

ORDINANCE NO. 5.23

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

**(This Ordinance hereby repeals and supersedes
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, Ordinance
No. 5.18 passed and adopted on June 3, 1987)
Ordinance No. 5.19 passed and adopted on November 19, 1987
Ordinance No. 5.20 passed and adopted on August 10, 1988
Ordinance No. 5.21 passed and adopted on January 9, 1991 and
Ordinance No. 5.22 passed and adopted on May 8, 1991**

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

This Ordinance hereby repeals and supersedes 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, Ordinance No. 5.18 passed and adopted on June 3, 1987, Ordinance No. 5.19 passed and adopted on November 19, 1987, Ordinance No. 5.20 passed and adopted on August 10, 1988, Order No. 5.21 passed and adopted on January 9, 1991 and Ordinance No. 5.22, passed and adopted on May 8, 1991.

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 water or wastewater main pursuant to a permit issued by the Town.
2. Equivalent Residential Unit - Wastewater flow of 300 gallons per day.
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 connection of a wastewater service line to a wastewater main.
9. Water Main - Any water pipeline of 6" diameter or larger owned by the Town.
10. Water Tap - The connection of a water service line to a water main.

SECTION II - 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 real property and the improvements thereon 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 and paid over by the County Treasurer in the same manner as taxes are authorized to be collected by the County Treasurer.

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 Engineer or his 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. Water meters shall be paid for by owner and provided by the Town. Trenches shall not be filled until the line and tap have 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 fee is higher on the date that the connection is completed, in which case the fee in effect on the date of completion shall apply. All connections shall be put into service within one year after the date that the tap fee is paid. Failure to put the tap into service within one year after the payment of the fee shall result in forfeiture of the fee paid and shall require the payment of a new tap fee in accordance with the schedule in effect upon the date that the tap is put into service.

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 - WATER

Effective June 1, 1995, the tap fees for water service shall be in accordance with the following schedule.

SERVICE CONNECTION	NUMBER OF 3/4 INCH EQUIVALENCIES	TAP FEE
3/4"	1	\$ 5,500.00
1"	1.8	9,768.00
1 1/2"	4	22,000.00
2"	7.1	39,072.00
3"	18.0	98,913.00
4"	28.4	156,290.00

The required size of the service connection and the service line shall be determined by the Town Engineer, utilizing Tables 10.1 and 10.2 of the version of the Uniform Plumbing Code which is in effect within the Town at the time that the determination is made. In making his determination, the Town Engineer shall not approve a service connection size which results in a maximum velocity in excess of 12 feet per second within the service line.

E. TAP FEE SCHEDULE - WASTEWATER

Effective June 1, 1995, the tap fees for wastewater service shall be \$4,500 per EQR or fraction thereof.

The schedule for EQRs for all uses shall be established from time to time by the Town Council by resolution. If the schedule does not enumerate a specific use the number of EQRs shall be determined upon the basis that one EQR equals 300 gallons/day of wastewater flow.

The interpretation and determination as to use classification, EQR values, and other issues related to the determination of EQR values, shall be made by the Town Engineer. If not resolved in conference with the Town Engineer, this determination 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:

Effective June 1, 1995	
Service charge per month	\$15.50 per EQR or fraction thereof
Effective June 1, 1996	
Service charge per month	\$16.50 per EQR or fraction thereof

In addition to the wastewater monthly service charges described above, the Town may calculate rates for commercial and industrial users based upon the actual cost of providing wastewater service to such users.

