from a service pipe without being registered by the meter~~ OR TO CONNECT TO, USE, OR TAKE ANY WATER FROM THE CITY WATER OR RECLAIMED WATER SYSTEMS WITHOUT A VALID WATER UTILITY PERMIT AND PRIOR PAYMENT OF ALL REQUIRED FEES AND USER CHARGES. PROHIBITED USE SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE USE OR ACQUISITION OF WATER FROM FIRE HYDRANTS, ANY UNAUTHORIZED CONNECTIONS TO THE WATER SYSTEM, ANY UNAUTHORIZED TURN ON'S OF A WATER METER TURNED OFF BY THE CITY AND, STRAIGHT THROUGH OR BYPASS PIPES AT THE WATER METER PIT.

~~(B) All meters shall be kept in good repair by the City, and shall be and remain the property of the City and under its control. No meter shall be set so that there shall be more than two feet (2') of exposed unmetered service pipe.~~

(B) THE CHARGE FOR UNAUTHORIZED USE OF WATER IS A CHARGE OF FIVE HUNDRED DOLLARS (\$500.00) FOR THE FIRST OCCURRENCE, SEVEN HUNDRED AND FIFTY DOLLARS (\$750.00) FOR THE SECOND OCCURRENCE, AND ONE THOUSAND DOLLARS (\$1,000) FOR THE THIRD AND ADDITIONAL OCCURRENCES WITHIN ANY 12-MONTH PERIOD TO THE OWNER OF THE PROPERTY, OR IN THE CASE OF A FIRE HYDRANT THE ENTITY OR INDIVIDUAL BENEFITING FROM THE UNAUTHORIZED WATER USE, AND IS IN ADDITION TO ANY OTHER CHARGE BY THE CITY FOR WATER SERVICE INCLUDING ESTIMATED

CONSUMPTION, TURN ON OR TURN OFF FEES, AND FEES FOR DAMAGED MATERIALS OR LABOR AS DESCRIBED IN 8-7-9. ANY REASONABLE EXPENSE INCURRED BY THE CITY AS A RESULT OF UNAUTHORIZED USE OR METER TAMPERING WILL BE CHARGED AT ACTUAL COST FOR EQUIPMENT AND MATERIALS PLUS ANY LABOR REQUIRED AT THE THEN CURRENT RATE FOR THE ACTION.

ALL CHARGES FOR UNAUTHORIZED USE OF WATER AND EXPENSES INCURRED BY THE CITY IN RESPONSE SHALL BE ASSESSED TO THE PROPERTY OWNER AS LIENABLE AMOUNTS AS DESCRIBED IN 8-7-9-(C). THE CHARGES INCREASE BASED ON THE NUMBER OF OCCURRENCES AT ALL PROPERTIES UNDER THE SAME OWNERSHIP WITHIN THE CITY.

(C) IN BILLING THE PROPERTY OWNER OR ENTITY BENEFITING FROM THE WATER USE FOR WATER USED WITHOUT AUTHORIZATION, THE CITY MAY USE ANY REASONABLE METHOD TO DETERMINE THE AMOUNT OF WATER SO USED INCLUDING, BUT NOT LIMITED TO, PREVIOUS ACCOUNT HISTORY, THE ACCOUNT HISTORY OF SIMILAR ACCOUNTS, PIPE SIZE AND WATER PRESSURE.

(D) NO NEW TAP AND/OR METER INSTALLATIONS WILL BE ALLOWED FOR ANY PROPERTY WHERE THERE ARE OUTSTANDING UNPAID UTILITY FEES OR CHARGES FOR ANY PROPERTIES WITHIN THE CITY UNDER THE SAME OWNERSHIP. THE CITY MAY TERMINATE A PERSON'S WATER SERVICE FOR A PROHIBITED USE OF THE WATER SYSTEM.

(E) ADVISEMENT TO THE PROPERTY OWNER OF CHARGES OR EXPENSES FOR PAYMENT SHALL INCLUDE THE PROCEDURE TO SCHEDULE A HEARING IF REQUESTED. IF A HEARING IS REQUESTED, IT SHALL BE SCHEDULED AS SOON AS PRACTICAL BEFORE THE CITY MANAGER OR HIS DESIGNEE.

Section 11. Section 8-7-13, subsections (G) and (H), W.M.C., are hereby AMENDED to read as follows:

8-7-13: DUTY OF CONSUMER:

(G) No person owning or possessing the property on which a meter pit is located shall fail to assure that landscape materials taller than four inches (4") are no ~~closed~~ CLOSER than six inches (6") to the meter pit nor shall any such person allow any landscaping material to cover any part of the meter pit lid.

(H) If the City Manager finds that any person has failed to comply with any of the requirements of Subsections (C), (D), (E), (F) or (G) of this section, the City Manager shall notify the water consumer, owner or possessor of the property by hand delivery or certified mail that he shall be required to comply within fifteen (15) days of the date of delivering or mailing the notice. IN THE EVENT OF AN EMERGENCY OR SHUTOFF FOR NON-PAYMENT THE CITY MAY REQUIRE IMMEDIATE COMPLIANCE AND ASSESS ALL CHARGES AND EXPENSES TO THE PROPERTY OWNER AS DESCRIBED IN 8-7-12.

Section 12. Section 8-7-15, W.M.C., is hereby AMENDED BY THE ADDITION OF NEW LANGUAGE to read as follows:

8-7-15: (~~Repealed by Ordinance 2634~~) VARIANCE; CITY MANAGER AUTHORITY: THE CITY MANAGER OR THE MANAGER'S DESIGNEE MAY VARY THE REQUIREMENTS OF

SECTIONS 8-7-2, 8-7-4, OR 8-7-5 OF THIS CHAPTER FOR A PARTICULAR PROPERTY, UPON A FINDING THAT GOOD CAUSE EXISTS TO GRANT SAID VARIANCE. ANY SUCH REQUEST FOR A VARIANCE SHALL BE IN WRITING AND SHALL STATE THE GROUNDS FOR SAID REQUEST, AND ANY VARIANCE GRANTED WILL BE IN WRITING SIGNED BY THE CITY MANAGER OR THE MANAGER'S DESIGNEE STATING THE BASIS THEREFORE.

Section 13. Section 8-7-26, W.M.C., is hereby AMENDED to read as follows:

8-7-26: METER SET INSTALLATION REINSPECTION FEE: Water Tap Fees provide for customary inspection of the meter set only ONCE. Where additional inspections are made necessary by incomplete or faulty work or incorrect posting by the contractor, ~~no~~ a fee OF FORTY-FIVE DOLLARS (\$45.00) shall be charged for the ~~first two (2)~~ SECOND inspections, ~~however~~ a fee of ninety dollars (\$90.00) will be charged for the ~~third~~ THIRD AND ANY ADDITIONAL inspectionS ~~and a fee of thirty dollars (\$30.00) for each inspection thereafter.~~ This fee shall be charged to the holder of the permit and paid to the City THROUGH THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES before any additional inspections will be made.

