

RESOLUTION 2022-08

Rates, Charges, Fees and Monetary Penalties

WHEREAS, the Fountain Sanitation District (the "District") is a special district as defined under C.R.S. § 32-1-103(20) and having all of the purposes, powers and authority as provided under C.R.S. Title 32; and

WHEREAS, C.R.S. § 32-1-1001(1)(j) authorizes special districts, "to fix and from time to time to increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the special district"; and

WHEREAS, the Board of Directors of the District (the "Board") previously adopted a schedule of Rates, Charges, Fees and Monetary Penalties for the District by resolution in 2022; and

WHEREAS, the Board now wishes to revise, update and amend the Rates, Charges, Fees and Monetary Penalties for the District; and

WHEREAS, the Board has reviewed information, including that provided by the District staff and the District Engineer, regarding anticipated capital improvement, technical, financial, managerial, administrative and institutional needs; and

WHEREAS, the Board has determined that the public health, interest, safety, welfare, and the best interests of the District's existing and future constituents, and the financial condition of the District are best served by a modification to the Rates, Charges, Fees and Monetary Penalties of the District; and

WHEREAS, pursuant to C.R.S. § 32-1-1001, and having determined that the revised Rates, Charges, Fees and Monetary Penalties are reasonable and necessary to protect the public interest, the Board desires to revise, update and amend the Rates, Charges, Fees and Monetary Penalties applicable to operations of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board that the Rates, Charges, Fees and Monetary Penalties for the District effective as of the date of this Resolution shall be as follows:

**Rates, Charges, Fees and Monetary Penalties
Fountain Sanitation District**

2022 Assessed Valuation	\$213,514,360	All real and personal property
2023 Mill Levy	6.079 mills	Levied on ALL taxable property; payable and to be collected in 2023
2023 Abate & Refund Mill Levy	0.003 mills	Levied on ALL taxable property; net payable and to be collected in 2023
Site Development/Plan Review Development/Additions involving expansion of gross area, developed site area **Outside Consultants (i.e. legal, structural, geotechnical, etc.)	\$2,000 Deposit Per Development Review**	Deposit to cover initial review costs associated with the District's review. All associated costs for plan and development review for professional fees incurred by the District will be charged directly to the applicant. **A Reimbursement Agreement executed by the applicant is required for professional fees incurred beyond the initial deposit. Final approval is contingent upon payment of all fees and expenses to the District. The District is not obligated to record any documents, issue any building permits or process any subsequent submittals from an applicant until and unless all prior direct expenses have been paid.

Initial Inspection Fee for Service Line Connection	\$50 per unit	Payable at time of purchase of connection permit and payment of plant investment fee for any commercial, single family or multiple family dwelling units. The charge will be re-assessed, unless construction is completed within 180 days of the original issuance of the connection permit, regardless of reason for delay.
Re-inspection Fee for Service Line Construction	\$100 per request	Payable at time of each subsequent inspection after initial inspection failure. Approval of completed construction will not occur without full payment of all fees due.
Wastewater Plant Investment Fee		Residential/Commercial Wastewater Plant Investment Fees are payable to the District at the time of application for a building permit. Connection permits are issued when paid and shall be valid for 180 days from the date of issue. After said time the connection permit expires unless otherwise agreed to by the District.

DISTRICT MONTHLY USER CHARGES

****Effective as of the beginning date for the March – 2023 billing cycle****

User Class	Customer Service Charge, per monthly billing period		Unit Volume Charge, for each 10-gallons of metered water during monthly billing period	
	In District	Outside District	In District	Outside District
FOUNTAIN CREEK BASIN				
JIMMY CAMP CREEK BASIN AND LOWER FOUNTAIN CREEK BASIN				
Residential units	\$6.89	\$13.78	\$0.0686	\$0.1372
Non-residential units	\$6.89	\$13.78	\$0.0686	\$0.1372

1. Residential units include each dwelling or living unit, whether a single-family detached dwelling, or located within a duplex, fourplex, six-plex, eightplex, apartment building, condominium building, townhome building or individual mobile home, each with a separately metered water service to each living unit.
2. Non-residential units include but are not necessarily limited to churches, schools, commercial and industrial establishments, businesses or enterprises, privately owned trailer courts or mobile home parks, and any other establishment, business or enterprise including multiple living unit buildings, condominium buildings, or townhome buildings which have a commonly metered water supply for all living units in each building.
3. The Wastewater User Charge **for residential users** will be based on the average winter water use volume metered at each customer during the billing periods for December, January and February and the established Customer Service Charge.
4. The Wastewater User Charge **for non-residential users** during any billing period will be based on the water use volume metered at each customer during the billing period and the established Customer Service Charge.
5. Wastewater User Charge for new residential customers *without* historical winter water use will be based on the District's last calculated median winter metered residential water use of 4,280 gallons during a billing period and the established Customer Service Charge.
6. Wastewater User Charge for *existing* residential users will be based on a minimum 2,000 gallons average winter water use volume for each customer during the billing periods for December, January and February or the actual use volume metered, whichever is greater will be the established Customer Service Charge.

