

ORDINANCE NO. 5.19

AN ORDINANCE REGULATING WATER AND WASTEWATER SERVICES, CHARGES,
TAP FEES, DEVELOPMENT FEES AND INVESTMENT FEES
(This Ordinance hereby repeals and supercedes
Ordinance No. 5.01 passed and adopted on January 21,
1980, Ordinance No. 5.03 passed and adopted
on August 12, 1981, Ordinance No. 5.04 passed
and adopted on September 23, 1981, Ordinance No. 5.06
passed and adopted on February 10, 1982, Ordinance No. 5.07
passed and adopted on April 20, 1983, Ordinance No. 5.10
passed and adopted on November 23, 1983, Ordinance No. 5.12
passed and adopted on July 11, 1984, Ordinance No. 5.15
passed and adopted on August 28, 1985, Ordinance No. 5.16
passed and adopted on October 1, 1986, Ordinance No. 5.17
passed and adopted on June 3, 1987, and Ordinance
No. 5.18 passed and adopted on June 3, 1987)

BE IT ORDAINED by the Town Council of the Town of Larkspur,
Colorado as follows:

This Ordinance hereby repeals and supercedes Ordinance No.
5.01 passed and adopted on January 21, 1980, Ordinance No. 5.03
passed and adopted on August 12, 1981, Ordinance No. 5.04 passed
and adopted on September 23, 1981, Ordinance No. 5.06 passed and
adopted on February 10, 1982, Ordinance No. 5.07 passed and
adopted on April 20, 1983, Ordinance No. 5.10 passed and adopted
November 23, 1983, Ordinance No. 5.12 passed and adopted on July
11, 1984, Ordinance No. 5.15 passed and adopted on August 28,
1985, Ordinance No. 5.16 passed and adopted on October 1, 1986,
Ordinance No. 5.17 passed and adopted on June 3, 1987, and
Ordinance No. 5.18 passed and adopted on June 3, 1987

PURPOSE: The Council of the Town of Larkspur, Colorado, in
order to promote orderly development and to protect the health,
safety and welfare of its citizens and to maintain water and
wastewater facilities for the benefit of the community, hereby
enacts the following regulations with regard to the operation and
maintenance of the municipal water and wastewater systems and
with regard to the payment and collection of water and
wastewater, tap, development and investments fees.

SECTION I - DEFINITIONS

Unless the context clearly requires otherwise, the meaning
of terms used herein shall be as follows:

1. Customer - Any person, company, corporation, partnership, or any other entity of any type whatsoever authorized to use water or to connect to a wastewater main pursuant to a permit issued by the Town.

2. EQR - An equivalent residential unit (EQR) is defined as any unit which impacts the water system and/or wastewater collection and treatment system, the equivalent of a single family residential unit. The Town Council shall, by resolution, assign a total EQR value to each billing unit based on its use classification.

3. Permit - Written permission of the Council to connect to a water or wastewater main of the Town or to construct a septic system pursuant to the rules and regulations set forth herein.

4. Service Line - The pipeline or conduit from the water or wastewater main to an individual unit.

5. Tap Fees - The fees paid to the Town by a customer or user to defray the costs of continued expansion of municipal water and wastewater facilities to provide service to new users, also known as Development and Investment Fees.

6. User - Any person to whom water or wastewater service is provided.

7. Wastewater Main - Any wastewater pipeline or portion owned by the Town.

8. Wastewater Tap - The act of connecting a service line to a wastewater main.

9. Water Main - Any water pipeline or portion of 6" diameter or larger owned by the Town.

10. Water Tap - The act of connecting a service line to a water main.

SECTION II - OWNERSHIP

The Town shall own all of the facilities of the municipal water and wastewater system including mains, treatment facilities, storage tanks, pump stations, wells, hydrants, and all other incidental equipment, including individual water meters, whether located in a public street, road, right-of-way or

easement, whether such facilities are constructed by private persons or by the Town, and no person shall have any right, title or interest therein. The service line from the water meter to the building served shall be owned and maintained by the property owner. Any wastewater service line lying within a public right of way shall be owned by the Town. However, the maintenance of any wastewater service line from the main to the point of collection shall be at the cost of the property owner.