Section 14. Section 8-7-27, W.M.C., subsection (D), is hereby AMENDED to read as follows:

8-7-27: CROSS CONNECTION AND BACKFLOW CONTROL:

(D) SPECIFIC SYSTEM REQUIREMENTS:

1. Irrigation Systems. PRIVATE PLUMBING AND/OR CONNECTIONS ARE NOT ALLOWED WITHIN A PUBLIC METER PIT OR VAULT. The only types of backflow prevention devices approved for use in irrigation systems are atmospheric vacuum breakers, pressure vacuum breaker assemblies and reduced pressure backflow preventer assemblies. No other device or combination of devices will be accepted. The following guidelines shall apply to backflow prevention devices for irrigation systems:

- a. An "Atmospheric Vacuum Breaker" shall contain a reliable vacuum relief device, shall be rated to 150 psi working pressure and to water temperatures up to 140° F.
 - (i) An "atmospheric vacuum breaker" may not be installed where it will be subjected to either continuous working pressure or backpressure. It may only be installed downstream of the control valve on "lateral" or "zone" piping, and must be a minimum of six (6) inches higher than the highest head on that lateral zone. The vacuum breaker shall be installed where it is accessible for periodic testing and where slight spillage would not be objectionable.
- b. "Pressure Vacuum Breaker Assembled" shall consist of an approved check valve, vacuum relief means, inlet and discharge shut-offs and field testing cocks. Vacuum breakers shall be rated to 150 psi working pressure and to water temperatures of 150° F, under continuous service.
 - (i) A 'pressure vacuum breaker" may be installed where it will be subject to continuous pressure, but shall not be installed where it would be subject to back pressure. The assembly must be a minimum of twelve (12) inches above the highest head on the entire irrigation system it is protecting so that the installation will preclude back pressure. The vacuum breaker shall be installed where it will be accessible for periodic testing and where, if spillage occurs, it would not be objectionable.
 - (ii) All pipe from the meter through the "Pressure Vacuum Breaker Assembly" and down into the ground to twelve (12) inches minimum depth shall be type K copper, and all

fittings and nipples either copper or red brass. A union shall be installed on the downstream side of the vacuum breaker assembly.

c. A Double Check Valve Assembly may not be installed to serve as a backflow prevention device in any irrigation system.

d. "Reduced Pressure Backflow Preventer Assemblies" shall consist of two separate check valves and a differential relief valve, inlet and discharge gate valves, testing cocks and a wye-strainer on the inlet side. A union or similar device which will allow removal of the assembly is required, and both check valves and the differential relief valve shall be so constructed that they may be serviced without removing the device from the line. The backflow preventer shall be rated to 150 PSI working pressure and to water temperature of 140° F, under continuous service.

(i) A "reduced pressure backflow preventer assembly" may be installed under continuous pressure service and where it could be subject to back pressure. This device is generally considered the best protection of all backflow devices. Where fertilizer or other harmful chemicals may be introduced into the irrigation system, and under certain other circumstances, the "reduced pressure backflow preventer" may be the only acceptable device.

(ii) A "reduced pressure backflow preventer" does not provide protection if it is under water or other liquid, and therefore shall not be installed underground unless drainage out of the vault is certain and adequate. If installation is to be above ground, a vandal-resistant device shall be selected, and major spillage shall always be allowed in an area where spillage can be seen, but would not be objectionable. The assembly shall be located so that it may be tested periodically. Regarding manufacturer and models of these devices which are approved, the City follows the recommendations of the latest adopted edition of the ~~Uniform~~ INTERNATIONAL Plumbing Code.

Section 15. Section 8-8-3, subsection (F), is hereby AMENDED to read as follows:

8-8-3: SANITARY SEWERS, SERVICE SEWERS AND CONNECTIONS:

~~(F) No persons shall abandon any service sewer without first obtaining a permit under the building regulations of this Code. Such service sewer shall be sealed with a stopper and filler material at the tap specified by the City. Old service sewers may be used in connection with new units only when they are found, on examination and test by the City, to meet all requirements of this code. The cost of the examinations and tests shall be borne solely by the applicant.~~

~~Where any unit currently having a sewer tap is demolished and construction a new unit on said premises is completed and a certificate of occupancy is issued within one year of the date of demolition, no new tap fee shall be required and the new unit shall be regarded as being serviced by the tap in service prior to demolition of the unit. Failure to satisfy the above criteria shall constitute an abandonment of the sewer tap and the service commitment. Any subsequent construction shall be done in conformance with the City Code of the City of Westminster.~~

~~Where any unit currently having a sewer tap is vacant for more than thirty six (36) consecutive months, it shall constitute an abandonment of the sewer tap and service commitment. Any subsequent occupation of that unit shall be done in conformance with the City Code of the City of Westminster.~~

Section 16. Section 8-8-5, subsections (B), (C), (D), and (G), W.M.C., are hereby AMENDED to read as follows:

8-8-5: SERVICE AND USER CHARGES WITHIN THE CITY OF WESTMINSTER AND SHAW HEIGHTS:

(B) RATE SCHEDULES:

- ~~1. Residential Fee Schedule: Residential sewer tap fees are based on a five eighths inch (5/8") by three quarter inch (3/4") water tap size and assessed on a per dwelling unit basis equivalent to the ratio of water usage of various dwelling unit types to single family detached dwelling units. Single family detached sewer tap fees for any other water meter size shall be based on the non-residential sewer tap fee schedule pursuant to Section 8-8-5(B)(2).~~

SINGLE FAMILY RESIDENTIAL EQUIVALENT (SFRE). A SINGLE FAMILY RESIDENTIAL EQUIVALENT IS BASED ON A 5/8" x 3/4" (FIVE-EIGHTHS BY THREE-QUARTER INCH) WATER SERVICE TAP AND METER AND IS EQUAL TO (1) SINGLE FAMILY UNIT WHICH MEANS A BUILDING OR STRUCTURE USED OR DESIGNED TO BE USED AS ONLY ONE RESIDENTIAL UNIT (INCLUDING A DETACHED DWELLING [SINGLE FAMILY HOUSE] AND A MOBILE HOME); EACH RESIDENTIAL UNIT IN A DUPLEX; AND EACH RESIDENTIAL UNIT HAVING WATER SERVICE SEPERATELY CONNECTED TO THE WATER MAIN OR PRIVATE WATER DISTRIBUTION SYSTEM IN A BUILDING OR STRUCTURE WITH THREE OR MORE RESIDENTIAL UNITS.

ALL CONNECTIONS THAT ARE NOT SINGLE FAMILY RESIDENTIAL UNITS, OR ARE SINGLE FAMILY RESIDENTIAL UNITS WITH LARGER THAN A 5/8" x 3/4" (FIVE EIGHTHS BY THREE QUARTER INCH) WATER METER SERVICE, SHALL HAVE THE NUMBER OF SINGLE FAMILY RESIDENTIAL EQUIVALENTS (SFRE'S) DETERMINED THROUGH THE SIZE OF THE WATER SERVICE TAPS SERVING THE BUILDING, STRUCTURE, OR PREMISE, AND IN CERTAIN CASES (DETERMINED BY THE WATER SERVICE TAP SIZE) SHALL USE THE ALTERNATE CALCULATION METHOD INCLUDING ESTIMATED QUANTITIES OF FLOW, BOD, SS, AND TKN TO BE DISCHARGED TO THE SYSTEM.

The following ~~residential s~~Sewer ~~t~~Tap ~~f~~Fee calculation method shall be in effect for all tap fee payments made on or after April 10, 2006:

~~Residential s~~Sewer tap fees shall be based on two of three components:

- ~~T~~he ~~t~~Transport ~~f~~Facilities ~~f~~Fee, ~~and~~
- ~~T~~he ~~t~~Treatment ~~f~~Facilities ~~f~~Fee ~~or~~
- ~~T~~he ~~m~~Metro ~~f~~Facilities ~~f~~Fee.

The RESIDENTIAL ~~t~~Transport ~~f~~Facilities ~~f~~Fee shall be calculated as the base ~~t~~Transport ~~f~~Facilities ~~f~~Fee times the number of units times the service commitment factor associated with the dwelling type as defined below. THE NON-RESIDENTIAL TRANSPORT FACILITIES FEE SHALL BE CALCULATED AS THE BASE TRANSPORT FACILITIES FEE TIMES THE NUMBER OF SFRE'S.

Residential Connection	Single Family Detached	Mobile Home Space	<10 DU Per Net Acre SINGLE FAMILY ATTACHED UNIT	>10 DU and <24 DU Per Net Acre MULTIFAMILY UNIT	>24 DU Per Net Acre	Elderly ATTACHED SENIOR Housing UNIT
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SC Factor	1.0	1.0	0.7	0.5	0.4	0.35
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The ~~€Treatment fFacilities fFee~~ shall be calculated as the current base ~~€Treatment fFacilities fFee~~ times the number of ~~living unitsSFRE'S~~. For purposes of the ~~treatment facilities fee~~, each living unit shall have a service commitment factor of 1.0, as defined by the ~~metro wastewater reclamation district~~.