B. Water Service:

Base Rate:

Effective June 1, 1995 0-8,000 gallons per month \$16.50 per 3/4 inch equivalency

Effective June 1, 1996 0-8,000 gallons per month \$17.00 per 3/4 inch equivalency
 Effective June 1, 1997 0-8,000 gallons per month \$17.50 per 3/4 inch equivalency

Excess Rate:

Effective June 1, 1995 the following service fees shall be in effect for usage in excess of 8,000 gallons per month per 3/4 inch equivalency:

Usage	Service Fee
8,001 to 20,000 gallons	\$2.50 per 1,000 gallons
20,001 to 40,000 gallons	\$3.00 per 1,000 gallons
40,001 to 60,000 gallons	\$3.50 per 1,000 gallons
60,001 to 80,000 gallons	\$4.00 per 1,000 gallons
80,001 to 100,000 gallons	\$4.50 per 1,000 gallons
101,000 and up	\$5.00 per 1,000 gallons

C. Residential Service Fees: Notwithstanding the actual size of the service connection, each single family detached, single family attached, multi-family and mobile home residential unit shall be deemed to be one 3/4 inch equivalency for purposes of calculating the monthly service fee. The monthly minimum service fee shall be calculated by multiplying the number of residential units served by the service connection line times the Base Rate per 3/4 inch equivalency. The Excess Rate shall be calculated by multiplying the number of residential units served by the service connection line times 8,000 gallons per month and subtracting that amount from the total number of gallons used for the month. The Excess Rate shall be applied to the remainder.

D. Non-Residential Service Fees: For non-residential uses, the monthly minimum service fee shall be calculated by multiplying the number of 3/4 inch equivalencies that correspond to the size of the service connection line times the Base Rate per each 3/4 inch equivalency. The Excess Rate shall be calculated by multiplying the number of 3/4 inch equivalencies corresponding to the size of the service connection line times 8,000 gallons per month and subtracting that amount from the total number of gallons used for the month. The Excess Rate shall be applied to the remainder.

E. Bulk Water Service:

Bulk water service may be sold by the Town of Larkspur to 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 \$4.40 per 1,000 gallons or fraction thereof. A deposit of \$100 to \$500 (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. Connections: All single family detached units shall have separate water meters and shall have individual wastewater taps. Unless authorized by the Town Engineer, all single family attached units and each building of any multi family, commercial, or industrial complex shall have separate water meters and shall have separate wastewater taps.

All water service lines larger than 3/4" shall be of uniform size from the service line to the building structure. The Town reserves the right to evaluate the size of the service connection when any existing building structure or development with a water tap is remodeled or the existing usage of such building structure or development has changed, or the intensity of use is changed. The Town may require a larger service connection to any building, structure or development if the water requirements when calculated by the fixed unit method, as specified in the Uniform Plumbing Code, causes service line velocity to exceed 12' per second.

Whenever, in the opinion of the Town Engineer, a reduced pressure back flow preventer is required to eliminate contamination of the public water supply through a specific service connection such back flow preventer of a type and design approved by the Town Engineer shall be furnished and installed by the user, at his expense, in accordance with the Town Engineer's specifications.

In the event that the Town Engineer determines that the current meter size is incapable of servicing the result and total demand for water, the applicant will have the option to either replace the existing meter and service line with the appropriately sized meter and service line or install a separate meter and service line to directly serve the property. It is prohibited to interconnect any two or more meters in any situation.

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 from the wastewater main to the building served 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 this ordinance.

C. Such other reasons as may be determined by the Town Council to promote and protect the general health, safety, and welfare of the residents of Larkspur.

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 III - LATE CHARGES AND DISCONTINUANCE OF SERVICE

1. If at any time a water or wastewater service fee or charge is not paid within twenty-five (25) days after the date of mailing the same to the customer, the account shall be delinquent. A late charge of \$5.00 for water service and \$5.00 for wastewater service shall be added to the delinquent account and considered to be a part of the service charge for providing water and wastewater service. In addition, delinquent accounts shall also be assessed interest at the rate of 1 percent per month, together with all costs of collection, including reasonable attorney's fees. If at any time a water or wastewater service fee 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.

2. Further, if at any time, a water or wastewater 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.

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: Density permitted x number of acres x 1 EQR per unit

(2) Multi-family residential: Density permitted x number of acres x 1 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: Density permitted x number of acres x 1 EQR per unit

(2) Multi-family residential: Gross area of lot x density permitted x 1 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 twenty-five (25) 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 percent (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 V - 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 convey to the Town all water and/or wastewater lines and improvements necessary for such extension, by appropriate instrument, approved by the Town Attorney.

