

ORDINANCE NO. 5.01
AN ORDINANCE REGULATING SEWER SERVICES,
CHARGES, TAP FEES, AND DEVELOPMENT AND INVESTMENT FEES

BE IT ORDAINED by the Board of Trustees of the Town of Larkspur as follows:

SECTION 1 - PURPOSE:

The Town of Larkspur, in order to promote orderly development, protect the health, safety and welfare of its citizens, and to maintain self-supporting sewer facilities for the benefit of the community, certain fees, rates, charges, levies, and regulations are hereby imposed. This Ordinance supercedes Ordinance 5.01 dated October 14, 1980.

SECTION 2 - UTILIZATION OF TOWN SERVICES:

A. No individual residence, business or other property development shall be permitted to create a separate septic system, except as approved by the Town Engineer, Tri-County Health Department, and the Board of Trustees of the Town of Larkspur. In the event that any such system is so created, it may thereafter be terminated by Resolution of the Board of Trustees when adequate municipal services are available or in accordance with the provisions of the applicable annexation contract. One Hundred Twenty (120) days written notice shall be provided the owner and/or user for change over to city services.

B. The Board of Trustees may enter into contracts for annexation of new areas into the Town placing the responsibility for extending municipal services upon the Developer. In no event shall any existing sewer system in the annexed area continue more than six (6) months after municipal services have been properly engineered and placed in service in the annexed area, unless such continuance is approved by the Board of Trustees.

C. All users of municipal services shall pay the charges and fees enumerated herein.

D. Every free standing dwelling unit, business, or commercial unit must have its own tap.

SECTION 3 - OWNERSHIP:

A. The Town of Larkspur shall own all sewer mains within the corporate limits of the municipality. Service lines from the main for the individual user shall be owned and maintained by the property owner. In the event sewer mains do not lie under Town streets and easements, the Town of Larkspur may enter into such agreements with private owners, developers or associations which may be necessary for the maintenance of such mains.

B. All sewer mains, whether owned privately or by the municipality, upon initial construction or subsequent repair, must meet Town engineering specifications as determined by the Town Engineer. It shall be the responsibility of each Developer and/or property owner, to cause sewer lines to extend from property line to property line as determined by the Town Engineer in order that services will thereupon be available to adjacent property owners and users.

SECTION 4- NEW SERVICE:

A. No new sewer service shall be extended to any user until and upon payment of proper tap fees in accordance with the schedule enumerated below.

1. The payment of a sewer tap fee includes the privilege to tap to the main, an inspection by the Town of Larkspur; the construction of the line to be completed by the user, stubbed at a properly designated point as determined by the Town Engineer.

2. All taps must be inspected by the Town of Larkspur.

TAP FEE SCHEDULE

<u>Sewer Tap Size</u>	<u>Fee</u>
Before 1/1/81 - 4"	\$60.00
After 1/1/81 - 4"	\$250.00

TAP FEE SCHEDULE - MULTIPLE DWELLINGS

(one tap for multiple living units: includes motels, hotels, apartments, duplexes, trailer parks, etc.)

Sewer Tap: Base tap cost in accordance with tap fee set out above for such tap or taps actually made.

B. The payment of all taps shall be determined by the effective tap fee schedule on the date of the tap and must be paid no later than the date of the tap.

SECTION 5 - SERVICE CHARGES:

The Town of Larkspur is hereby empowered to levy and collect the following charges for sewer service provided, said charges are to be billed and collected no less than monthly.

SEWER SERVICE

<u>4" Service Line</u>	<u>Charge/Month</u>
Each Residential Unit	\$ 13.60
Business, including hotels and motels	13.60 plus 5.00 per toilet
Exceptions: Restaurant, Service stations, car wash	23.00

SCHOOL RATES

Sewer \$.52/student/month

SERVICE RATE - MULTIPLE DWELLINGS
(includes apartments, duplexes, trailer parks, etc.)

Sewer Service: \$13.60 times number of units
(apartments, duplexes, trailers, etc.)