The ~~mMetro fFacilities fFee~~ shall be calculated as the current base ~~mMetro wWastewater fFee~~, as same shall be set by the Metro District, times the number of ~~unitsSFRE'S~~. For purposes of the ~~metro facilities fee~~, each living unit shall have a service commitment factor of 1.0, as defined by the ~~Metro Wastewater Reclamation District~~.

REACTIVATION CHARGE: A REACTIVATION CHARGE SHALL BE CHARGED TO ANY REACTIVATED CONNECTION THAT HAS NOT REGISTERED METERED WATER USE FOR A PERIOD OF 10 YEARS. THE REACTIVATION CHARGE IS DUE FOR EACH SFRE FOR EACH YEAR BEYOND 10 YEARS THE CONNECTION HAS BEEN INACTIVE. THE REACTIVATION CHARGE SHALL BE ADJUSTED AS PART OF THE BASE SEWER TAP FEES TO EQUAL THE METRO DISTRICT REACTIVATION CHARGE.

2006 base sSewer €Tap fFees PER SFRE are as follows:

Transport fFacilities fFee	\$1,400.00
Treatment fFacilities fFee	\$1,820.00
Metro fFacilities fFee	\$1,820.00
REACTIVATION CHARGE	\$75.00 PER YEAR BEYOND 10 YEARS

~~Beginning on July 1, 2002 and o~~On April 1st of each year thereafter, the ~~€Transport fFacilities fFee~~ shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area. In addition, AT ANY TIME, the ~~€Treatment fFacilities fFee~~ shall be adjusted to reflect the City of Westminster's treatment FACILITIES costs, and the ~~mMetro fFacilities fFee~~ shall be adjusted in accordance with any changes to the base ~~mMetro wWastewater fFee~~.

Tap fees for clubhouses, swimming pools, and other recreation or accessory uses in single-family detached, single-family attached, and multi-family developments are not included in the individual unit sewer tap fees listed above. Tap fees for these uses shall be calculated at the rates listed in ~~Sub-paragraph 2;~~ THE ~~non-residential feeSFRE schedule~~TABLE, below.

SFRE TABLE

- ~~Non Residential Fee Schedule: Non residential sewer tap fees are based on the sum of the following service commitment SFRE factors, associated with the size of the water tap(s) used by the building served by a single sewer tap. The table below determines the appropriate service commitment factor:~~

WATER Meter Size in Inches	Metro-District-Service CommitmentsSFRE
5/8 x 3/4	1.0
3/4	1.9

1	4.5
1-1/2	11.0
2	20.0
3	42.0
4	76.0
6, 8, 10, 12	Alternate Calculation Method

The following sewer tap fee calculation method shall be in effect for all non residential tap fee payments made on or after July 1, 2002 pursuant to section 8-8-5(C):

~~Non residential sewer tap fees shall be based on two of three components: transport facilities fee, and the treatment facilities fee or the metro facilities fee. The transport facilities fee shall be calculated as the base transport facilities fee times the service commitment factor associated with the meter size as defined above. The treatment facilities fee and the metro facilities fee shall be calculated as the base treatment facilities fee or base metro facilities fee times the service commitment factor associated with the meter size as defined above.~~

2002 base sewer tap fees are as follows:

Transport facilities fee	\$1,018.00
Treatment facilities fee	\$1,400.00
Metro facilities fee	\$1,400.00

Alternate calculation method: new connections served by multiple new water service taps with a combined service commitment of greater than or equal to 205 shall have the number of service commitments determined as for connections with service taps 6" or larger.

For water service taps 6" or larger, the number of service commitments for calculating the sewer tap fee shall be determined from the following formula:

WHERE: FLOW = ESTIMATED FLOW, GPD (PEAK MONTH); BOD = ESTIMATED BIOLOGICAL OXYGEN DEMAND, LBS/DAY (PEAK MONTH); SS = ESTIMATED SUSPENDED SOLIDS, LBS/DAY (PEAK MONTH); TKN = ESTIMATED TOTAL NITROGEN, LBS/DAY (PEAK MONTH).

AND (F) = FRACTION OF DISTRICT'S CAPITAL INVESTMENT USED TO TREAT FLOW, (B) = FRACTION OF DISTRICT'S CAPITAL INVESTMENT USED TO TREAT BOD, (S) = FRACTION OF DISTRICT'S CAPITAL INVESTMENT USED TO TREAT SS, (T) = FRACTION OF DISTRICT'S CAPITAL INVESTMENT USED TO TREAT TKN.

FOLLOWING ARE THE FRACTIONS USED FOR THE TREATMENT OF FLOW AND LOADINGS, EFFECTIVE APRIL 10, 2006: FLOW (F) = 0.5543, BOD (B) = 0.2091, SS (S) = 0.1601, TKN (T) = 0.0765. THESE FRACTIONS MAY CHANGE AT ANY TIME TO REFLECT CHANGES IMPOSED BY THE METRO WASTEWATER RECLAMATION DISTRICT OR CHANGES IN THE CITY OF WESTMINSTER TREATMENT COSTS.

$$SC's = \frac{Flow \times F}{225} + \frac{BOD \times B}{1.576} + \frac{SS \times S}{1.576} + \frac{TKN \times T}{0.236}$$

$$\text{SFRE's} = \frac{\text{Flow} \times (\text{F})}{225} + \frac{\text{BOD} \times (\text{B})}{1.576} + \frac{\text{SS} \times (\text{S})}{1.576} + \frac{\text{TKN} \times (\text{T})}{0.236}$$

Where: flow = estimated flow, GPD (peak month); BOD = estimated BOD, lbs/day (peak month); SS = estimated suspended solids, lbs/day (peak month); TKN = estimated total nitrogen, lbs/day (peak month).

At minimum, the following values shall be used in the above formulas:

Tap Size	Flow	BOD	SS	TKN
6"	456,125	323.13	323.13	48.47
8"	74,250	520.17	520.17	78.02
10"	136,125	953.64	953.64	143.05

The City shall make the final determination of the estimated flow, BOD, SS and TKN used to determine the number of service commitments for each new connection, which is subject to the above formula.

~~Following are the fractions used for the treatment of flow and loadings, effective July 1, 2002: flow (F) = 0.5459, BOD (B) = 0.2187, SS (S) = 0.1647, TKN (T) = 0.0707.~~

~~Beginning on July 1, 2002 and on April 1st of each year thereafter, the transport facilities fee contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area. In addition, the treatment facilities fee shall be adjusted to reflect the City of Westminster's treatment costs, and the metro facilities fee shall be adjusted in accordance with any changes to the base metro wastewater fee.~~

The City shall review applicant's determination of sewer WATER tap size and may adjust sSewer tTap fFee charges if the projected water use is more than the maximum service commitment for the corresponding water meter size listed in this paragraph.

(C) Payment of the sSewer tTap fFee shall be made no earlier than the date upon ~~the~~ which THE application is approved for a building permit and no later than the date upon which the water meter(s) are installed for the property ~~connecting to the City sewer system~~. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy. ~~The amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made.~~ WHEN THE CALCULATED SEWER TAP FEE, BASED ON THE TAP FEE SCHEDULE IN EFFECT AT THE TIME OF THE WATER METER INSTALLATION, IS DIFFERENT THAN THE TAP FEE PAID AT THE TIME OF THE ISSUANCE OF THE UTILITY PERMIT, THE DIFFERENCE IN THE SEWER TAP FEE MUST BE PAID TO THE CITY PRIOR TO THE INSTALLATION OF THE WATER METER.

Payment of the sSewer tTap fFee for any other installation or construction not requiring issuance of a building permit shall be at the time of sewer tap UTILITY permit application. Where additional units are to be served by a sanitary sewer previously installed and currently serving the original units, the ~~service charge~~ SEWER TAP FEE for said additional units shall be at the current rates.