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 and/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 may 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 may refund a portion of such cost to the person who constructed the lines.

SECTION VI - 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 VII - OWNERSHIP

1. 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 wastewater collection shall be at the cost of the property owner.

2. 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 VIII - EMERGENCY WATER REGULATION

1. 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.

2. 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.

SECTION IX - 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 X - LATERAL SERVICE AND OTHER PAVEMENT CUTS

1. 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.

2. No individual shall excavate any cut, trench or bore across any public roadway within the Town of Larkspur, Colorado unless it is done in compliance with the provisions of this Ordinance.

3. Before any person makes a cut, trench or bore across a public roadway within the Town of Larkspur, he shall first obtain a permit from the Town Engineer or Public Works Superintendent ("Town Engineer"). The Town Engineer shall, prior to the issuance of said permit, determine the following:

- A. The charges to be made in connection therewith;
- B. The proper location and method for the trench, cut or bore;
- C. The inspections which are necessary and the time in which they are to be made during the course of construction;
- D. Whether a cut or any portion thereof can reasonably be avoided by boring and jacking or by tunneling, in which case the applicant must bore or tunnel as determined by the Town Engineer.
- E. Whether the cut, trench or bore can serve more than one utility, and if so, the Town Engineer shall require the person to take such measures as the Town Engineer deems reasonably appropriate to accommodate the multiple use.

4. When the Town Engineer has made the determination as required above and the proper charges have been paid by the applicant, the permit will issue.

5. 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.

6. 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 year from the completion of construction.

7.

A. Before any cut, bore or trench is made, a deposit shall be paid to the Town Clerk in an amount to be determined by the Town Engineer, but not less than \$2,000.00 (unless, a bond has been posted in favor of the Town in an amount and form, and on terms

approved by the Town Engineer and Town Attorney).

B. The cut deposit described above shall also apply in the event that any utility line, pipe or other device, previously placed across a roadway, must be repaired or replaced.

C. Any person making a cut, trench or bore across any roadway 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 within 30 days of the date that the permit for same is issued. Upon the approval of the restoration by the Town Engineer, 40% of the deposit shall be refunded and the Town Engineer shall issue a Certificate of Completion. The remaining 60% of the deposit shall be retained for a period of one year from the date of the Town Engineer's Certificate of Completion. At the end of this one year period, the Town Engineer shall inspect the restoration to determine if it is still in conformity with Town specifications. If approved by the Town Engineer, an additional 40% of the initial deposit shall be refunded. The remaining 20% of the deposit shall be retained by the Town of Larkspur for inspection fees. If not approved by the Town Engineer, the remaining deposit shall be forfeited to the Town. If said restoration is not complete to specifications within thirty days of the issuance of the permit, the deposit, in its entirety, shall be forfeited to the Town of Larkspur. Forfeiture of the deposit shall not limit the liability of the person responsible for the restoration. The person responsible for the restoration shall be fully liable for the costs of restoration. If the person responsible for making the restoration fails to make same or if the restoration fails within the one year period following the issuance of the Certificate of Completion the Town shall be authorized to make or complete the restoration, in which case the person responsible for the restoration shall be liable to the Town for the costs of restoration, interest thereon at the rate of 12% per annum and the Town costs of recovering same, including reasonable attorney fees.

SECTION XI - 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 XII - PENALTIES

1. 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 the violation exists, or that the violation continues or occurs, shall constitute a separate offense,

2. 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.

3. 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 XIII - EFFECTIVE DATE

This ordinance shall take effect five (5) days after it is posted, in accordance with Section 3.20 of the Town Charter.

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 20th day of April, 1995, and passed by a vote of 5 for and 0 against and 0 abstentions.

Florence Burch
Mayor

ATTEST:

Brenda J. Anderson
Town Clerk

I hereby certify that the within Ordinance No. 5.23 was posted on the bulletin board at the Town Hall of the Town of Larkspur from May 3, 1995 to May 8, 1995.

Brenda J. Anderson
Town Clerk