**FOUNTAIN CREEK BASIN
JIMMY CAMP CREEK BASIN AND LOWER FOUNTAIN CREEK BASIN
WASTEWATER PLANT INVESTMENT FEE**

Wastewater Plant Investment (Tap) Fee:	\$5,647.00 18 \$ 186.00	Minimum Base Plant Investment Fee (PIF) charge Minimum Drainage Fixture Unit (DFU) allowance DFU charge in excess of minimum allowance.
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**AREAS WITHIN THE CORPORATE LIMITS OF THE CITY OF COLORADO SPRINGS AND ITS UTILITIES
SERVICE AREA WHERE WHOLESALE WASTEWATER MANAGEMENT SERVICES ARE PROVIDED BY THE
DISTRICT**

WASTEWATER PLANT INVESTMENT FEE FIXED VALUE SCHEDULE

Wastewater Plant Investment (Tap) Fee – Single Family, Multifamily:	\$5,285.00 \$5,285.00 \$3,593.80	Per Detached Single Family Dwelling Per Attached Single Family Dwelling Unit on Separate Ownership Tracts i.e., Including Duplexes and Townhomes Attached Multifamily Units on Single Ownership Tracts, Per Dwelling Unit i.e., Apartment Buildings
Wastewater Plant Investment (Tap) Fee – Commercial, Institutional:	\$5,285.00 \$6,331.00 \$12,626.00 \$20,210.00 \$37,915.00 \$63,198.00 \$202,180.00 \$353,837.00 \$530,773.00 \$669,800.00	Commercial Water Meter Size ¾" Commercial Water Meter Size 1" Commercial Water Meter Size 1½" Commercial Water Meter Size 2" Commercial Water Meter Size 3" Commercial Water Meter Size 4" Commercial Water Meter Size 6" Commercial Water Meter Size 8" Commercial Water Meter Size 10" Commercial Water Meter Size 12"

Wastewater Plant Investment (Tap) Fee - Industrial:	\$2,500.00	INDUSTRIAL USE APPLICATION FEE ALL INDUSTRIAL PLANT INVESTMENT FEES WILL BE CONSIDERED ON A CASE BY CASE BASES AND APPLICATION FOR ANY PROPOSED INDUSTRIAL USE MUST BE PAID AND MADE THROUGH THE FOUNTAIN SANITATION DISTRICT OFFICES. FEES WILL BE BASED ON WASTE CHARACTERISTICS AND COMPATIBILITY WITH THE DISTRICT'S WASTEWATER MANAGEMENT SYSTEM.
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USER CHARGE FOR RECREATIONAL VEHICLE HOLDING TANK SERVICE

Special user charges are assessed to those commercial customers who regularly service recreational vehicle holding tanks. This includes gray and black water holding tanks, as well as potable water holding tanks, which require draining to accomplish customer specified service including winterization. Discharge from recreational vehicle (RV) holding tanks to the District's wastewater system will be accommodated in accordance with a RV Service Permit issued by the District to commercial customers who may have a need to discharge to the District's system to accomplish services provided to customers. This shall not be used as a publicly available "RV dump service." The permit program will include a simple record sheet to be prepared by the customer and submitted to the District on no less than a calendar quarter basis.

