



**TOWN OF LARKSPUR  
ORDINANCE NO. 5.29**

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

**(This ordinance repeals Ordinance No. 5.23 passed and adopted on May 3<sup>rd</sup> 1995)**

**WHEREAS**, the Town of Larkspur owns and maintains the Water and Wastewater facilities that provides water and wastewater services to the Town; and

**WHEREAS**, in order promote orderly development and to protect health, safety and welfare of its citizens and to maintain water and wastewater facilities for the benefit of the community, and

**WHEREAS**, the Town Council has determined that it is in the best interest of the town to update the cost of services and clarify the operation and maintenance of the Town's water and wastewater systems.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO AS FOLLOWS:**

**SECTION I- DEFINITIONS**

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

1. Application: Written request from a customer to the Town requesting a permit 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.
2. 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.
3. Engineer or Town Engineer: Any person licensed by the State of Colorado as a professional engineer and acting on the Town's behalf as an Engineer, Engineering consultant or their appointed designee.
4. Equivalent Residential Unit (EQR): Wastewater flow of 300 gallons per day, 3/4" water service tap.
5. Permit: Written permission of the Town to connect to a water or wastewater main of the town or to construct a septic system pursuant to the rules and regulation set forth herein.

6. Tap Fee: 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)
7. User: Any person to whom water or wastewater service is provided.
8. Wastewater Main: Any wastewater pipeline or portion owned by the Town.
9. Wastewater Tap: The connection of a wastewater service line to a wastewater main.
10. Water Main: Any water pipeline of 6" diameter or larger owned by the Town.
11. Water Operator: Licensed Water Company under contract with Town to operate the Town's water and wastewater system. Duties to apply are specified in their contract.
11. Water Tap: The connection of a water service line to a water main.

## **SECTION II- UTILIZATION OF TOWN SERVICES**

1. Mandatory Connection: No person, corporation, association or entity of any 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 such separate water or wastewater system, whether created before or after the effective date of this Ordinance, may or will 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 person 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 30 days after written notice is sent, by the Town Clerk, by certified mail, return receipt requested, to the owner of record as disclosed by the record of the assessor of Douglas County, Colorado. If the work of making the connection is not begun with thirty (30) days after the mailing of the notice and 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 improvement 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 in the same manner as delinquent taxes and the amount shall thereafter become a lien upon the real property so served by said water or wastewater connection until paid in full plus all costs and fees. 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 alternate 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 violation of this Ordinance or to obtain mandatory compliance with the provisions of the 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 the Ordinance and shall subject the violator to the penalties provide herein.

2. **Septic Systems:** Before any septic system may be constructed within the Town limits, permits shall be obtained from the Town and from Tri-County Health Department. An 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 before a permit shall be granted.

No septic system shall be constructed within one hundred feet of any potable water line or 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 the permit being issued or construction

3. **New Service - Tap Fees:** No new water or wastewater service shall be extended to any user until and payment of the assessed tap fees has been made in accordance with the schedule below:
  - a. The payment of a wastewater tap fee includes the privilege to tap into the main wastewater 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 water main and an inspection by the Town Engineer or his authorized designee. 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 or his authorized designee. Everything located inside the Meter pit, including the water meter, pressure reducing

valve (PRV), backflow preventer and yoke shall be paid for by the property owner at the time the permit is issued and shall be provided by, and shall belong to, be owned and maintained by the Town. Trenches shall not be filled until the line and tap have been inspected and approved by the Town Engineer or his authorized designee.

- b. All tap fees shall be paid not later than the issuance of a building permit or the date the tap is completed, whichever occurs first. The amount of the tap fee shall be determined in accordance with the tap fee schedule which is in effect on the date the building permit is issued, unless the fee is higher on the date 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 the tap fee is paid. If the tap is not connected within one year after the fee is paid the monthly user fee will begin to be billed.
- c. Tap Fee Schedule - Water

Effective January 1, 2013 the following tap fees for water service shall be:

<u>Service Connection Size</u>	<u>Number of ¾ equivalencies</u>	<u>Tap Fee</u>
¾ inch	1	\$ 8,000.00
1 inch	2	\$16,000.00
1 ½ inch	4	\$32,000.00
2 inch	7	\$56,000.00
3 inch	18	\$144,000.00
4 inch	28.4	\$227,200.00

For commercial use, the applicant's engineer will be required to determine the size of the water tap and the service line utilizing tables from the current version of the American Water Works Association, (AWWA) M standards which is in effect within the Town at the time the determination is being made and must have it approved by the Town Engineer. The maximum velocity of the service line shall not exceed 12 feet per second.

- d. Tap Fee Schedule - Wastewater

Effective January 1, 2013 the following tap fees for wastewater service shall apply: \$7,000.00 per EQR or fraction thereof.

The schedule of EQRs for all users 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 of one EQR equals 300 gallons/day of wastewater flow.

For commercial use, the applicant's engineer shall determine the estimated sewer outflow and number of EQRs utilizing table listed below, and submitted to the Town Engineer for approval.