(D) The rates for user charges hereinafter set forth are based generally upon the quantity and quality of sewage collected and they are subject to change periodically as circumstances require. The minimum monthly ~~rate~~ AMOUNT for use of the City of Westminster sanitary sewerage system by residential, including multiple unit residential, and public users shall be a sum equal to three dollars and ten cents (\$3.10) per thousand (1,000) gallons multiplied by the average monthly water consumption per user billed during the months of January through March. The minimum monthly rate for use of the City of Westminster's Sanitary Sewage System by multiple units and commercial users shall be a sum equal to

three dollars and forty-six cents (\$3.46) per thousand (1,000) gallons multiplied by the average monthly water consumption per user billed during the months of January through March. The minimum monthly sewer charge for commercial users may be appealed to the Utility Billing Division for user charges resulting from the average monthly water billed during the period of January through March and may be adjusted if the water billed during the months of July through September is less. Commercial users shall be allowed to install a separate meter to record out of house use which consumption will not be assessed a sewer use charge. The meter readings actually taken prior to and closest to the specified time frame shall be used for purposes of accomplishing the required calculation. However, City Council may by Resolution adjust the period of time to be used to calculate said user charges when, in the opinion of the Council, climate conditions and water consumption patterns warrant such an adjustment. The monthly charge shall apply to an account that is billed for more than fifteen (15) days service. Any new occupant of a residential unit shall be charged fifteen dollars and fifty cents (\$15.50) MINIMUM MONTHLY sewer charge until an experience rate has been established. RESIDENTIAL CUSTOMERS THAT, BASED UPON OCCUPANCY PATTERNS, REGISTER NO WATER USE DURING AT LEAST TWO MONTHS OF THE ANNUAL CALCULATION PERIOD SHALL BE CHARGED THE NEW OCCUPANT RATE FOR ANY PERIOD THE WATER ACCOUNT IS ACTIVE. INDIVIDUAL REVIEWS OF INDOOR WATER CONSUMPTION MAY BE MADE ON A CASE BY CASE BASIS.

Residential users who appeal the initial sewer charge rate can have the rate adjusted to actual usage of the first four (4) months of occupancy. Any new multi-unit or commercial account shall be charged a rate based on water consumption of similar accounts in the Westminster or the Denver Metro area. Any account not receiving Westminster water will be based on actual consumption, if available or consumption of similar accounts.

(G) Statements for sewer service charges shall be dated and sent out to users at regular intervals. Such statements shall be added to and made a part of the water bill, if customers receive water service from the City, or by separate billing if water service is not provided by the City. Delinquent sewer bills shall be collected in the same manner as delinquent water charges, including the discontinuance of water service for nonpayment of sewer charges. Any payments received for combined water and sewer bills, which ~~is~~ ARE for less than the sum of water and sewer bills, shall be first applied to the sewer charge, and any remainder to the water charge.

For customers not receiving City water service, these same provisions shall apply, except that instead of discontinuance of water, a ~~one dollar (\$1)~~ FIVE DOLLAR (\$5) late charge shall be added to the next bill at the time of billing, to cover additional accounting charges. If a sewer charge is not paid in nine (9) months a lien shall be filed on the property for the balance then due, plus a ten dollar (\$10) filing fee. If the lien is not paid in fifteen (15) months, the service line shall be disconnected from the City's main and plugged. Service shall not be restored until the account is paid in full plus the actual cost TO THE CITY of disconnecting the service line. Reconnection shall be the responsibility of the owner. If such disconnection is required, the City shall notify the Health Department and agency furnishing water to the premise of the action to be taken.

Section 17. Section 8-8-13, W.M.C., is hereby REPEALED and REENACTED as follows:

8-8-13: SEWER TAP FEE CREDITS:

(A) Upon issuance of a tap permit for the first new service tap, a tap fee credit shall be given in an amount to be calculated by subtracting the cost of the current sewer tap fee of the original tap from the current value of the sewer tap fee of the first new service tap.

(B) The amount of credit shall be fixed at the issuance of the first new service tap and may be used for payment for additional service taps that are used on the same property.

(C) In no instance shall cash refunds be granted.

(D) If any tap is installed and completed without receiving a utility permit and the proper inspection and approval by the city, no tap fee credit shall be given.

(E) If a demolition or vacation of a unit results in an abandonment of an associated sewer tap as defined in 8-8-14, no tap fee credit shall be granted at the time a new tap permit is issued.

(F) Any service commitments associated with sewer taps to serve buildings demolished in established urban renewal areas may be transferred as tap credits to an urban renewal authority or the city for use in approved redevelopment projects within that same urban renewal area. Sewer service commitment credits shall be calculated based on the tap size of the former water tap. When a credit is used for full or partial payment for a new sewer tap, all other applicable charges shall be assessed using the then current fee schedule in effect.

(G) In any case where sewer tap fees are paid by the City to THE Metro DISTRICT for sewer service at a location, the use of SFRE credits may be limited in use and amount by the agency due payment. In no case shall the City issue credits more than the amount issued by THE Metro DISTRICT.

Section 18. Section 8-8-14, W.M.C., is hereby REPEALED and REENACTED as follows:

8-8-14: MODIFICATION OF SEWER TAPS: A sewer tap, once installed, is associated with the building and property that it serves and no person shall disconnect, modify or change said tap in any way, except as provided below:

(A) **RELOCATING TAPS:** The disconnection or relocation of a sewer tap is subject to the following requirements:

1. Any person disconnecting or relocating a sewer tap must obtain written permission of the director of public works prior to commencing said disconnection or relocation; and
2. Disconnection of an existing sewer tap and/or installation of a relocated tap shall meet all requirements of section 8-8-3 and section 8-8-5 and shall be completed by the owner at the owner's expense; and
3. Existing sewer taps may be disconnected and relocated to serve a use or building elsewhere on the same property or moved to serve a use or building on a different property only if both the property served by the existing tap and the property to which the tap is being moved are under the same ownership; and
4. When a sewer tap is relocated and applied to the same use with the same pattern, amount of water use, and water tap size, a utility permit shall be required for the connection.

(B) **CHANGE IN USE CONSTITUTING EXPANSION:** A change in use is subject to the following requirements:

1. A change in use must be reviewed by the city's building division using the applicable plumbing code. Such review will include a fixture count evaluation, a water velocity evaluation, and an AWWA guidelines review. A change in use is presumed to occur when:
 - (a) The use of the served property is changed to a different use category for zoning or land use purposes, or
 - (b) Any modifications to landscape are made that require an ODP, ODP amendment, or ODP waiver, or

- (c) Any building or plumbing modifications that require a permit are made to the served property, or
 - (d) A new or additional water use is introduced on the served property, or
 - (e) A water tap is relocated and applied to a different use or building on the served property, or
 - (f) A water tap is relocated to a different property
2. If the review of the change in use determines the need for a larger water tap and/or meter than previously purchased for the property, the use will be considered an “expansion of use” and the provisions stated in paragraph 3) below apply.
 3. When an expansion of use occurs, a sewer tap fee in an amount equal to the difference between the current sewer tap fee for the existing tap and the current sewer tap fee for the new tap serving the new location and/or use shall be paid.

(C) BUILDING DEMOLITION:

1. when any building currently having a sewer tap is demolished, and a building permit for a new building on the same parcel is issued within three (3) years of the last registered water consumption and the new building maintains the same use with the same pattern and amount of water use as the pre-existing building, no new sewer tap fee shall be required and the new building shall be regarded as being served by the tap in service prior to demolition of the pre-existing building.
2. When any building currently having a sewer tap is demolished and no new building permit on the same parcel is issued within three (3) years of the last registered water consumption, abandonment will be presumed pursuant to subsection (D) below.