The user charge for RV holding tank service discharges are as follows:

1. For discharge of any volume from potable water, gray water, or black water holding tanks in an RV having a total combined holding tank volume of 75 gallons or less will be \$4 per discharge event.
2. For discharge of any volume from potable water, gray water, or black water holding tanks in an RV having a total combined holding tank volume greater than 75 gallons will be \$5.50 per discharge event.
3. By accepting service from the Fountain Sanitation District, the customer and discharger agrees to comply with the District's rules, regulations, policies and procedures as they may exist at the time service is provided.
4. The records of discharges provided to the District on no less than a calendar quarter basis, shall include a certification as to the accuracy and completeness of the records submitted. Should the District find that its rules, regulation, policies and procedures have not been followed by the discharger, a monetary penalty will be determined by the Board of Directors in accordance with the District's policies. The monetary penalty for violation of the District's rules, regulations, policies and procedures for discharge of RV holding tank wastewater shall be in accordance with the, "Illegal Tampering of the Wastewater System," monetary penalties established in this resolution, assessed at a rate no less than 50 percent of the specified monetary penalties for "Illegal Tampering of the Wastewater System."

GREASE AND OIL PROGRAM PERMIT (GOPP)

Affected properties as defined in the District's Sewer Use Regulations (SURs) shall obtain a GOPP. Applicable fees for the GOPP are as follows.

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| 1. Initial GOPP for first year of the Permittee operation of an Affected Property | \$150.00 |
| 2. Renewal of an existing GOPP for a period of five (5) years, renewal issued to the original Permittee of an Affected Property | \$ 70.00 |
| 3. Added GOPP renewal fee(s) resulting from issuance of a field notice of noncompliance during initial year of GOPP. This added GOPP fee will be due and payable at the annual anniversary date of the GOPP until it has been determined by the District that the Permittee has maintained continual compliance for no less than one complete year period since the annual anniversary of the GOPP | \$ 75.00 |

SPECIAL PIPELINE FEE FOR HIGHWAY 85 OUTFALL SEWER

The special pipeline fee is required for connection to and use of the Highway 85 Outfall Sewer. The fee is established on the basis of completed project costs as determined by the District. The area subject to the special pipeline fee is shown in Exhibit A to this Resolution. By notice to the property owners of the subject service area, the special pipeline fee shall be applicable to any facilities within the subject area requiring wastewater service. Terms and Conditions of the assessment of the special pipeline fee are as follows:

1. The initial special pipeline fee was established by Resolution 2011-01 based on completed project cost.
2. The District has entered into Participation Agreements with certain property owners in the Highway 85 Outfall Sewer Service Area. Where the terms of such Participation Agreement are inconsistent herewith, the Participation Agreement shall control the obligation of the said property owners. The "special assessment" described in the Participation Agreement is referred to herein as the special pipeline fee.
3. Participation payments made by owners pursuant to a Participation Agreement shall be credited to the special pipeline fee otherwise due under the terms of this Resolution. The District shall have no obligation to return any Participation payments, except pursuant to the Participation Agreement, or to assist any owner or former owner in the recovery of such payment from any subsequent property owner.
4. The special pipeline fee established herein shall be applicable through the current calendar year unless otherwise modified or amended by action of the Board of Directors of the District. The Board of Directors of the District shall evaluate the need for a change in the special pipeline fee on no less than an annual basis as it evaluates other rates, charges, fees and monetary penalties applicable to the operation of the District.
5. At the option of the Board of Directors, the special pipeline fee shall carry a service charge in an amount equal to 1.0% in excess of the annualized weighted yield on the District's invested funds for the prior fiscal year as determined by the District's auditors and/or certified public accountant. This service charge may be added to the initial special pipeline fee and any subsequently adjusted special pipeline fee as partial reimbursement to the District for the cost of capital improvement funds expended by the District to implement this project.
6. The District finds that the general benefits are approximately equal among all properties being served central wastewater collection services within this specified service area. Therefore, the special pipeline fee will be applied uniformly to all properties in the Highway 85 Service Area.
7. Based on the project cost records and previous findings and action of the District Board of Directors, as of the date of adoption of this Resolution, the special pipeline fee shall **be \$3,233.27 per acre** of land within the Highway 85 Service Area. The properties and acreage which are subject to the special pipeline fee are shown on Exhibit A.
8. The special pipeline fee shall be due and **payable before approval of the Plat** of the area to be served.

SPECIAL PIPELINE FEE FOR JIMMY CAMP CREEK EAST INTERCEPTOR SEWER

The District shall assess a special pipeline fee to those properties located in the designated service area of the Jimmy Camp Creek East Interceptor Sewer. The District will assess the special pipeline fee against the gross area to be served by the facility, said gross area to be served to be determined in the sole discretion of the District. The area subject to the special pipeline fee is shown in Exhibit B to this Resolution. By notice to the property owners of the subject service area, the special pipeline fee shall be applicable to any facilities within the subject area requiring wastewater service. Terms and Conditions of the assessment of a special pipeline fee are as follows:

1. The special pipeline fee was established by Resolution 2015-02 based on completed total project cost. The special pipeline fee may be adjusted in the future based on terms and conditions to be determined by the District.
2. The special pipeline fee given in Resolution 2015-02 shall be applicable through the current calendar year unless otherwise modified or amended by action of the Board of Directors of the District. The Board of Directors of the District shall evaluate the need for a change in the special pipeline fee on no less than an annual basis as it evaluates other rates, charges, fees and monetary penalties applicable to the operation of the District.