Services extended by contract to users outside the corporate limits of the Town of Larkspur shall be billed at rates double the schedule enumerated above unless established by contract in accordance with the terms of Section 8 hereinbelow.

SECTION 6 - DEVELOPMENT & INVESTMENT FEES:

In order to defray the costs of continued expansion of municipal facilities created by new users and the development of new areas within the municipality, the following Development and Investment fees shall be assessed upon all structures requiring municipal sewer service completed after the effective date of this ordinance, payable at the time of issuance of a Certificate of Occupancy. Said fee is payable to the Clerk of the Town of Larkspur and to be determined in accordance with the schedule rates in effect on the due date as determined above.

A. DEVELOPMENT & INVESTMENT FEE SCHEDULE FOR INDIVIDUAL RESIDENCES & BUSINESSES

<u>Sewer Tap Size</u>	<u>Fee</u>
4"	\$1,200.00

B. DEVELOPMENT & INVESTMENT FEE SCHEDULE FOR DUPLEXES, TRI-PLEXES, APARTMENT BUILDINGS, TOWNHOUSES, CONDOMINIUMS, MOBILE HOME PARKS & OTHER MULTIPLE FAMILY UNITS.

Whether or not individual taps are utilized by the Developer, a development and investment fee in an amount equal to that to be paid for a single family residence shall be payable for the first such multiple family unit developed. Additional units shall each be assessed a fee equal to 50% of the fee paid for a single family residence.

C. DEVELOPMENT & INVESTMENT FEE SCHEDULE FOR MULTIPLE BUSINESS UNITS.

The Town of Larkspur reserves the right to determine and assess multiple development and investment fees upon business developments wherein the Developer taps off his own previously developed line for the benefit of additional users; or, in anticipation of separate business users, constructs a building for the singular purpose of holding more than one commercial or retail business enterprise. In determining such additional development fees, the developer shall be assessed \$50.00 per additional fixture unit as determined by the Town Engineer of the Town of Larkspur in accordance with the schedules contained in the Uniform Building Code. The Board of Trustees shall review the building size, the separation of compartments, exterior entrances, nature of businesses within, and all other factual matters which lend themselves to a proper determination.

SECTION 7 - CONTRACT USE:

The Board of Trustees of the Town of Larkspur reserves the right to determine all fees and charges to users not specifically covered by the schedules enumerated above.

SECTION 8 - EXTENSION OF SERVICES OUTSIDE MUNICIPAL BOUNDARIES:

The Board of Trustees of the Town of Larkspur reserves the right to contract for the extension of services outside the Town corporate boundaries to individual users; provided however, such service shall not impair services to resident users and shall be subject to severance when and if necessary to protect resident

users. No such outside service may be extended at a rate or cost less than twice the amount charged to resident users.

SECTION 9 - LATERAL SERVICE AND OTHER PAVEMENT CUTS:

A. It shall be the responsibility of the developer or user in any new development in Town to cause mains to be constructed and services to individual lots to be made prior to the paving of any streets.

B. 1. In the event a lateral service must be established for a sewer tap whereby a paved street must be cut, said service not having been installed prior to the paving of the street, there shall be a deposit paid to the Town Clerk for the cutting of said street in the amount of Seven Hundred and Fifty (\$750.00) Dollars for a sixty (60) foot cut in length or less that is no wider than six (6) feet. A lateral service cut extending more than sixty (60) feet will incur an additional deposit of \$8.00 per foot for the length in excess of sixty (60) feet.

2. The lateral service cut deposit enumerated above shall additionally be in effect in the event that a lateral service must be repaired or replaced, which said lateral service belongs to the user and/or the repair or replacement thereof is the responsibility of the user.