USER TYPE	WASTEWATER FLOW RATE
Residential	90 gallons/capita/day
Industrial	1,500 gallons/acre/day
Commercial	1,000 gallons/acre/day
Park/Recreation	50 gallons/acre/day
Schools	20 gallons/student/day

Wastewater peaking factors shall be computed using the following equation:

$$PF=3.8/(ADF)^{0.17}$$

Where ADF = annual average daily flow in Million Gallons per Day (MGD)

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

a. Wastewater Service:

Effective 90 Days after the passage of this Ordinance	17.00 per EQR
Effective January 1, 2013	18.00 per EQR

On January 1, 2014 and continuing on January 1 of each year thereafter, the base rate will increase by \$ 0.50 per month per ¾ inch equivalency

b. Water Service:

Base Rate for up to 8,000 gallons per month per ¾ equivalency

Effective 90 days after the effective date of this ordinance	\$25.00
Effective January 1, 2013	\$32.00

Excess Rate

Effective 90 days after the passage of the Ordinance the following service fee shall be in effect for usage in excess of 8,000 gallons per month per ¾ inch equivalency.

8, 001-20,000 Gallons	\$3.50 per 1,000 gallons
20,001-40,000 Gallons	\$4.00 per 1,000 gallons
40,001- 60,000 Gallons	\$4.50 per 1,000 gallons
60,001- 80,000 Gallons	\$5.00 per 1,000 gallons
80,001- 100,000 Gallons	\$5.50 per 1,000 gallons
100,001 and up	\$6.00 per 1,000 gallons

- c. Residential Service Fees: Notwithstanding the actual size of the service connection, each single family residential property, multi-family and mobile home residential unit shall be deemed to be one ¾ 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 ¾ inch equivalency. The Excess Rate shall be calculated by multiplying the number of individual 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 ¾ inch equivalencies that correspond to the size of the service connection line times the Base Rate per each ¾ inch equivalency. The excess rate shall be calculated by multiplying the number of ¾ 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. Such water will be made available only if the sale of the bulk water will not adversely impact other municipal water users. All bulk water shall be sold at the rate of \$10.00 per 1,000 gallons or fraction thereof. This amount may be changed from time to time by the Town Council by resolution. Before any person or persons shall be authorized to obtain bulk water from the Town a bulk water request must be submitted to the Town and approved by the Town. The means by which the bulk water is obtained should be detailed on the request form.

5. **Tap Fee Application and Permit Required:** Before any connection or extension is made to the public water or wastewater system, an application including plans and specification and fees shall be submitted to the Town Clerk and, if approved by the Town Engineer, a tap fee permit shall be issued. In reviewing such application, the Town Engineer shall apply the standards and specifications for water and wastewater service as adopted from time to time by the Town Council.
  
6. **Connections:** Each single family residence requires one ¾ service line with one meter and one waste water service line. Each building containing multifamily residential units requires one ¾ inch service line with one meter and one wastewater service line for each residential unit. Each building containing commercial or industrial units or spaces shall have separate water taps and meters (size to be determined by an engineer) and shall have separate wastewater taps.  
All water service lines larger than ¾ 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 at 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 feet per second. It is prohibited to interconnect any two or more meters in any situation.
  
7. **Disconnection:** No service line connected to the municipal water or 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 where the service line physically connects to the public water or 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 outside of the pit to the building served and wastewater service lines from the wastewater main to the building served. Lines must be kept in good repair at all times.
  
9. **Right to Enter:** By receiving water and wastewater service from the Town, all property owners consent to the Town designee entering upon any premises being serviced by the public water or wastewater system of the Town upon written reasonable notice for the purpose of inspecting same. In the case of emergency no prior notice will be required but a follow up written notice shall be sent.
  
10. **Cancellation of Water or Wastewater Permit and Refund of Fees:** The Town reserves the right to revoke any Permit previously granted before service has been provided.

11. **Denial of Water or Wastewater Application:** The Town may deny any application for service on the following grounds.
  1. The service applied for would create an excessive seasonal or other demand upon the facilities and or financial position of the Town.
  2. Failure of the applicant to comply with this Ordinance
  3. Such other reason 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 public water or wastewater lines without first obtaining a permit may be summarily disconnected by the Town designee at the cost of the person making such unauthorized connection. All cost of disconnection, until paid, shall constitute a perpetual lien against the property and the amount of such cost shall be certified to the Board of County Commissioners or County Treasure and collected in the same manner as real property taxes against the property.
13. **Revision of Fees and Charges:** All fees and charges set forth in this Ordinance may be revised from time to time by resolution of the Town Council.