3. The special pipeline fee shall carry a service charge in an amount equal to 1.0% in excess of the annualized weighted yield on the District's invested funds for the prior fiscal year as determined by the District's auditors and/or certified public accountant. This service charge will be considered by the District on no less than an annual basis as it evaluates other rates, charges, fees and monetary penalties applicable to the operation of the District.
4. Based on the project cost analysis and the service area of the Jimmy Camp Creek East Interceptor (JCCEI) Sewer as of the date of adoption of Resolution 2015-02, a special pipeline fee shall be **\$3,891.20 per acre** based on the gross area of the property served by the JCCEI Sewer shown on Exhibit B. This special line fee will be applied uniformly to all properties in the JCCEI Sewer Service Area as the District finds that the general benefits are approximately equal among all properties being served central wastewater collection services within this specified service area.
5. The special pipeline fee shall be due and payable before approval of the Plat of the area to be served.

DISTRICT SERVICE CHARGES

Clerical/Field Personnel	\$ 75.00	per hour of engagement
District Manager	\$ 195.00	per hour of engagement
District Engineer	\$ 205.00	per hour of engagement
Copies	\$ 0.50	per 8.5"x11"
	\$ 0.75	per 8.5"x14"
	\$ 2.50	per 11"x17"
	\$ 15.50	per 24"x36" blue-line sheet
Fax	\$ 3.50	per outgoing fax in USA
Mileage	\$ 0.57*	*(per mile) per federal standard mileage rates
Materials and Supplies Cost	\$ 5.25	A 25% surcharge applies to all costs of materials and supplies incurred by the District in performance of all work for individual users.

DISTRICT LABORATORY TESTING FEES

\$35.00	Fecal Coliform (membrane filter)
\$45.00	<i>E.coli</i>
\$20.00	Alkalinity (manual)
\$25.00	Ammonia
\$55.00	BOD
\$55.00	CBOD
\$15.00	Dissolved Oxygen
\$15.00	pH
\$35.00	Total Suspended Solids (TSS)
\$10.00	Temperature
\$10.00	Turbidity

ILLEGAL TAMPERING WITH WASTEWATER SYSTEM

First Offense	\$1,000.00	In addition to first offense monetary penalty, costs of collection, repair, restoration, personnel, consultant fees, attorneys' fees and other related costs and expenses including monetary penalties, or the equivalent levied by local, state or federal agencies. Tampering with the wastewater system is a crime and will be prosecuted
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Second Offense within 5 Years	\$2,000.00	In addition to second offense monetary penalty, costs of collection, repair, restoration, personnel, consultant fees, attorneys' fees and other related costs and expenses including monetary penalties, or the equivalent levied by local, state or federal agencies. Tampering with the wastewater system is a crime and will be prosecuted.
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REQUEST FOR INCLUSION INTO DISTRICT

\$1,500.00	Includes costs of District personnel, consultant fees, attorneys' fees and related publication, filing and recording costs and expenses which the District would not incur if the request for inclusion had not been received.
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DISTRICT OWNED MOBILE EQUIPMENT, PUMPS, VEHICLES, IMPLEMENTS AND TOOLS

CCTV Video Inspection Unit	\$350.00/hr.	Plus \$2.00 per ft viewed; personnel and equip. included
Vaccon Jet Vac Pipeline Cleaner	\$450.00/hr.	Includes required personnel and equipment

Following Items DO NOT include transport or operator(s)

Backhoe	Cost per hr	Varies; no less than 2 times private market rate
Skid Steer(s) 2-available	Cost per hr	Varies; no less than 2 times private market rate
Farm Implements	Cost per hr	Varies; no less than 2 times private market rate
6" Goodwin Pump w/Auto & Hoses	Cost per hr	Varies; no less than 2 times private market rate
4" Multiquip Pump w/ Hoses	Cost per hr	Varies; no less than 2 times private market rate
Other Pumps	Cost per hr	Varies; no less than 2 times private market rate
Hand/Electrical Tools	Cost per hr	Varies; no less than 2 times private market rate
Other Applicable Items Not Listed or Described	Cost per hr	Varies; no less than 2 times private market rate

