

ORDINANCE NO. 2379
INTRODUCED BY: Johnston

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,
AMENDING AND RE-CODIFYING CERTAIN SECTIONS OF TITLE 13 OF THE
BRIGHTON MUNICIPAL CODE

WHEREAS, City Council previously approved Ordinance No. 2363, relating to the water dedication and plant investment fees assessed by the City of Brighton and setting forth the effective dates for said dedication and fees; and

WHEREAS, by Ordinance No. 2363, City Council amended Title 13 to align the City's raw water dedication or fee-in-lieu to align with the City's cost of water acquisition; and

WHEREAS, City Council has been advised by City staff that certain provisions of Title 13 of the Brighton Municipal Code should be amended and re-codified to effectuate and clarify the intent of City Council in approving Ordinance No. 2363; and

WHEREAS, City Council supports amending and re-codifying the Brighton Municipal Code to effectuate the intent of Ordinance No. 2363.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1: Section 13-4-20 is hereby amended to read as follows:

Section 13-4-20. – Supply, application required; connection work, authorization required.

- (a) Any person desiring a supply of water from the City must make application at the office of the Director either in person or through a duly authorized licensed plumber.
- (b) Except for those persons authorized by the City, all persons, including licensed plumbers, are prohibited from connecting water service to any property.
- (c) Every attachment or connection with the City water system shall be made under authority of the Director.

Section 2: The following amendments shall be effective for final plats approved after January 1, 2022.

Section 3: Section 13-4-90(g) through (i) is hereby repealed and reserved for future use if needed.

Section 4: Section 13-4-10 is hereby repealed and enacted to read as follows:

Section 13-4-10. – Water dedication or fee-in-lieu required.

(a) A dedication of water rights is required unless the City Council has previously granted by signed agreement the right to pay a fee-in-lieu. The water rights dedication or fee-in-lieu amount for single family detached shall be assessed as follows (based on Firm Yield analysis by City or City designated consultant):

Units/Acre	Acre-Feet/Unit	Fee-In-Lieu/Unit
3 or less	0.58	\$34,359
4	0.56	\$33,174
5	0.47	\$27,842
6	0.46	\$27,250
7	0.42	\$24,880
8 or 9	0.40	\$23,696
10	0.39	\$23,103
11	0.38	\$22,511
12 or more	0.36	\$21,326

(Special consideration for dedication amount or fee-in-lieu may be granted at the discretion of the Utilities Director and approved by Council for proposed and proven water conservation measures resulting in lower demand volumes than shown on this table.)

(b) A dedication of water rights is required unless the City Council has previously granted by signed agreement the right to pay a fee-in-lieu. The water rights dedication or fee-in-lieu amount for multi-family dwellings, including apartment buildings or condominiums and single-family attached (such as duplexes or townhomes) shall be assessed based on number of units as follows (based on Firm Yield analysis by City or City designated consultant):

Multi-Family	Acre Feet/Unit	Fee-In-Lieu
Per unit	0.27	\$11,783

(Special consideration for dedication amount or fee-in-lieu may be granted at the discretion of the Utilities Director and approved by Council for proposed and proven water conservation measures resulting in lower demand volumes than shown on this table.)


(c) A dedication of water rights is required unless the City Council has previously granted by signed agreement the right to pay a fee-in-lieu. The water dedication amount for all other developments, including, but not limited to commercial, industrial, mixed use, public land donation, parks, and common areas, the owner shall provide to the City an acceptable water resource report authored by a registered professional engineer experienced in water resources that estimates the amount of water needed to support and irrigate said development. The report shall also include a firm yield analysis of the water rights to be dedicated. The City will review the report and if determined appropriate, the water dedication or fee shall be assessed based on the engineer's report. If the City's water right consultant disagrees with the engineer's report, the City will provide an analysis to the developer and water dedication or fee shall be assessed based on the City's recommendations.

Section 5. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 7th DAY OF December, 2021.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 21st DAY OF December, 2021.

CITY OF BRIGHTON, COLORADO



GREGORY MILLS, Mayor

ATTEST:



NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:



ALICIA CALDERÓN, City Attorney