(D) ABANDONMENT:

1. Sewer service commitments or SFRE’s are associated with a tap. Abandonment of any tap will result in the forfeiture of the associated service commitments.
2. Any building having a water meter not registering usage for more than thirty-six (36) consecutive months, and for which payment of the monthly water meter charge has not been made continuously, shall constitute an abandonment of the associated sewer tap service commitment and SFRE’s. Notification of the effective date of the abandonment of the sewer tap shall be mailed to the last known address of the property owner or manager. Any subsequent sewer usage by that building shall require receiving a new service commitment and the purchase of a new sewer tap.
3. Upon abandonment of a tap, the consumer or the property owner shall be responsible for properly abandoning the sewer tap and service sewer. Such service sewer shall be sealed with a stopper and filler material at the tap specified by the city. No persons shall abandon any service sewer without first obtaining a permit under the building regulations of this code. An appropriate street cut permit shall be required to assure proper inspection and reconstruction of the street. In the event the sewer tap and service sewer is not appropriately abandoned, the city may appropriately abandon the sewer tap and service sewer and charge the cost thereof to the real property former served and may collect said charges in the same manner provided for in §8-7-9, delinquent payments and additional charges, W.M.C.

Section 19. Section 8-8-15, W.M.C., is hereby AMENDED to read as follows:

8-8-15: CHARGE FOR CHANGE IN WATERSEWER USE (2955) Any change in customer waterSEWER use, ~~meter or tap size~~, that results in an additional assessment ~~to the city of~~ BY THE metro wastewater district ~~charges~~ shall result in those ASSESSMENTS ~~charges~~ being assessed CHARGED to the customer by the City.

Section 20. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this ____ day of _____, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of _____, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office



WESTMINSTER

Staff Report

City Council Study Session Meeting
August 7, 2006



SUBJECT: Charter Amendments for Initiative, Referendum, and Recall

PREPARED BY: Jane W. Greenfield, Assistant City Attorney
Linda Yeager, City Clerk

Recommended City Council Action:

Direct City Attorney's Office to prepare an ordinance placing a ballot measure on the 2006 November election to amend the Charter.

Summary Statement:

- At its May 1st study session, City Council concurred in the City Manager's recommendation to bring forward a Charter amendment to conform Section 3.18 Recall and Sections 8.10-8.13 Initiative and Referendum with various provisions of the Colorado Constitution and relevant state statutes.
- Many changes to state election law have occurred over the last twenty to fifty years since these Charter provisions were adopted or amended, causing the Charter to become outdated or inconsistent, particularly with regard to the coordinated election process we now employ.
- Staff is recommending the removal of unclear or conflicting provisions, especially those related to time limits, in the recall, initiative and referendum sections of the Charter. Additionally, in order to avoid the need for future Charter amendment elections, it is being recommended that the more detailed procedural requirements for initiative, referendum and recall be addressed in the Code, rather than the Charter, so that they may be updated as changes in technology occur and state and county election requirements change.

Expenditure Required: The previous estimate, in the May 1st study session memo, for the coordinated election in 2006 was \$35,000. Having recently received the Adams County coordinated election agreement outlining their charges per voter, the estimate could be as high as \$55,000 (a total for both this measure and the Open Space tax extension issue).

Source of Funds: General Fund – City Clerk Operating Budget \$20,000
General Fund – Contingency \$35,000

Policy Issue(s):

1. Does City Council agree with the proposed language for the Charter amendments dealing with recall, initiative, and referendum?
2. Does City Council agree that the manner of exercising the initiative, referendum, and recall powers should be spelled out in the City's Election Code as recommended by Staff?

Alternative(s):

1. City Council could decide to direct Staff to amend the initiative, referendum, and recall provisions in a different or more extensive manner. This is not recommended, as it is generally the case that measures that are straightforward and relatively uncomplicated are more successful at the ballot box.
2. City Council could decide to put all of the substantive and procedural requirements regarding initiative, referendum and recall in the Charter rather than in the Code. This is not recommended, as the City decided in the mid-1990's to conduct future elections, where possible, as coordinated elections with Jefferson and Adams counties. Since the counties must follow state election law and regulations, and the state legislature amends those laws every year or two, the Charter would quickly become out of date again. Placing those additional election requirements in the City's Election Code allows the Council to easily make changes to conform with current law or changes in technology and methods of voting, while at the same time clarifying and enlarging upon the procedures that must be followed in the submission of any type of petition requiring an election.

Background Information:

Over the last thirteen months, several issues have arisen that have caused the City Clerk and the City Attorney's Office to closely examine and become much more familiar with the language in the City Charter. First, the referendum measure on the 72nd and Sheridan rezoning and CLUP amendment served to highlight an apparent inconsistency between time limits expressed in Sections 8.10 and 8.13. Second, several citizen inquiries over the last six months have prompted City Staff to closely examine the recall provisions of Section 3.18. Meeting the current provisions of Section 3.18 would be expensive and difficult, given the fact that the City has abandoned the practice of conducting its own elections. The time frames specified in Section 3.18 conflict with the timing requirements for conducting a coordinated election with both Adams and Jefferson Counties. Also, because of the election timing restrictions placed on counties by state law, the City would not be able to contract with the counties to conduct a special election for the City. This would leave the City in the position of having to conduct its own special election, probably by mail ballot as the City no longer has any voting devices. The cost of such a separate election could be significantly greater than the cost of adding a municipal question to an upcoming coordinated election ballot.

Attached to this report is a draft ordinance highlighting the proposed language changes to each Charter section and briefly stating the reasons for the proposed amendment. Staff has restricted the proposed changes to the minimum number it finds necessary to remove inconsistencies with state law and to clarify existing intent. While it might be convenient to make certain housekeeping changes, such as changing *referendary* to *referendum*, Staff felt that, from the standpoint of gaining voter support to pass this measure, fewer changes would be better.

The Colorado Constitution, Article V, Section 1, reserves to the people the powers of initiative and referendum. In doing so, it provides that cities "may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation." It is Staff's recommendation that "the manner of exercising" these powers be "provided for" in the Westminster Municipal Code, Title VII, Elections. The two-fold benefit of including such procedures in the Code is (1) confirming those requirements that apply to local election issues that may be different (based on our home rule authority) than those expressed in state statutes on the subject, and (2) allowing the City to respond quickly and efficiently to changes made in state law, which the City may want to follow in order to use the coordinated election process. If the Council agrees with this recommendation, Staff will bring an ordinance revising the City's Election Code back to Council after the November 7th election.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Draft ordinance with Comment Balloons explaining the revisions

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 2006

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF WESTMINSTER AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006, A MEASURE AMENDING CERTAIN PROVISIONS OF THE CHARTER OF THE CITY OF WESTMINSTER REGARDING INITIATIVE, REFERENDUM, AND RECALL, AND PROVIDING DETAILS IN RELATION THERETO

WHEREAS, it is necessary and appropriate that the City Council review the City's Charter from time to time to assure that its provisions are consistent with the contemporary needs of the City and the current legal requirements of Colorado law; and

WHEREAS, it has come to the attention of City Council that the Colorado legislature has adopted changes in various election statutes regarding timelines and filing deadlines for co-ordinated elections, which deadlines create a conflict with the timelines expressed in certain Charter sections related to the initiative, referendum, and recall processes; and

WHEREAS, pursuant to the terms of the Colorado Constitution, the Charter of the City of Westminster, and Section 31-2-210, C.R.S., the City Council has identified and determined that the proposed amendments to the City's Charter as set forth herein below shall be submitted to a vote of the City's registered electors at the general election to be held on November 7, 2006.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. At the general election to be held on November 7, 2006, there shall be submitted to the registered electors of the City the following question:

QUESTION #1:

Shall the Westminster City Charter, Sections 3.18 entitled **Recall**, Section 8.10 entitled **Initiatory and Referendary Petition**, Section 8.12 entitled **Submission of Initiatory and Referendary Ordinances to Electors** and Section 8.13 entitled **Ordinance Suspended; Miscellaneous Provision on Initiatory and Referendary Petitions**, be amended to clarify certain time limits, to conform inconsistent provisions with requirements of state election law, to recognize procedural requirements adopted in the City code, and to provide for similar procedures for initiative, referendum and recall petitions?