All water and wastewater mains and service lines, whether owned by the Town or privately, upon initial construction or subsequent repair, must meet Town engineering specifications as determined by the Town Engineer.

SECTION III - MAIN EXTENSION POLICY

1. It shall be the responsibility of the property owner, at his own cost, to cause water and wastewater mains to extend from property line to property line in order that services will be available to adjacent property owners and users.

2. Any property owner desiring an extension of the municipal water system or wastewater system to serve his private property shall pay the entire cost of extending the services to his property and shall deed to the Town all water and/or wastewater lines and improvements necessary for such extension.

3. All extensions shall conform to Town specifications.

4. A property owner or developer shall be responsible for the cost and construction of all water distribution mains or wastewater collection mains, up to and including twelve inches (12") in diameter, and the appurtenances thereto, including any required fire hydrants necessary to serve the property or development upon approval by the Town of the plans and specifications of such facilities and appurtenances. Further, the property owner or developer shall pay the cost of all engineering fees, deposits, preliminary studies and the costs or expenses of acquiring easements or rights or ways required by such line extensions. The Town shall inspect and approve the

actual construction prior to connection of such facilities to the Town's existing water or wastewater systems.

5. When a person constructs water supply and distribution facilities or wastewater collection facilities through or adjacent to unserved or undeveloped lands, such person or developer shall pay the entire cost of such facilities. However, the Town shall assist such person in the collection of a pro rata share of the actual cost of such facilities from the owner of such unserved or undeveloped lands at the time of connection to the facilities and shall refund a portion of such cost to the person who constructed the lines.

SECTION IV - UTILIZATION OF TOWN SERVICES

1. Mandatory Connection: No person, partnership, corporation, association or entity of any other type, whether as owner, renter or otherwise of real property within the limits of the Town of Larkspur, Colorado shall be permitted to maintain a separate water or wastewater system except as approved by the Town Council of the Town of Larkspur and the Tri-County Health Department. The use of any such separate water or wastewater system, whether created before or after the effective date of this Ordinance, may be terminated by resolution of the Town Council when municipal services are available within 400 feet of the property to be served. (Notwithstanding the provisions of the previous sentence, those persons with existing water wells as of June 1, 1984, shall be allowed to continue to use such wells. However, the water produced from such wells shall not be introduced into the municipal water system.)

The Town Council shall have the authority to compel the owner of any property within 400 feet of the municipal water or wastewater system to connect same to the municipal water or wastewater system within thirty (30) days after written notice is sent, by the Town Clerk, by certified mail, return receipt requested, to the record owner as disclosed by the records of the Assessor of Douglas County, Colorado. If the work of making the connection is not begun within thirty (30) days after the mailing

of notice, or completed within sixty (60) days after the mailing of notice, the Council may thereafter cause the property to be connected to the municipal water or wastewater system and the Town shall thereafter have a lien on and against the premises for the cost of making the connection. The amount due shall be certified by the Town Clerk to the Board of County Commissioners or Treasurer of Douglas County and the amount shall thereafter become a lien upon the real property so served by said water or wastewater connection. The amount due shall be collected in the manner as though it were part of the real property taxes.

In addition to, and as an alternative to, the Town Council causing the premises to be connected to the municipal water or wastewater system, the Town Council may obtain injunctive relief in any Court of competent jurisdiction either to restrain violations of said Ordinance or to obtain mandatory compliance with the provisions of this Ordinance, or both. Further, the failure to connect to the municipal water or wastewater system in accordance with this section shall constitute a violation of this Ordinance and shall subject the violator to the penalties provided herein.

2. Septic Systems: Before any septic system may be constructed within the Town limits, permits shall be obtained from the Town of Larkspur and from the Tri-County District Health Department. The application, including plans and specifications, and all fees, which shall be determined from time to time by resolution of the Town Council, shall be submitted to the Town Clerk and approved by the Town Engineer.

No septic system shall be constructed within one hundred feet of any potable water line or any existing utility easement which is capable of having constructed within it a potable water line. This determination shall be made by the Town Engineer prior to construction.