### **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 will 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% 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 same, the water service for that user, to that property, may be discontinued forthwith 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-off and \$25.00 turn-on charge, service shall be re-established. Anyone requesting extra time to pay a water bill must submit a request in writing to the Town prior to its due date and the Town Council must approve a payment schedule for the applicant.
2. Further, if at any time, a water or wastewater service fee or charge is not paid within forty-five (45) days after the mailing, the delinquent amount, late charges, penalties and cost of collections, 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 wastewater 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 wastewater service charges. The advertisement and sale shall be at the same time, in the same manner, under all the same condition 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 IV- MAIN EXTENSION POLICY**

1. It shall be the responsibility of the property owner, at his/her 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/her private property shall pay the entire cost of extending the services to his/her 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 of 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 plan and specification 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 of 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 system. All design review and inspections shall be paid by the applicant
5. When a person constructs water supply and distribution facilities or wastewater collection facilities through or adjacent to un-served 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 un-served 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 V - 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 service to resident users. The service charge and tap fee 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 fee or the tap fee be less than that charged to users located within the Town boundaries.

## **SECTION VI- OWNERSHIP**

1. The Town shall own all 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 or wastewater 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 of the building served by the line 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 the initial construction or subsequent repair, must meet Town engineering specifications as determined by the Town's engineer.
3. The transfer of ownership from the property owner to the Town involves the following steps:
  - a. Town Engineer review of plans and specifications prior to construction,
  - b. Conveyance of easement to the town by an instrument acceptable to the Town Attorney,
  - c. Posting of bonds, such as required for road cuts,
  - d. Construction by property owner,
  - e. Town Engineer designee inspection of work prior to burial or covering.
  - f. Correction of inspection deficiencies as identified by the Town

engineer's designee

- g. Transmittal of as-built drawings drafted to Town Engineering Standards.
- h. Town Engineer acceptance of work including As-Built drawings.
- i. Execution of transfer documents approved by the Town Attorney, including a two year secured warranty by the party transferring property to the Town.

#### **SECTION VII- EMERGENCY WATER REGULATION**

- 1. The Town Council 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 of any lesser degree of regulation which, in the opinion of the Town Council, shall be necessary in order to preserve and protect the municipal facilities and the water supply of the Town during such emergencies.
- 2. At such time as the Town Council shall undertake to regulate the water service usage in accordance with part 1 above, it shall pass a resolution setting forth the degree of regulation, its duration and the reasons for the regulatory action.

#### **SECTION VIII-SPECIAL CONTRACTS**

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

#### **SECTION IX- 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 service 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 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, they shall first obtain a permit from the Town and approval from the Town Engineer. The Town 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,
  - 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 be issued.
  5. If, during any inspection, it is determined by the Town that the engineering or other construction requirement 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 two years from the completion of construction. Probationary acceptance shall not begin until As-Built drawings are submitted and approved by the Town Engineer
  7. 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 \$2000.00 (unless, a bond has been posted in favor of the Town in an amount and on terms approved by the Town Engineer and Attorney) The cut deposit described above shall also apply in the event that any utility line, pipe, or other device previously placed across the roadway must be repaired or replaced.
  8. Any person making a cut, trench or bore across any roadway within the limits of the Town of Larkspur shall additionally be responsible to restore the surface of the street in accordance with the specification of the Town Engineer within 30 days of the date that the permit for the 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.

#### **SECTION X - TAMPERING**

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

#### **SECTION XI - PENALTIES**

1. Any person who shall violate any of the provisions of the Ordinance or fail to comply herewith shall separately for each and every violation and noncompliance, respectively, be guilty of an ordinance violation, punishable by a fine not to exceed \$300.00. 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 violation 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 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 or Section thereof repealed hereby for any offense committed prior to the repeal.

#### **SECTION XII - APPEAL OF TOWN ENGINEER DECISIONS**

Customers and users may appeal decisions of the Town Engineer to the Town Council. Appeals must be submitted in writing with full supporting documents within 30 days of the Town Engineer's decision. An appearance before the Town Council will be scheduled once the written appeal and supporting documentation is able to be distributed in a timely manner to Council members for their review prior to the customer's or user's appearance. The hearing before the Town Council shall take place within 45 days of the filing of the appeal. The Town Council may request additional information from the Town Engineer prior to Town Council action on the Appeal.

**SECTION XIII - EFFECTIVE DATE**

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


**INTRODUCED, PASSED, AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AND SIGNED THIS 1st DAY OF March, 2012.**

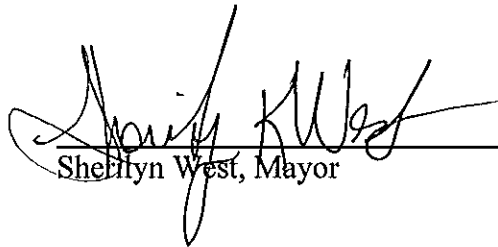
Approving	<u>5</u>
Opposed	<u>0</u>
Absent	<u>2</u>
Abstained	<u>0</u>

ATTEST:



**TOWN COUNCIL OF THE  
TOWN OF LARKSPUR, COLORADO**

  
\_\_\_\_\_  
Manfred Krimmer, Town Clerk

  
\_\_\_\_\_  
Shellyn West, Mayor