

ORDINANCE NO. 5.07

AN ORDINANCE REGULATING WATER SERVICES, CHARGES,
TAP FEES, DEVELOPMENT AND INVESTMENT FEES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR,
COLORADO:

SECTION I - PURPOSE

The Town of Larkspur, in order to promote orderly development, protect the health, safety and welfare of its citizens, and to maintain a self-supporting water supply system for the benefit of the community hereby imposes certain fees, rates, charges, levies and regulations in order to maintain a self-supporting water supply system for the benefit of the community.

SECTION II - UTILIZATION OF TOWN SERVICES

A. No individual, resident, business or other property development shall be permitted to create a separate water supply system except as approved by Tri-County Health Department and the Town Council of the Town of Larkspur. Any such system created after the effective date of this Ordinance, may thereafter be terminated by resolution of the Town Council when adequate municipal services are available or in accordance with the provisions of any applicable annexation contract. One hundred twenty (120) days written notice shall be provided to the owner and/or user for change over to city services.

B. Notwithstanding any other provisions of this Ordinance, those persons who have existing wells, either shallow or deep, and/or any other valid water rights for use within the Town limits, as of the effective date of this Ordinance, shall be allowed to use such wells and/or water rights. However, the use of such wells and/or water rights for any purpose shall not permit the introduction of water produced from said wells and/or water rights, directly or indirectly, in the the Town water supply system.

C. The Town Council may enter into new 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 water system in the annexed area continue for more than six (6) months after municipal water service has been properly engineered and placed in service in the annexed area, unless such continuance is approved by the Town Council.

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

E. Every freestanding dwelling unit, business, or commercial unit must have its own tap. All municipal water hereafter acquired by any user shall be properly metered.

F. All users or consumers of water who have entered into agreements to obtain municipal water service pursuant to Ordinance No. 5.08, who have not connected to the municipal water supply system within thirty (30) days after the date that it becomes operational shall thereafter pay a monthly service charge as set forth in said Ordinance.

SECTION III - OWNERSHIP

A. The Town of Larkspur shall own all water service facilities and lines utilized in the distribution of municipal water from the point of distribution to and including individual water meters. The service line from the meter to final distribution point shall be under private ownership and responsibility. In the event that distribution lines do not lie under Town streets and easements, the Town of Larkspur may enter into such agreements with private owners, developers or associations as may be necessary for the maintenance of such lines.

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

SECTION IV - NEW SERVICE

A. No new water 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 water tap fee includes the setting of the meter, setter and pit in the street right-of-way or on the user's property. The extension from the main to the property line is the responsibility of the user.

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

WATER TAP FEE SCHEDULE

<u>Water Tap Size</u>	<u>Fee prior to May 15, 1983</u>	<u>Fee after May 15, 1983</u>
3/4 "	\$100.00	\$500.00
1 "	None	\$750.00
1 1/2 "	None	\$1,000.00
2 "	None	\$1,250.00
4 "	None	At cost
6 "	None	At cost

When two or more water services share one meter pit and one tap on the main line, the fee shall be reduced by \$100.00 for each service.

B. The payment of all tap fees 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 V - SERVICE CHARGES

The Town of Larkspur is hereby empowered to levy and collect the following charges for water service, provided, said charges are to be billed and collected monthly.

WATER SERVICE SCHEDULE

<u>Amount</u>	<u>Charge/Month</u>
0 - 8,000 gal.	\$15.00
	additional \$1.25/thousand gal.

SCHOOL WATER RATES

Schools shall be assessed in the same manner as all other water users scheduled above.

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

Multiple dwellings shall be assessed in the same manner as all other water users scheduled above.

CHURCH WATER RATES

Churches shall be assessed in the same manner as all other water users scheduled above.

SERVICE OUTSIDE CORPORATE LIMITS

Services extended by contract by 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 VIII hereinbelow.

SECTION VI - DEVELOPMENT AND 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 water service which are 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 shall be determined in accordance with the following schedule of rates.

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

<u>Water Tap Size</u>	<u>Fee</u>
3/4 "	\$3,000.00
1 "	\$5,450.00
1 1/2 "	\$8,900.00
2 "	\$14,350.00
4 " & 6 "	By Contract: minimum \$20,500.00

Users shall be given credit for any sewer development and investment fees paid pursuant to Ordinance No. 5.01 of the Town of Larkspur.

B. DEVELOPMENT AND INVESTMENT FEE SCHEDULE FOR DUPLEXES, TRIPLEXES, APARTMENT BUILDINGS, TOWNHOUSES, CONDOMINIUMS, MOTEL AND HOTEL UNITS, MOBILE HOME PARKS AND OTHER MULTIPLE FAMILY UNITS

1. When individual taps are utilized by a developer or user with respect to a duplex, triplex, apartment building, townhouse, condominium, motel or hotel units, mobile home parks or other multiple family units, each unit shall be assessed the standard tap and development fees for the tap size utilized.

2. When a single tap is utilized by a developer or user with respect to a duplex, triplex, apartment building, townhouse, condominium, motel or hotel units, mobile home parks or other multiple family units, each unit shall be assessed the standard tap and development fees for the tap size utilized; each additional living unit therein shall be assessed 50% of the standard development fees assessed with reference to a 3/4 inch water tap.