3. New Service - Tap Fees: No new water or wastewater service shall be extended to any user until and upon payment of proper tap fees in accordance with the schedule enumerated below.

A. The payment of a wastewater tap fee includes the privilege to tap into the main and an inspection by the Town Council or its authorized designee. The payment of a water tap fee includes the privilege to tap to the main and an inspection by the Town. The construction and installation of the service line, meter, meter pit, and all necessary appurtenances shall be paid for and completed by the property owner, and shall be inspected and approved by the Town Engineer of the Town of Larkspur. Trenches shall not be filled until the line has been inspected and approved by the Town Engineer. The meter shall belong to and be owned by the Town. Construction of all service lines shall be done by contractors approved, in writing, by the Town Engineer.

B. All tap fees shall be paid not later than the issuance of a building permit or the date that the tap is completed, whichever occurs first in time. The amount of the tap fee shall be determined in accordance with the tap fee schedule which was in effect on the date that the building permit is issued, unless the schedule is higher on the date that the tap is completed, in which case the schedule in effect upon the date of completion shall apply. All connections shall be completed within one year after the date that the tap fee is paid. Failure to complete connection within one year after the payment of the fee shall require the payment of a new tap fee in accordance with the schedule in effect upon the date of completion.

C. The payment of any tap fee prior to January 1, 1987 shall entitle the payor to a tap in accordance with the tap fee schedule and the development and investment fee schedule in effect at the time the payment was made.

D. TAP FEE SCHEDULE FOR INDIVIDUAL RESIDENTS AND BUSINESSES:

Water: \$3,500.00 per equivalent residential unit (EQR)
Wastewater: \$1,500.00 per equivalent residential unit (EQR)

E. The schedule setting forth EQRs for all uses shall be established from time to time by the Town Council by resolution.

F. The Town Council may from time to time amend the EQR Schedule by adding, deleting, raising or lowering the EQRs listed therein. In the event such an amendment raises an EQR classification, the user need not pay an additional development fee. However, the monthly user fees shall reflect the current EQR classification.

G. No EQR classification may be transferred from one property to another.

H. Any determination as to use classification, EQR value assigned, change of use or any other issue related to the determination of EQR values, may be appealed to the Town Engineer, and if not resolved in conference with the Town Engineer, may be appealed to the Town Council.

4. Service Charges: The Town is hereby empowered to levy and collect the following charges for water and wastewater service provided that such charges are to be billed and collected monthly:

A. Wastewater Service:

Charge per month \$15.00 per EQR

Charges for dumping of septic tank
truck loads or recreational vehicle
sanitary facilities Truck loads - \$2.00 per
1,000 gallons or fraction

Recreational Vehicles -
\$1.00 per use

Such dumping shall be permitted only at time
and places permitted by the Town Council or
its authorized representative.

B. Water Service:

Base Rate:
0 to 8,000 gallons - Charge per month: \$16.50

Additional:
over 8,000 gallons \$1.40 per 1,000 gallons

C. Bulk Water Service:

Bulk water service may be sold by the Town of Larkspur by persons requesting bulk water from the Town. Such water will be made available only if, in the sole discretion of the Town Council or its authorized representative, the sale of bulk water will not adversely impact other municipal

water users. All bulk water shall be sold at the rate of \$2.50 per 1,000 gallons or fraction thereof. A deposit of \$100.00 to \$500.00 (the specific amount to be determined by the Town Clerk) shall be required in connection with the sale of bulk water.

5. Permit Required: Before any connection is made to the public water or wastewater system, an application including plans and specifications and fees shall be submitted to the Town Clerk and if approved by the Town Engineer of the Town of Larkspur, Colorado, a permit shall be issued.

6. Independent Connections: Each free-standing dwelling unit, business, industrial or commercial unit must have its own water and wastewater tap.

7. Disconnection: No service line connected to the municipal wastewater system shall be disconnected therefrom without the issuance of a permit by the Town Engineer which shall specify how the disconnection shall be conducted and sealed to prevent leakage or contamination of the system. All disconnections must be made at the point that the service line actually physically connects to the public wastewater system unless otherwise determined by the Town Engineer.

