

**CITY OF EDGEWATER**  
**ORDINANCE NO. 2016 - 09**  
**SERIES OF 2016**

**AN ORDINANCE AMENDING CHAPTER 13 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING MUNICIPAL UTILITIES, BY AMENDING SECTION 13-2-280, CONCERNING THE CITY ENGINEER'S DETERMINATION OF THE SIZE AND LOCATION OF NEW WATER SERVICE FACILITIES, SUBSECTION 13-3-230(a), CONCERNING CONSTRUCTION REQUIREMENTS FOR SANITARY SEWERS, AND SECTION 13-3-610, CONCERNING THE ESTABLISHMENT OF SANITARY SEWER RATES.**

WHEREAS, the City Council finds that, in order to create consistency and efficiency of maintenance in the City's water delivery facilities, and in the private water delivery facilities to which the City's facilities are connected, the City should have the authority to designate not only the size and location of all new water facilities, but also the construction methods and materials to be used to construct such facilities; and

WHEREAS, the City Council finds that, in order to create consistency and efficiency of maintenance in the City's sanitary sewer facilities, and in the private sanitary sewer facilities to which the City's facilities are connected, the City should have the authority to designate the size, location and construction materials to be used to construct such facilities in the event that existing code provisions do not provide for any particular circumstance or condition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO, THAT:

Section 1. Section 13-2-280 of the Edgewater Municipal Code ("Code"), concerning the City Engineer's determination of the size and location of new water service facilities, is hereby amended to read as follows:

**Sec. 13-2-280. New construction.**

The City Manager or his designee ~~Engineer~~ shall be responsible for the determination of the size, construction materials, construction method, and location of all new facilities, including the location of fire hydrants as set out in Section 13-2-60 of this Article.

Section 2. Subsection 13-3-230(a) of the Code, concerning construction requirements for sanitary sewers, is hereby amended to read as follows:

- (a) The size, slope, alignment and materials of construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the building and plumbing codes or other applicable codes, ordinances, rules and

regulations of the City. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply, which specifications are included herein by reference. In the event that any such code, ordinance, rule, regulation or specification fails to address any particular circumstance or condition, the City Manager or his designee shall be responsible for the determination of the size, slope, alignment and materials of construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench.

Section 3. Section 13-3-610 of the Edgewater Municipal Code (“Code”), concerning the establishment of sanitary sewer rates, is hereby amended to read as follows:

**Sec. 13-3-610. Sewer rates established.**

The sewer rate schedule and charges which shall be paid by users of the sanitary sewer system of the City are as follows:

(1) For each user within the corporate limits, the rate per month will be, in the amount set forth in the fee schedule adopted by the City Council from time to time, a basic service charge for each sewer connection, plus a usage charge per each one thousand (1,000) gallons of water used from the City water system during the most recently completed month of December; provided, however, that the usage charge set forth in this Paragraph shall automatically increase from time to time in an amount that is equal, on a percentage basis, to any increase after October 1, 2010, in the cost to the City under the wastewater treatment service agreement with Metro Wastewater Reclamation District that is in effect from time to time, and further provided that, regardless of water usage, there shall be a minimum monthly usage charge equal to the applicable rate per thousand gallons of water multiplied by two (2).

(2) For each user outside the City limits, the rate per month shall be one hundred fifty percent (150%) of the rate set forth in Paragraph (1) above.

(3) For each user not connected to the City water system, the rate set forth in Paragraph (1) above shall be based upon water usage as determined by the ~~Denver Water Board~~ water provider.

(4) Sewer service for the City, its departments and its agencies shall be charged and paid at the rate for such service as is billed by the Metro Wastewater Reclamation District. A resolution shall be adopted no less often than annually establishing the amount of the charge and making the appropriate transfer from the general fund.

(5) Any other provision of this Section notwithstanding, in the event that a commercial user of the sanitary sewer system connects to the system for the first time, re-connects to the system after a period of non-use or has a change of use of its property, the City Manager or his or her designee will estimate the rates and charges to be paid by the user on a monthly basis until the passage of the next succeeding month of December, after which time the user will be billed or refunded, as the case may be, for the prior estimated period's rates and charges and billed going forward, on the basis of such December usage and in accordance with the provisions of Paragraph (1) above.

Section 4. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. Effective Date. This ordinance shall become effective five (5) days after publication after final adoption in accordance with the Home Rule Charter of the City of Edgewater.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED this 3rd day of March, 2016.

*/s/ Kris Teegardin, Mayor*

ATTEST:

*/s/ Elizabeth A. Hedberg, MMC*  
City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 7th day of April, 2016.

*/s/ Kris Teegardin, Mayor*

ATTEST:

*/s/ Elizabeth A. Hedberg, MMC*  
City Clerk

APPROVED AS TO FORM:

*/s/ Thad Renaud*, City Attorney

**CERTIFICATE OF PUBLICATION**

STATE OF COLORADO )  
 )  
CITY OF EDGEWATER ) SS:  
 )  
COUNTY OF JEFFERSON)

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2016-09 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on March 4, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 4th day of March, 2016.

*/s/ Beth A. Hedberg*, MMC  
Edgewater City Clerk

**CERTIFICATE OF PUBLICATION**

STATE OF COLORADO )  
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CITY OF EDGEWATER ) SS:  
 )  
COUNTY OF JEFFERSON)

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2016-09 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on April 8, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 8th day of April, 2016.

*/s/ Beth A. Hedberg*, MMC  
Edgewater City Clerk

**SUMMARIZED HISTORY FOR ORDINANCE NO. 2016-10**

Action	Date
Workshopped	February 4, 2016
First Reading	March 3, 2016
Posted	March 4, 2016
Publication	March 4, 2016
Second Reading	April 7, 2016
Sent to Codifier	April 8, 2016

Posted	April 8, 2016
Publication	April 8, 2016
Enacted	April 12, 2016