

ORDINANCE NO.

19-10

Series of 2019

TITLE: AN ORDINANCE AMENDING SECTION 13-53 OF THE HUDSON MUNICIPAL CODE TO ALLOW ALL COMPONENTS OF WATER TAP FEES TO BE SET BY RESOLUTION

WHEREAS, one component of the water tap fees imposed by the Town is a raw water dedication requirement;

WHEREAS, the Hudson Municipal Code (the "Code") currently specifies the source and amount of raw water rights to be dedicated to the Town at the time a water tap is purchased;

WHEREAS, sources and availability of water to support development in Colorado are changing quickly, and the Town desires more flexibility in setting its raw water dedication requirements;

WHEREAS, the Code specifies that the other components of water tap fees, the water connection fee and PIF, are set by resolution of Town Council, which allows them to be adjusted more efficiently from time to time as needed; and

WHEREAS, the following revision to the Hudson Municipal Code will allow raw water dedication requirements to also be set and adjusted by resolution of Town Council.

BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Section 13-53 of the Hudson Municipal Code is hereby amended to read as follows:

Sec. 15-53. – Water tap fees.

(a) Water tap fee components. All water tap fees shall be based on three (3) components: the current connection charge based on the operating costs and cost of maintaining the town's water system (water connection fee); the current applicable plant investment fee (PIF); and dedication to the town of sufficient new raw water supply, or a cash-in-lieu dollar amount, to meet the new demand. The water connection fee, PIF, and the form and amount of raw water dedication shall be set by town council resolution.

(b) Equivalent residential unit. An equivalent residential unit (EQR) is hereby defined as one (1) detached single-family residential dwelling unit or one (1) attached single-family dwelling unit that is held or that is designed to be held in ownership separate from other units in the residential structure or served by its own

water meter and service line. The average water demand for one (1) EQR is hereby determined to be four hundred fifty (450) gallons per day.

(c) Utility service plan. All applications for building permits for nonresidential development or for multi-family residential development in which water meters and service lines serve more than one (1) dwelling unit shall be accompanied by a utility service plan that includes an estimate of average daily water demand and proposed sizing of all water meters on the property to be developed. Meter sizing and water demand estimates are subject to review by the town engineer. Water demand estimates shall be used as the basis for calculating water tap fees.

(d) No water tap or connection shall be made to the town water system unless a permit is first obtained from the town clerk for such tap or connection and all applicable charges set forth in this chapter have been paid. All fees and charges shall be paid at the time of issuance of the building permit at the then-effective rate.

(e) All connections or taps shall be made by a qualified contractor and shall be at the sole expense of the applicant. The applicant shall furnish at its sole expense all materials and labor necessary for the tap or connection, except that the town shall furnish the necessary water meter, the necessary taping saddle, corporation stop, curb stop, meter pit, meter pit cover, radio read meter, setter(s) and, where applicable, backflow preventer and pressure reducing valve(s), the actual costs of which shall be paid by the applicant at the time of payment of the fees set forth herein, and the price of which is included in the water connection component of the fee set forth in this section.

(f) After such tap or connection is made and accepted, the town shall be the owner of and maintain the line from the water main to the meter, unless the meter is contained within a private structure, in which case the town shall maintain the line from the water main to the curb stop, and the applicant shall own and maintain the line from the meter or the curb stop to the premises.

(g) All platted residential lots within the town that exist as of April 1, 2000, may apply to the town council for a waiver of all or a portion of the raw water dedication component of the tap fees imposed by this section. The council shall determine whether to waive all or a portion of the raw water dedication component of the tap fee based on whether the applicant has satisfied the following criteria:

(1) The applicant can show the existence of exceptional and undue hardship based on application of the raw water component to the applicant; and

(2) The granting of the waiver by the town council would not cause a substantial detriment to the public good, nor would it result in any detrimental impact on the town's water supply or water system.


Section 2. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall become effective ten (10) days after final publication by title only.


INTRODUCED, READ BY TITLE, AND ADOPTED ON FIRST READING this
1 day of May, 2019.

TOWN OF HUDSON, COLORADO



Laura Hargis, Mayor

ATTEST:



Charity Campfield, Town Clerk

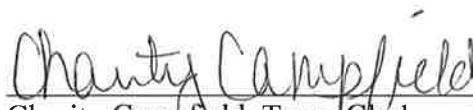
PASSED by a vote of 5 for and 0 against AND ORDERED PUBLISHED BY
TITLE ONLY, with a complete copy available for public inspection and acquisition in the office
of the town clerk this 15 day of May, 2019.

TOWN OF HUDSON, COLORADO



Laura Hargis, Mayor


ATTEST:



Charity Campfield, Town Clerk



APPROVED AS TO FORM:


Corey Y. Hoffmann, Town Attorney