8. Service Line Maintenance: It shall be the responsibility of the property owner to maintain the water service line from the meter to the building served and wastewater service lines in good repair at all times and to preserve the proper connection of the service lines to the water and wastewater system of the Town.

9. Right to Enter: By receiving water or wastewater service from the Town, property owner consents to the Town Council or its designee entering upon any premises being served by the public water or wastewater system of the Town upon reasonable notice for the purpose of inspecting same.

10. Cancellation of Application and Refund of Fees: The Town reserves the right to revoke any application previously granted before service has been provided.

11. Denial of Application: The Town reserves the right to deny an application for service on the following grounds:

A. The service applied for would create an excessive seasonal or other demand upon the facilities and/or financial position of the Town.

B. Failure of the applicant to comply with these regulations.

12. Unauthorized Connections: Any and all connections made to a public water or wastewater line without first obtaining a permit may be summarily disconnected by the Town Council or its designee at the cost of the person making such unauthorized connection. All costs of disconnection, until paid, shall constitute a perpetual lien against the property and the amount of such costs shall be certified to the Board of County Commissioners or County Treasurer and collected in the same manner as real property taxes against the property.

SECTION V - MUNICIPAL UTILITY SERVICES AND FEES

1. The Town Council has determined that property owners within the Town who do not connect their property to the municipal water and wastewater systems are deemed to be placing a continuing financial burden upon the community which is to be recovered by the Town through systems and service availability fees. These fees are to pay for a portion of the administrative costs, salaries, benefits, overhead, and master planning which are incurred as a result of utility extensions of the Town systems. The system and service availability fees shall apply to properties which are annexed to the Town subsequent to the effective date of this Ordinance.

2. System Availability Fee: There shall be placed upon all real property included within the Town boundaries, which property is not otherwise platted or developed, and to which no municipal water and wastewater services are provided, a system availability fee payable to the Town in accordance with the following schedule:

| | |
|--------------------|----------------------------|
| Residential Zoning | \$5.00 per EQR per quarter |
|--------------------|----------------------------|

Zoning densities for residentially zoned districts for the purpose of determining EQRs shall be calculated at the zoning density of

the area using the maximum number of residential units permitted.

Business, Commercial and Industrial property wherein square footage is not specifically stated in the Zoning Ordinance, shall be assessed for the maximum possible utilization of the property for single story buildings.

3. Service Availability Fee: These shall be placed upon all real property located within the Town boundaries which has been zoned and platted, but which property is not connected to the municipal water and wastewater systems, a service availability fee payable to the Town in accordance with the following schedule.

\$10.00 per EQR per quarter

4. Determination of EQRs:

A. In determining the number of EQRs to assess an unplatted area for the system availability fee, the Town will utilize the following equation:

- (1) Single-family residential: $\frac{\text{Density permitted} \times \text{number of acres} \times 1 \text{ EQR}}{\text{per unit}}$
- (2) Multi-family residential: $\frac{\text{Density permitted} \times \text{number of acres} \times .9 \text{ EQR}}{\text{per unit}}$
- (3) Business, commercial and industrial:

$$\frac{\text{Percentage allowed ground coverage one story} \times \text{number of acres} \times 43,560 \text{ sq. ft.}}{1,000 \text{ sq.ft.}} \times .3 \text{ EQR per unit}$$

B. In determining the number of EQRs to assess a zoned and platted area for the service availability fee, the Town shall utilize the following equations:

- (1) Single-family residential: $\frac{\text{Density permitted} \times \text{number of acres} \times 1 \text{ EQR}}{\text{per unit}}$
- (2) Multi-family residential: $\frac{\text{Gross area of lot} \times \text{density permitted} \times .9 \text{ EQR}}{\text{per unit}}$
- (3) Business, commercial and industrial:

$$\frac{\text{Number of sq. ft. platted} \times \text{percentage allowed ground coverage for one story} \times .3 \text{ EQR per unit}}{1,000 \text{ sq. ft.}}$$

4. Delinquency charges: All system and service availability fees are due and payable to the Town within thirty (30) days following the date the bill is mailed to the property owner of record. Delinquent accounts will be assessed interest at the rate of one per cent (1%) per month together with all costs of collection and reasonable attorneys fees.

