

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 992**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING
SECTIONS 13-1-80 AND 13-1-200 OF THE *MEAD MUNICIPAL CODE* TO
ESTABLISH A TRANSFER FEE AND PERMIT ALTERNATIVE RATE
CALCULATION METHODS**

WHEREAS, Section 13-1-80 of the Town of Mead Municipal Code (“MMC”) sets forth the fees to be paid when a person connects to the Town’s sewer utility infrastructure; and

WHEREAS, Section 13-1-200 establishes the procedures for setting sewer use rates, which rates must be sufficient to generate enough revenue to pay all costs for the operation and maintenance of the Town’s sewer system; and

WHEREAS, Town staff has reviewed these provisions of the MMC and recommends amendments to: (1) establish a transfer fee in Section 13-1-80 for developments or households that transfer from another sewer utility provider, sanitation district, or private septic or lagoon system to the Town’s sewer system to help ensure the Town’s Sewer Enterprise Fund is sufficient to cover the costs of wastewater plant expansion that may be necessary from such additional connections to the Town’s sewer system, and (2) account for differing rates in Section 13-1-200 charged to properties that cannot be billed in the Town’s usual manner due to the unique features or conditions of the property; and

WHEREAS, the Board of Trustees has determined that the adoption of this ordinance will further the public health, safety and welfare of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Amendment to Section 13-1-80. Section 13-1-80 of the MMC is hereby amended by adding a new subsection (j) to read in full as follows:

Sec. 13-1-80. - Sewer tap, plant investment, and related fees.

(j) If an applicant seeks to connect to the Town’s centralized sewer system by transferring from a different sanitation district or utility provider or by upgrading an existing private septic or lagoon system, the applicant shall pay to the Town an application fee, study fee, and transfer fee in addition to the plant investment fee, as specifically provided in this Section. The transfer fee shall be in lieu of the payment of any tap fee.

(1) Application fee and study fee. At the time an applicant submits an application to connect to the Town’s centralized sewer system, the applicant shall pay an application fee and a deposit to cover the estimated costs for the completion of a study setting forth the cost of the expanded sewer infrastructure, which shall include any appropriate

inflationary adjustments as determined by the Town, necessary to meet the applicant's needs. The study shall be completed by the Town Engineer or a professional engineer retained by the Town for such purpose. The application fee and deposit amount shall be established by resolution of the Town Board of Trustees and shall be included in the Town's comprehensive fee schedule. The fee for completion of the study shall be calculated on a case-by-case basis and shall not exceed the actual cost of the study. The applicant is responsible for the actual cost of the study. If the cost of the study exceeds the deposit paid by the applicant at the time of the application, the applicant shall remit the amount that exceeds the deposit paid to the Town. If the deposit paid is more than the actual cost of the study, the Town will refund the deposit amount paid that exceeds the cost of the study.

- (2) Transfer fee. The transfer fee shall be equal to the cost of the expanded sewer infrastructure necessary to meet the applicant's needs, as shown in the study completed by the Town.
- (3) Complete application. The Town shall not process a transfer application or proceed with the study unless and until the applicant has submitted a complete application and paid all required fees.

Section 3. Amendment to Section 13-1-200. Section 13-1-200 of the MMC is hereby amended by adding a new subsection (i) to read in full as follows:

Sec. 13-1-200. - Rate setting procedures.

- (i) The Town reserves the right to determine all fees and charges to users not specifically covered by the schedules or rate setting procedures enumerated in this Code or the Town's fee schedule. The public works director may authorize sewer usage fees based on:
 - (1) The average metered sewer usage of a particular property or user; or
 - (2) Other circumstances specific to a property or user so long as there is a reasonable nexus between the fee imposed and the outflow or other impacts on the Town by the property or user.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Remaining provisions. Except as specifically amended hereby, all other provisions of the Mead Municipal Code shall continue in full force and effect.

Section 6. Codification Amendments. The codifier of the Mead Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Mead Municipal Code.

Section 7. Severability. If any part, section, subsection, sentence, clause or phrase of this

ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

Section 8. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 9. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 28TH DAY OF MARCH, 2022.

ATTEST:

By: 
Mary E. Strutt, MMC Town Clerk



TOWN OF MEAD

By: 
Colleen G. Whitlow, Mayor