3. Any person making a lateral service cut upon any paved street within the municipal limits of the Town of Larkspur shall additionally be responsible to restore the surface of the street in accordance with the specifications of the Town Engineer of the Town of Larkspur within thirty (30) days of the date such cut is made. If such restoration is approved by said engineer, 40% of the deposit required pursuant to the provisions of paragraph B.1. above shall be refunded upon completion of the work and the issuance of a certificate of completion by the Town Engineer. The remaining 60% of said deposit shall be retained for a period of 90 days

from the date of the Town Engineer's certificate of completion. If at the end of said 90-day period the Town Engineer shall issue a certificate of satisfaction should the condition of the restoration still be in conformity with Town specifications. At the time of the issuance of such certificate of satisfaction, 40% of the initial deposit shall be refunded. The remaining 20% of the initial deposit shall be retained by the Town of Larkspur for inspection fees. If said restoration is not complete to specifications within the said thirty (30) days, said deposit in its entirety shall be forfeited to the Town of Larkspur.

C. No person shall make any trench or cut as described hereinabove through Town or public property without first obtaining a proper permit from the Town. The Town Engineer shall, prior to issuance of said permit, determine the following:

1. The charges to be paid in connection therewith.
2. The proper location for the trench or cut.
3. What inspections are necessary and when they are to be made during the course of construction.
4. Whether or not the cut, or any portion thereof, can be avoided by a punch or drill, in which case the applicant must punch or drill as determined by the Town Engineer.

When the Town Engineer has made his determinations required above, and when the proper charges have been paid by the applicant, the permit will issue. If, during any inspection, it is determined by the Town Engineer that the engineering or other construction requirements of the permit are not being met, a Stop Work Order shall be issued until the necessary requirements are properly met.

D. Each and every person or developer receiving a permit in accordance with the provisions hereof, shall warrant and be responsible for the material provided, the workmanship of the construction, the proper engineering and the quality of the restoration for a period of one (1) year from the completion of construction.

SECTION 10 - PENALTY

Any person found in violation of any provision of this ordinance may be issued a Summons and Complaint for appearance

in the Municipal Court of the Town of Larkspur by the Town Engineer or Building Inspector of the Town of Larkspur, or any other agent thereof, and if convicted of violating any provision of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed Three Hundred (\$300.00) Dollars or confinement in the County Jail for not more than thirty (30) days, or both.

SECTION 11 - SEVERABILITY:

Should any portion of this ordinance be determined to be unconstitutional by a Court of competent jurisdiction, that portion shall be determined to be severable and the balance of the ordinance shall remain in full force and effect.

SECTION 12 - EFFECTIVE DATE:

Introduced as an Ordinance at a regular meeting of the Board of Trustees of the Town of Larkspur, Colorado, on the 22 day of October, 1980, and passed by a vote of 5 for and 0 against, and ordered published.

Anna M. Trueblood
Anna M. Trueblood, Mayor
Town of Larkspur

ATTEST:

Marsha Bryant
Marsha Bryant, Town Clerk
Town of Larkspur

Publication Date:

I hereby certify that the within ordinance was published on the 14th day of October, 1980, in the Douglas County News, a newspaper of general circulation published in the County of Douglas, State of Colorado.

Marsha Bryant
Marsha Bryant, Town Clerk
Town of Larkspur

(SEAL)

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SECTION 11 - SEVERABILITY:

Should any portion of this ordinance be determined to be unconstitutional by a Court of competent jurisdiction, that portion shall be determined to be severable and the balance of the ordinance shall remain in full force and effect.


SECTION 21 - EFFECTIVE DATE:

Introduced as an Ordinance at a regular meeting of the Board of Trustees of the Town of Larkspur, Colorado, on the 21st day of January, 1981, and passed by a vote: of 5 for and 0 against, and ordered published.



Anna M. Trueblood, Mayor
Town of Larkspur

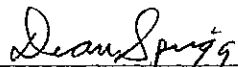
ATTEST:



Marsha Bryant, Town Clerk
Town of Larkspur

Publication Date:

I hereby certify that the within ordinance was published on the 24 day of April, 1981, in the Douglas County News, a newspaper of general circulation published in the County of Douglas, State of Colorado



Marsha Bryant, Town Clerk
Town of Larkspur

(SEAL)