The Town Clerk is authorized to certify delinquent charges and assessments to the Douglas County Board of Commissioners and/or the Douglas County Treasurer to be collected and paid over by the Treasurer of the County in the same manner as real estate taxes are authorized to be so collected.

SECTION VI - SPECIAL CONTRACTS

The Town Council reserves the right to determine all fees and charges to users not specifically covered by the schedules enumerated in this Ordinance.

SECTION VII - EXTENSION OF SERVICES OUTSIDE MUNICIPAL BOUNDARIES

The Town Council reserves the right to contract for the extension of services outside the Town corporate boundaries, provided however, that such service shall not impair services to resident users. The service charges and tap fees for users outside of the Town boundaries shall be determined on a case by case basis by the Town Council, but in no instance shall the monthly service charge or the tap fee be less than that charged to users located within the Town boundaries.

SECTION VIII - LATE CHARGES AND DISCONTINUANCE OF SERVICE

If at any time a service fee or charge is not paid within thirty (30) days after the date of mailing the same to the owner, a late charge of \$5.00 shall be added to the delinquent bill and considered to be a part of the service charge for providing water and wastewater 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 for that user, to that property, may be discontinued forthwith to that user or property 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 \$25.00 turn-on charge, service shall be re-established.

Further, if at any time a service fee or charge is not paid within forty-five (45) days after the date of mailing, the delinquent amount may be certified to the Board of County Commissioners of Douglas County or the Douglas County Treasurer, to become a lien upon the real property and to be collected in the same manner as real estate taxes are authorized to be collected.

SECTION IX - LATERAL SERVICE AND OTHER PAVEMENT CUTS

A. It shall be the responsibility of the developer or user in any new development in the 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 water or wastewater 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 One Thousand Dollars (\$1,000.00) 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 \$10.00 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 the Town Engineer, 40% of the deposit required pursuant to the provisions of 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. At the end of said 90-day period, the Town Engineer shall issue a certificate of satisfaction if the condition of the restoration is still 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 boring and jacking or by tunneling, in which case the applicant must bore or tunnel 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 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.

TAMPERING: It shall be a violation of this Ordinance for any person, without the consent of the Town Council or its authorized representative, to willfully tamper with, remove or injure any utility meter, equipment, distribution line or any portion of the Town water system or wastewater system.

SECTION X - EMERGENCY WATER REGULATION

A. The Town Council of the Town of Larkspur shall have the power to regulate water usage during the 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 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 or 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 or 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 XI - PENALTIES

A. Any person who shall violate any of the provisions of this Ordinance or fail to comply herewith shall severally for each and every such violation and noncompliance, respectively, be guilty of an ordinance violation, punishable by a fine not to exceed \$300.00 or by imprisonment for a period not to exceed 90 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. Nothing contained herein shall preclude the Town or its officials from pursuing injunctive relief to obtain a restraining order or injunction or any other equitable relief which is necessary to enforce the terms of this Ordinance.

C. The repeal of any Ordinance or Section thereof shall not affect or prevent the prosecution or punishment of any person for the violation of the Ordinance or Section thereof repealed hereby for any offense committed prior to the repeal.

SECTION XII - EFFECTIVE DATE

This Ordinance shall become effective on January 1, 1988.

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 19th day of November, 1987, and passed by a vote of ____ for and ____ against, and ordered published.

Anna Tweedlock
Mayor

ATTEST:

Carrie Amador
Town Clerk

Publication Date: _____

I hereby certify that the within Ordinance No. 5.19 was published on the _____ day of _____, 1987, in the Douglas County News-Press, the newspaper of general circulation published in the County of Douglas, State of Colorado; and I further certify that the within Ordinance No. 5.19 was posted on the bulletin board at the Town Hall of the Town of Larkspur from _____, 1987 to _____, 1987.

Town Clerk