DETERMINATION OF WASTEWATER PLANT INVESTMENT FEES
DRAINAGE FIXTURE UNIT EQUIVALENT SCHEDULE

Drainage fixture unit equivalents shall be calculated using the schedule contained in Table 709.1 of the International Plumbing Code, 2015 Edition, as adopted in the Pikes Peak Regional Building Code on the effective date of this Resolution and shall apply to "stubbed in" or "roughed in" fixture traps as well as those fixtures being installed.

**TABLE 709.1
DRAINAGE FIXTURE UNITS FOR FIXTURES AND GROUPS**

FIXTURE TYPE	DRAINAGE FIXTURE UNIT VALUE AS LOAD FACTORS	MINIMUM SIZE OF TRAP (inches)
Automatic clothes washers, commercial ^{a,g}	3	2
Automatic clothes washers, residential ^g	2	2
Bathroom group as defined in Section 202 (1.6 gpf water closet) ^f	5	-
Bathroom group as defined in Section 202 (water closet flushing greater than 1.6 gpf) ^f	6	-
Bathtub ^b (with or without overhead shower or whirlpool attachments)	2	1½
Bidet	1	1¼
Combination sink and tray	2	1½
Dental lavatory	1	1¼
Dental unit or cuspidor	1	1¼
Dishwashing machine, ^c domestic	2	1½
Drinking fountain	½	1¼
Emergency floor drain	0	2
Floor drains ^h	2 ^h	2
Floor sinks	Note h	2
Kitchen sink, domestic	2	1½
Kitchen sink, domestic with food waste grinder and/or dishwasher	2	1½
Laundry tray (1 or 2 compartments)	2	1½
Lavatory	1	1¼
Shower (based on the total flow rate through showerheads and body sprays) Flow Rate:		
5.7 gpm or less	2	1½
Greater than 5.7 gpm to 12.3 gpm	3	2
Greater than 12.3 gpm to 25.8 gpm	5	3
Greater than 25.8 gpm to 55.6 gpm	6	4
Service sink	2	1½
Sink	2	1½
Urinal	4	Note d
Urinal, 1 gallon per flush or less	2 ^e	Note d
Urinal, non water supplied	1/2	Note d
Wash sink (circular or multiple) each set of faucets	2	1½
Water closet, flushometer tank, public or private	4 ^e	Note d
Water closet, private (1.6 gpf)	3 ^e	Note d
Water closet, private (flushing greater than 1.6 gpf)	4 ^e	Note d
Water closet, public (1.6 gpf)	4 ^e	Note d
Water closet, public (flushing greater than 1.6 gpf)	6 ^e	Note d

For SI: 1 inch = 25.4 mm, 1 gallon = 3.785 L.

a. For traps larger than 3 inches, use Table 709.2

b. A showerhead over a bathtub or whirlpool bathtub attachment does not increase the drainage fixture unit value.

c. See Sections 709.2 through 709.4.1 for methods of computing unit value of fixtures not listed in this table or for rating of devices with intermittent flows.

d. Trap size shall be consistent with the fixture outlet size.

e. For the purpose of computing loads on building drains and sewers, water closets and urinals shall not be rated at a lower drainage fixture unit unless the lower values are confirmed by testing.

f. For fixtures added to a dwelling unit bathroom group, add the DFU value of those additional fixtures to the bathroom group fixture count.

g. See Section 406.2 for sizing requirements for fixture drain, branch drain, and drainage stack for an automatic clothes washer standpipe.

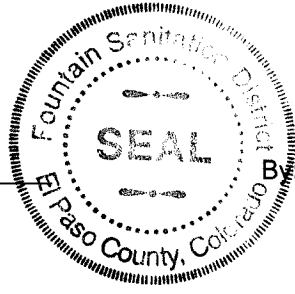
h. See Sections 709.4 and 709.4.1 of the **2015 International Plumbing Code**.

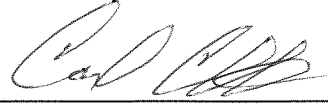
ADOPTED, this 14th day of December 2022

FOUNTAIN SANITATION DISTRICT

Attest: 

James E. Heckman
District Manager
Secretary to the Board





Carl Christian
President of the
Board of Directors