C. DEVELOPMENT AND 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 from his own previously developed line for the benefit of additional users; at work, and in anticipation of separate business users, constructs a business for the singular purpose of holding more than one commercial or retail business enterprise. The Town Council 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 VII - CONTRACT USE

The Town Council 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 VIII - EXTENSION OF SERVICES OUTSIDE MUNICIPAL BOUNDARIES

The Town Council 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 IX - FIRE LINES FOR SPRINKLER PROTECTION SYSTEMS

Developers who desire to utilize individual fire protection sprinkler systems within the construction of business, commercial, industrial or residential structures shall be allowed a sprinkler system tap, without tap and development fees assessed. Additionally, the sprinkler line may itself be tapped by the developer or user for normal water use. This tap shall incur standard tap and development fees as scheduled above. The developer shall be responsible to pay for all actual costs and expenses incurred in the construction of the fire line and tap, including the cost of installation of a water meter and pit. An administrative inspection fee will be due and payable to the Town of Larkspur when the tap is made which shall cover the Town's administrative expenses.

SECTION X - SERVICE TURN-OFF

If at any time a service fee or charge is not paid within thirty (30) days after mailing the same to the user, a late charge of Five Dollars (\$5.00) shall be added to the delinquent bill and considered to be a part of the service charge for providing water and sewer service.

If at any time a service fee or charge is not paid within forty-five (45) days after mailing the same, the water service to said user may be discontinued forthwith to said user and any deposit held by the Town may be applied to the delinquent bill. At such time as all fees, charges and deposits have been properly paid and corrected, together with a Twenty-Five Dollar (\$25.00) turn on service charge, the water service shall be re-established.

SECTION XI - EMERGENCY WATER REGULATION

A. The Town Council of the Town of Larkspur shall have the power to regulate water usage during times of drought, shortage, fire, or other emergency. This power shall extend to an absolute prohibition of water use or any lesser degree of regulation which in the opinion of a majority of the Town Council shall be necessary to in order to preserve and protect the municipal facilities and the water supply of the Town of Larkspur during such emergency.

B. At such time as the Town Council shall undertake to regulate the water service usage in accordance with part A above, it shall pass a resolution setting forth the degree of regulation, its duration and the reasons for the regulatory action.

C. Copies of the resolution passed by the Town Council under this provision shall be published as soon after passage as possible in a newspaper of local publication and distribution and may also be delivered to the premises of each user affected. Twenty-four (24) hours after delivery of a copy of said resolution to the premises of the user, or forty-eight (48) hours following the publication of said resolution, whichever occurs sooner, shall be deemed to be constructive notice of the terms and regulatory effect of the resolution passed by the Town Council to the user of water service. Upon actual or constructive notice of the resolution every user shall be expected to obey and conform to said resolution. Persons found to knowingly violate the provisions of the resolution shall forfeit their right to further water service during the pendency of the emergency resolution and may thereupon have their water service immediately turned off.

SECTION XII - 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 that a lateral service must be established for a water 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 for the cutting of said street in the amount of Seven Hundred Fifty Dollar (\$750.00) for a sixty (60) foot cut 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 Eight Dollars (\$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 users 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 Council or the designated Engineer of the Town of Larkspur within thirty (30) days of the date such cut is made. If such restoration is approved by the Town Council or the designated Engineer, forty percent (40%) of the deposit required pursuant to the provisions of paragraph B.1 shall be refunded upon completion of the work and the issuance of a certificate of completion by the Town Council or the designated Engineer. The remaining sixty percent (60%) of the deposit shall be retained for a period of ninety (90) days from the date of the Town Council or the designated Engineer's certificate of completion. At the end of said ninety (90) day period the Town Council or the designated Engineer shall issue a certificate of satisfaction should the condition of the restoration still be in conformity with Town specification. At the time of the issuance of such certificate of satisfaction, forty percent (40%) of the initial deposit shall be refunded and the remaining twenty percent (20%) of the deposit shall be retained by the Town of Larkspur for inspection fees. If said restoration is not complete to specifications within said thirty (30) day period, 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 Council or the designated 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 Council or the designated Engineer.

When the Town Council or the designated Engineer has made the 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 Council or the designated 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 XIII - PENALTY

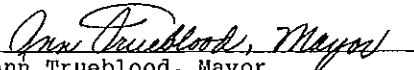
Any person found in violation of any of the provisions of this ordinance may be issued a Summons and Complaint for appearance in the Municipal Court of the Town of Larkspur by the Town Council or Building Inspector of the Town of Larkspur, or any other agent thereof, and if convicted of violating any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

SECTION XIV - SEVERABILITY

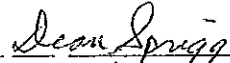
Should any portion of this ordinance be determined to be unconstitutional by a Court of competent jurisdiction, that portion shall be determined to be severable and the balance of the ordinance shall remain in full force and effect.

SECTION XV - EFFECTIVE DATE

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado on the 20th day of April, 1983, passed by a vote of 6 for and 0 against and ordered published.


Ann Trueblood, Mayor
Town of Larkspur

ATTEST:


Dean Sprigg, Town Clerk
Town of Larkspur

Publication Date: _____

I hereby certify that the within Ordinance # _____ was published on the _____ day of _____, 1983, in the _____ a newspaper of general circulation published in the Town of _____, County of Douglas, State of Colorado.

SECTION XIII - PENALTY

Any person found in violation of any of the provisions of this ordinance may be issued a Summons and Complaint for appearance in the Municipal Court of the Town of Larkspur by the Town Council 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 Dollars (\$300.00) or confinement in the County Jail for not more than thirty (30) days, or both.

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Town of Larkspur

ATTEST:

Dean Sprigg
Dean Sprigg, Town Clerk
Town of Larkspur

Publication Date: May 3, 1983

I hereby certify that the within Ordinance # 5.07 was published on the 3rd day of May, 1983, in the Douglas County News, a newspaper of general circulation published in the Town of Castle Rock, County of Douglas, State of Colorado.

Ann Trueblood