_____ FOR

_____ AGAINST

ACTUAL WORDING OF THE PROPOSED AMENDMENT:

Section 3.18. Recall.

Any incumbent of an elective office may be removed from office by the qualified electors of the city after he has held office for six (6) months.

A petition demanding the recall of the officer sought to be removed and signed by registered electors equal in number to twenty-five (25) percent of all ballots cast for all the candidates for that particular office at the last preceding regular election, to conform with Article XXI of the Constitution, shall be addressed to the Council and delivered to the City Clerk not ~~less than five (5) nor more than thirty-SIXTY (30)-(60)~~ days after the affidavit making charges against said officer has been filed. **SUCH PETITION SHALL MEET THE REQUIREMENTS OF THIS CHARTER AND THE DULY ADOPTED CODE OF THE CITY.** Each registered elector signing the petition shall ~~write~~ **PRINT HIS NAME, THE DATE, his home address AND COUNTY DESIGNATION after his name SIGNATURE.** Said petition may be in sections of one (1) or more sheets fastened securely at the top, and upon each section of the petition shall be written or printed a copy of the charges previously filed with the City Clerk. ~~One (1) of the registered electors signing each section shall append thereto his affidavit that each signature written thereon is the genuine signature of the person whose name it purports to be and that the affiant has not and will not receive any compensation for obtaining the signatures. TO EACH PETITION SECTION THERE SHALL BE ATTACHED A SWORN AFFIDAVIT BY THE CIRCULATOR THEREOF, STATING THE NUMBER OF SIGNERS THEREOF AND THAT EACH SIGNATURE THEREON IS THE GENUINE SIGNATURE OF THE PERSON WHOSE NAME IT PURPORTS TO BE, AND THAT EACH SIGNATURE WAS MADE IN THE PRESENCE OF THE AFFIANT.~~

Comment [jwg1]: Conforms time period for circulation to state law

Comment [jwg2]: Added for clarification to advise the reader that additional requirements can be found in the City Code

Comment [jwg3]: Clarifies the signature requirements needed for Clerk's canvassing

Comment [jwg4]: Deleted as its requirements regarding registered voter circulator and non-payment of circulator were found unconstitutional by both federal and state courts

Comment [jwg5]: Makes the requirements for circulator affidavit consistent with the initiative and referendum requirements of the Charter

All sections of the petition shall be filed as one (1) instrument, with the endorsement of the names of three (3) persons designated as filing the same. Provided, however, that prior to the filing of any recall petition one (1) or more registered electors shall file with the City Clerk an affidavit of not more than ~~three-TWO hundred (300)~~ (200) words stating the reasons for the recall of the officer sought to be removed. The City Clerk shall, within forty-eight (48) hours after the filing of said affidavit, mail a copy by registered mail to the officer sought to be recalled, who may file with the City Clerk a sworn statement **OF NOT MORE THAN THREE HUNDRED (300) WORDS** in defense of charges made against him.

Comment [jwg6]: Colo. Constitution, Art. XXI, Sec.3 specifies 200 words

Comment [jwg7]: Colo. Constitution, Art. XXI, Sec. 3 specifies three hundred words

Within ~~ten-FIFTEEN (10)~~ (15) days of the filing of said petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and shall attach thereto his certificate showing the result of such examination. If the petition is insufficient he shall forthwith, in writing, notify one (1) or more of the persons designated on the petition as filing the same. The petition may be withdrawn and amended within ~~twenty-FIFTEEN (20)~~ (15) days from the filing of the certificate. The City Clerk, within five (5) days after such amendment, shall make like examination of the amended petition and attach thereto his certificate of the result. If the petition is still insufficient, he shall return it to one (1) of the persons designated thereon as filing it, without prejudice to the filing of a new petition for the same person.

Comment [jwg8]: Makes the time requirements for canvassing consistent with the initiative and referendum requirements of the Charter

Comment [jwg9]: Colo. Constitution, Art. XXI, Sec.2 provides fifteen days for amendment of the petition

~~Any qualified elector desiring to become a candidate at the recall election shall do so by petition as required by the article on the elections hereof, which petition if presented to the City Clerk at least twenty (20) days before said election shall entitle him to have his name placed on the ballot. Notice of election shall be given as provided in the article of this Charter relating to elections (see Section 3.6).~~

Comment [jwg10]: This paragraph was moved into the paragraph below on replacement candidates

If the petition or amended petition is found sufficient, the City Clerk shall submit the same with his certificate to the Council without delay and the Council, if the officer sought to be removed does not resign within (5) days thereafter, shall order an election. ~~SUCH ELECTION SHALL BE HELD ON A TUESDAY FIXED BY THE COUNCIL NOT LESS THAN FORTY-FIVE (45) NOR MORE THAN SIXTY (60) DAYS FROM THE DATE THAT THE CITY CLERK'S SAID CERTIFICATE WAS FILED; PROVIDED THAT IF ANY OTHER CITY ELECTION IS TO OCCUR WITHIN NINETY (90) DAYS FROM THE DATE OF THE CITY CLERK'S CERTIFICATE, THE COUNCIL SHALL POSTPONE AND CONSOLIDATE THE RECALL ELECTION WITH SUCH OTHER CITY ELECTIONS.~~

Comment [jwg11]: This language was moved, unchanged, from the paragraph below

There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the words: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (.....)?" ~~Following such question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by marking a cross (X), his vote for or against such recall.~~

Comment [jwg12]: Deleted, as modern ballots and voting machine technology no longer follow this format

On such ballots, under the question, there shall be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled; ~~but no vote cast shall be counted for any candidate for such office, unless the voter also voted for or against the recall of such person sought to be recalled from said office. The foregoing sentence or instructions shall be printed on the ballot.~~ ~~ANY QUALIFIED ELECTOR DESIRING TO BECOME A CANDIDATE AT THE RECALL ELECTION SHALL DO SO BY PETITION AS REQUIRED BY THE ARTICLE ON THE ELECTIONS SECTIONS 3.1 AND 5.1 HEREOF, WHICH PETITION IF PRESENTED TO THE CITY CLERK AT LEAST TWENTY (20) DAYS BEFORE SAID ELECTION SHALL ENTITLE HIM TO HAVE HIS NAME PLACED ON THE BALLOT. NOTICE OF ELECTION SHALL BE GIVEN AS PROVIDED IN THE ARTICLE OF THIS CHARTER RELATING TO ELECTIONS (SEE SECTION 3.6).~~

Comment [jwg13]: This requirement was struck down as violative of the Fourteenth Amendment by the federal courts

Comment [jwg14]: Corrects the cross-reference to the appropriate Charter sections

Comment [jwg15]: Deleted, as the Charter §3.1 provides for alternative time periods depending upon whether the recall election is by mail ballot or coordinated with the counties.

Comment [jwg16]: This sentence is deleted as it refers to a Charter Section that was repealed in 1995.

The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

If the majority of those voting on said question of the recall of any incumbent from office shall vote NO", said incumbent shall continue in said office; if a majority shall vote "YES", such incumbent shall thereupon be deemed removed from such office upon the qualification of his successor. ~~Such election shall be held on a Tuesday fixed by the Council not less than forty five (45) nor more than sixty (60) days from the date that the City Clerk's said certificate was filed; provided that if any other city election is to occur within ninety (90) days from the date of the City Clerk's certificate, the Council shall postpone and consolidate the recall election with such other City elections.~~

Comment [jwg17]: Moved, unchanged, to paragraph above on the election call

If a vacancy occurs in said office after a recall election has been ordered, the election to fill the vacancy shall nevertheless proceed as in this article provided.

No person who has been recalled or has resigned while recall proceedings were pending against him shall serve the City in any capacity within two (2) years after such removal or resignation. ~~No person shall receive any compensation whatsoever for canvassing for signatures to a petition for recall of any official.~~

Comment [jwg18]: Deleted as its requirement regarding non-payment of a circulator was found unconstitutional by federal and state courts

Section 8.10. Initiatory and Referendary Petition.

