

ORDINANCE NO. 5.21

AN ORDINANCE AMENDING ORDINANCE NO. 5.19  
WHICH REGULATES WATER AND WASTEWATER SERVICES,  
CHARGES, TAP FEES, DEVELOPMENT FEES AND INVESTMENT FEES  
(This Ordinance hereby repeals and  
supercedes Section V and Section VIII of Ordinance No. 5.19  
passed on the 19th day of November, 1987)

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

Section 1. Section V of Ordinance No. 5.19, passed on the  
19th day of November, 1987 is hereby repealed in its entirety  
and the following is substituted in its stead:

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:  $\text{Density permitted} \times \text{number of acres} \times 1 \text{ EQR per unit}$
- (2) Multi-family residential:  $\text{Density permitted} \times \text{number of acres} \times .9 \text{ EQR per unit}$
- (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:  $\text{Density permitted} \times \text{number of acres} \times 1 \text{ EQR per unit}$
- (2) Multi-family residential:  $\text{Gross area of lot} \times \text{density permitted} \times .9 \text{ EQR per unit}$
- (3) Business, commercial and industrial:  
$$\frac{\text{Number of sq. ft. platted} \times \text{percentage allowed ground coverage for one story}}{1,000 \text{ sq. ft.}} \times .3 \text{ EQR per unit}$$

5. Delinquency charges: All system and service availability fees are due and payable to the Town within thirty (30) days following the date upon which the bill is

mailed to the property owner of record. Delinquency accounts shall be assessed penalty interest at the rate of one per cent (1%) per month together with all costs of collection and reasonable attorneys fees. If at any time a system or service availability fee is not paid to the Town within 45 days after mailing of same, the delinquent amount together with all interest, penalties, and costs of collection, may be certified by the Town Clerk to the Douglas County Board of County Commissioners or the Douglas County Treasurer to become a lien upon the real property which is the subject of the system or service availability fee, and to be collected in the same manner as delinquent real estate taxes are collected. The County Treasurer shall receive payment of all delinquent system or service availability fees, penalties, and costs of collection, with interest at the same rate and collected in the same manner as delinquent real estate taxes. Further, the County Treasurer shall advertise and sell all property which has become subject to a lien because of delinquent system or service availability fees. The advertisement and sale shall be at the same time, in the same manner and under all the same conditions and penalties, and with the same effect as are provided by general law for sale of real property in default of payment of general real estate and special taxes.

Section 2. Section VIII of Ordinance No. 5.19, passed on the 19th day of November 1987, is hereby repealed in its entirety and the following substituted in its stead:

SECTION VIII - LATE CHARGES AND DISCONTINUANCE OF SERVICE. If at any time a water or sewer 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 water or sewer 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, together with a \$25.00 turn-on charge, service shall be re-established.

Further, if at any time, a water or sewer service fee or charge is not paid within forty-five (45) days after the date of mailing, the delinquent amount, late charges, penalties and costs of collection, may be certified by the Town Clerk to the Board of County Commissioners of Douglas County or the Douglas County Treasurer, to become a lien upon the real property which is the subject of service, and to be collected in the same manner as delinquent real estate taxes are collected. The County Treasurer shall receive payment of all delinquent water and sewer service charges, late charges, penalties and costs of collection, with interest at the same rate and collected in the same manner as delinquent real estate taxes. Further, the County Treasurer shall advertise and sell any and all property which has become subject to a lien because of delinquent water and sewer service charges. The advertisement and sale shall be at the same time, in the same manner, under all the same conditions and penalties, and with the same effect as is provided by general law for sale of real property in default of payment of general real estate and special taxes.

Section 3. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its adoption.

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 9th day of

January, 1991, and passed by a vote of \_\_\_ for, \_\_\_ against, and \_\_\_ abstentions.

Howard Busch  
Mayor

ATTEST:

Jessa-Lee Bell  
Town Clerk

I hereby certify that the within Ordinance No. 5.21 was posted on the bulletin board at the Town Hall of the Town of Larkspur from May 10, 1991 to June 15, 1991.

Jessa-Lee Bell  
Town Clerk