An initiatory or referendary petition on a legislative ordinance may be filed and shall be signed by not less than ten (10) percent of the number of persons who were registered electors of the City, as of the date of the last regular City election. Not more than five (5) percent of the registered electors shall be required to order a referendum on a public utility franchise. ~~SUCH PETITIONS SHALL MEET THE REQUIREMENTS OF THIS CHARTER AND THE DULY ADOPTED CODE OF THE CITY.~~

Comment [jwg19]: Added for clarification to advise the reader that additional requirements can be found in the City Code

A referendary petition shall be filed with the City Clerk not more than thirty (30) days after the effective date of said legislative ordinance or franchise ordinance. All signatures on said petition shall be obtained ~~within twenty one (21) days AFTER THE EFFECTIVE DATE OF SAID ORDINANCE AND~~ before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two (2) or more petition ~~papers~~ ~~SECTIONS~~ identical as to content and simultaneously filed. ~~by one (1) person. SUCH PETITION SHALL CONTAIN THE ENDORSEMENT OF THE NAMES OF THREE (3) PERSONS DESIGNATED AS FILING THE SAME.~~ An initiatory petition shall set forth in summary and in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one (1) ordinance. A referendary petition shall identify, meaningfully summarize, and set forth the ordinance or part thereof, or Code section it proposes to have repealed.

Comment [jwg20]: Clarifies the time period for signature gathering

Comment [jwg21]: Conforms language with the Colo. Constitution and state law

Comment [jwg22]: Makes the committee of petitioners requirement consistent with the recall requirements of the Charter

Each signer of a petition shall sign ~~AND PRINT~~ his name, and shall place thereon, after his name, the date and his place of residence by street and number, ~~or by other customary-AND COUNTY~~ designation. To each petition ~~paper~~ ~~SECTION~~ there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and ~~that is EACH SIGNATURE WAS~~ made in the presence of the affiant.

Comment [jwg23]: Clarifies the signature requirements needed for Clerk's canvassing

Comment [jwg24]: same

Comment [jwg25]: Conforms language with the Colo. Constitution and state law

Such petition shall be filed with the Clerk who shall, within fifteen (15) days, canvass the signatures thereof. If the petition, on its face, contains a sufficient number of signatures, but does not contain a sufficient number of signatures of registered electors of the City, the Clerk shall notify forthwith ~~by registered~~ ~~FIRST CLASS AND ELECTRONIC~~ mail, ~~IF AVAILABLE~~, the person filing such petition and fifteen (15) days from such notification shall be allowed for filing supplemental petition papers; provided, however, that if the petition as initially filed shows on its face that it does not contain the required number of signatures, whether of registered electors or not, the Clerk shall not be required to canvass the signatures and the petition shall be null and void and shall not be circulated further. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its ~~NEXT~~ regular meeting.

Comment [jwg26]: Grammatical correction

Comment [jwg27]: Updates form of providing notice to quickest method

Comment [jwg28]: Clarifies requirement

Section 8.12. Submission of Initiatory and Referendary Ordinances to Electors.

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election, OCCURRING ~~NOT LESS THAN SIXTY (60) DAYS AFTER SAID DECISION, held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. In the case of an initiatory petition, if no election is to be held in the City for any other purpose within one hundred fifty (150) days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election within sixty (60) days from such date of presentation for the submission of the initiative proposal.~~ The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon.

Comment [jwg29]: Consistent with state law and the practical reality of the time necessary to conduct an independent election

Comment [jwg30]: Makes the election requirement the same for both initiative and referendum petitions. Removes the mandated special election for initiative petitions.

Section 8.13. Ordinance Suspended; Miscellaneous Provisions on Initiatory and Referendary Petitions.

The presentation to the Council by the Clerk of valid and sufficient referendary petition containing a number of signatures equal to ten (10) percent of the number of persons who were registered electors of the City as of the date of the last regular City election, ~~which signatures have been obtained within sixty (60) days before the date of filing the petition with the Clerk,~~ shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

Comment [jwg31]: Deletes confusing and unneeded language

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of six (6) months after the date of the election at which it was repealed; provided however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this chapter or if submitted to the electorate by the Council on its own motion.

If two (2) or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

Section 2. The City Clerk is hereby directed to take such action as may be required or permitted by law in connection with the election.

Section 3. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 4. If any section, paragraph, clause or provision of this ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 5. All acts, orders, and resolutions, and parts thereof, inconsistent with this ordinance be, and the same are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 6. This ordinance shall take effect upon its passage after second reading.

Section 7. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10)

days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this _____ day of _____, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED THIS _____ day of _____, 2006.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



WESTMINSTER

Staff Report

City Council Study Session Meeting
August 7, 2006



SUBJECT: Open Space, Parks and Recreation Ballot Language

PREPARED BY: Ruth Becker, Open Space Coordinator
Steve Smithers, Assistant City Manager

Recommended City Council Action:

Direct Staff to bring back the suggested ballot language in substantially the same form to be adopted by Council Resolution at the August 28, 2006 City Council Meeting.

Summary Statement:

- In 2005, City Council directed Staff to poll Westminster residents to determine their support for a ballot issue to extend and/or increase the .25% open space, parks and recreation sales and use tax.
- Staff contracted with Frederick Polls to conduct this research. Frederick Polls handled the previous polling for the De-Brucing and Public Safety ballot issues, both of which resulted in successful ballot proposals. A telephone poll was conducted of 300 Westminster residents on May 12 – 14, 2005. The poll focused on likely voters in the November 2005 election. The margin of error for the poll was 5.6%.
- The poll indicated clear support for extending the existing tax and issuing additional bonds. Eighty-four percent (84%) of respondents indicated they would vote in favor of a sales tax extension at the existing rate for 25 years and approve the sale of bonds to advance the purchase of open space property and park development. Council decided not to place the sales tax extension and bonding question on the 2005 ballot, preferring to reconsider the issue in 2006 when additional retail would be coming on line and the prospects for a larger bond issue were greater.
- At the May 1, 2006 Study Session, Council directed staff to prepare ballot language for the open space and parks sales tax extension and bond issue if the Citizen Survey showed continuing support for the measure.
- In the 2006 Citizen Survey, residents were asked if they supported extending the existing 0.25% sales and use tax to fund the purchase of open space land and parks and recreation services for an additional 25 year period. Seventy-seven percent (77%) of respondents strongly supported or somewhat supported the extension.

- Council direction is also needed to decide whether to pursue a fixed term of years for the sales tax extension or a perpetual extension.

Expenditure Required: \$55,000 (Election expense)

Source of Funds: General Fund – City Clerk Operating Budget \$20,000
General Fund – Contingency \$35,000

Policy Issues:

Should the City proceed with the recommended ballot language for the Open Space, Parks and Recreation sales and use tax extension to be presented to the voters on the November election ballot?

Should the sales tax be extended for a fixed term (25 years) or perpetually?

Alternatives:

1. Don't pursue a ballot issue this fall. The City's current open space, parks and recreation tax does not expire until 2016, which does allow the City to continue with a limited amount of open space purchases. However, the City has expended all of the previously issued open space bond funds, leaving approximately \$750,000 a year for land purchases, and approximately \$565,000 of those funds will be applied annually to the Metzger purchase.

2. Direct Staff to modify the language of the ballot question. The language presented in the background section of this Staff Report reflects the review and input of the City's bond counsel Sherman and Howard, the City's bond underwriter Hanifen Imhoff, and Staff from the City Attorney's Office and the City Manager's Office. While the language is still being reviewed, Staff believes this language meets legal requirements and will represent fairly to the voters the City's intent on this issue.

3. Direct staff to modify the ballot question to provide for a perpetual sales tax extension, instead of a 25 year extension. A perpetual sales tax would provide a steady stream of revenues for the future maintenance of open space, and development and refurbishment of parks and recreation properties. A perpetual sales tax would not have a substantial effect on the size of the bond issue. A perpetual tax would decrease the cities future flexibility or use of this tax capacity for other purposes.

Background Information:

The City of Westminster's first open space sales tax was passed in 1985. The one-quarter cent sales tax was devoted to the acquisition of open space and was extended by the voters in 1989, with half of the proceeds going to parks and recreation improvements. In 1996, the citizens once again extended the one-quarter cent sales tax for 20 more years, through 2016, and authorized the City to issue \$26 million of bonds to fund additional open space purchases, as well as, facility construction and park development. This action has resulted in \$13 million in bonds for open space acquisitions, as well as \$13 million for parks and facility development. The City has also received grants from other jurisdictions and joint ventured with government partners to leverage its open space funds.

In order to continue to make progress towards the City's Open Space, Parks and Recreation goals, additional bonding capacity is needed to establish the cash funding for additional land acquisitions and key projects. In addition, the Parks and Recreation Department has several park sites to develop and recreational improvements, for which funding is not currently available. Voter approval of an extension of the current one quarter of one percent Open Space, Parks and Recreation sales and use tax until the year 2032 would allow the City to bond for these proceeds in an amount that is anticipated to fall in the range of \$9,950,000-\$25,510,000. These funds would assist the City with meeting the 15% Open Space goal and to develop and maintain additional parks and recreation opportunities.

At the Open Space Advisory Board meeting on July 26, 2006, the Board indicated its unanimous support for a perpetual sales tax extension. The vote was 6-0, with one member excused from the meeting. Board members expressed their desire to have a continuous funding stream for future maintenance and revegetation efforts for open space, and funds available to maintain park facilities.

Staff is recommending the following language be placed on the November ballot:

ISSUE A - Parks Open Space Trails Tax Extension

SHALL THE CITY OF WESTMINSTER DEBT BE INCREASED \$__,000,000 WITH A REPAYMENT COST OF \$__,000,000 WITHOUT ANY NEW TAXES OR TAX RATE INCREASES FOR THE PURPOSE OF:

- ACQUIRING, ENHANCING, AND MAINTAINING OPEN SPACE AND PARKLAND THROUGHOUT THE CITY,
- DEVELOPING, ENHANCING, AND MAINTAINING NEIGHBORHOOD PARKS AND OTHER PARKS IN THE CITY,
- DEVELOPING, MAINTAINING AND EXTENDING TRAILS THROUGHOUT THE CITY,
- DEVELOPING, MAINTAINING AND ENHANCING RECREATIONAL FACILITIES IN THE CITY

TO BE REPAYED FROM THE CURRENT 1/4 OF 1 PERCENT SALES AND USE TAX INCLUDING THE EXTENSION TO DECEMBER 31, 2032, AND ANY OTHER AVAILABLE REVENUES; AND SHALL THE CITY CONTINUE TO LEVY UNTIL DECEMBER 31, 2032, THE 1/4 OF 1 PERCENT SALES AND USE TAX CURRENTLY PROVIDED FOR BY CITY CODE SECTION 4-2-3 AND USE SUCH REVENUES FOR THE ACQUISITION, ENHANCEMENT, AND MAINTENANCE OF OPEN SPACE AND PARKLAND AND FOR THE DEVELOPMENT, ENHANCEMENT, AND MAINTENANCE OF PARKS, RECREATIONAL FACILITIES AND TRAILS; AND SHALL THE PROCEEDS OF SUCH DEBT, SUCH TAXES, ANY GRANTS RECEIVED BY THE CITY FOR PARKS, OPEN SPACE AND TRAILS, AND ANY INVESTMENT INCOME THEREFROM BE EXCLUDED FROM THE SPENDING AND THE REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Staff Report – Open Space, Parks and Recreation Ballot Language

August 7, 2006

Page 5

Staff is continuing to work with this language and there may be some minor refinements to the final ballot language presented to City Council on August 28. In addition, Staff will fill in the bonded debt levels left blank above and take direction from Council on whether to request a finite or perpetual extension on the sales tax.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

Information Only Staff Report
August 7, 2006



SUBJECT: 4th of July Celebration
PREPARED BY: Heather Hammarstrom, Recreation Specialist

Summary Statement:

This report is for City Council information only and requires no action by City Council. The City of Westminster and Hyland Hills Park and Recreation District held the annual 4th of July Fireworks Celebration on Tuesday, July 4, at Westminster City Park. Due to severe weather, the majority of the evening's activities were cancelled.

Background Information

The event began at 6 p.m. and featured eight food vendors, a jumping castle and face painting. The Sassy 107.1 radio station was in attendance and ready to provide a choreographed simulcast during the fireworks display. A military flyover was scheduled to take place at 7:30 pm immediately followed by a concert featuring the group Funkiphino, sponsored by the North Metro Arts Alliance. The fireworks were scheduled to start at 9:15 p.m. However, due to a severe storm that hit City Park at 7 p.m., the concert and simulcast were cancelled. The weather cleared up just enough for the fireworks to be shot off at 9 p.m.

The Westminster Police, Fire, and Parks, Recreation and Libraries Departments followed a detailed incident action plan to safely and quickly evacuate thousands of people at City Park into the Recreation Center, Fitness Center and District 50 shuttle buses. These facilities served as a shelter to event attendees for more than 90 minutes.

Respectfully submitted,

J. Brent McFall
City Manager



W E S T M I N S T E R

Staff Report

Information Only Staff Report
August 7, 2006



SUBJECT: Summer Celebration

PREPARED BY: Heather Hammarstrom, Recreation Specialist

Summary Statement:

This report is for City Council information only and requires no action by City Council. The Annual Summer Celebration was held on Thursday, June 15, from 5:00 p.m. until 8:30 p.m. at the Irving Street Library/Park Pavilion. This is a free City of Westminster special event that celebrates the beginning of summer with a family night out in the park.

Background Information

Approximately 300 people attended this year's event. Entertainment included Jim Loshbaugh, a children's puppeteer and magician, at 5:30 p.m. followed by the band "Mariachi Vasquez" at 7:30 p.m. Free Hagan Daaz ice cream was provided by Wild Oats. Nearly 500 sodas were given away to attendees and were made available through partial contributions by Pepsi of Denver. A climbing wall and jumping castle were free of charge for kids to play on during the event.

ARTrageous set up a booth where children and adults could paint a community mural that will be hung in the City Park Recreation Center. The Swim and Fitness Center provided an Activity Booth with water games for children. The Parks, Recreation and Libraries Department set up an information booth where they also gave away body tattoos to children. Members of the Parks, Recreation and Libraries Department were on hand to distribute the treats and to ensure a good time was had by all. This event was very successful and Staff will plan on continuing this program next year.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

Information Only Staff Report
August 7, 2006

SUBJECT: Father and Daughter Ball

PREPARED BY: Heather Hammarstrom, Recreation Specialist

Summary Statement:

This report is for City Council information only and requires no action by City Council. The Twelfth Annual Westminster Father and Daughter Ball was held Saturday, June 17, at the Double Tree Hotel in Westminster.

Background Information

- The Ball is a special event for daughters and their fathers to enjoy an evening of dancing, entertainment, refreshments, and a carriage ride.
- This year, 275 fathers and daughters gathered for the Westminster Father and Daughter Ball. Nervous fathers and their excited daughters came from all over the metro area to attend this popular event.
- The evening began at 6 p.m. with a sit-down dinner, followed by cake and punch for dessert. Families spent the night dancing to tunes played by a local DJ. Prizes were awarded to the father who could do the best Elvis impersonation and to the daughter who could blow the biggest bubble.
- Families were also treated to a professional portrait and a horse-drawn carriage ride at sunset. As a gift for attending the event, the girls received a canvass "Princess" bag, tiara soap, a picture frame and a tiara sucker. Everyone received a rose and a balloon as they left for the evening.

Respectfully submitted,

J. Brent McFall
City Manager