

ORDINANCE NO.

13-13
Series of 2013

TITLE: AN ORDINANCE AMENDING THE HUDSON MUNICIPAL CODE TO SET COSTS, FEES AND DEPOSITS FOR TOWN SERVICES BY RESOLUTION

WHEREAS, the Board of Trustees finds it in the public interest to provide for the consistent establishment of fees for Town services by resolution.

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

Section 1. The Sections 2-114 and 2-115 of the Hudson Municipal Code are hereby amended as follows:

Sec. 2-114. Court costs.

(a) Whenever the municipal judge imposes any fine for any violation of a municipal ordinance, in addition to such fine or any other sentence, the municipal judge may also assess costs for the following, which costs shall be adopted by the Town by Resolution of the Board of Trustees.:

(1) Upon the entry of a plea of guilty or no contest at the time of the arraignment or prior to the date of trial.

(2) Upon the entry of a plea of guilty or no contest on the date of trial to the court or upon a finding of guilty after a trial to the court.

(3) Upon a finding of guilty after a trial to a jury or the entry of a plea of guilty or no contest prior to the commencement of a trial to a jury but after a jury has been summoned, unless the court has been notified of the prospective plea at least forty-eight (48) hours prior to the date of trial.

(4) Upon the issuance of a bench warrant for failing to appear in court, failing to pay fines and costs or failing to comply with any order of the court.

(5) Upon a finding of guilty by the court, by the jury or upon the entry of a plea of guilty or no contest on the date of trial.

(6) Upon the entry of a plea of guilty or no contest on a deferred judgment and sentence at the time of the arraignment or prior to trial.

(b) In addition to any fines and costs assessed by the municipal judge, there shall be added and separately reported a surcharge as adopted by the Town by Resolution of the Board of Trustees on any judgment imposed by the court, and upon any penalty assessment paid for a

traffic violation. The moneys raised by such surcharge shall be used to establish and fund programs for victim and witness assistance services for the town as approved by the board of trustees.

Sec. 2-115. Transcripts.

(a) Verbatim records of all proceedings and evidence at trials of all cases coming before the municipal court shall be kept by either electric devices or stenographic means.

(b) The court administrator of the municipal court shall require a transcript deposit for all appeals from the municipal court to the district court in and for the county, payable to the Hudson Municipal Court according to the following transcript deposit schedule, in such amounts as shall be adopted by the Town by Resolution of the Board of Trustees.:

(1) Transcript deposit for trial to the court; or

(2) Transcript deposit for a trial to a jury.

(c) The court administrator of the municipal court shall charge the transcript preparation fee and photocopy cost prescribed by the state supreme court. The transcript deposit shall be applied against the preparation cost of a transcript. If the preparation cost of the transcript is less than the transcript deposit, then the balance will be refunded by the court administrator. If the preparation cost of the transcript is more than the transcript deposit, then the court administrator shall require the requesting party to pay the additional cost for preparing the transcript.

(d) The court administrator shall provide for the waiver of the transcript deposit and transcript preparation cost in all instances of proven indigence. (Ord. MC-1-87 §1, 1987)

Section 2. The Section 2-119(a)(2) of the Hudson Municipal Code is hereby amended as follows:

(2) Within twenty (20) days after arraignment or entry of a plea, the defendant files with the municipal court a written jury demand and at the time tenders a jury fee in such amount as shall be adopted by the Town by Resolution of the Board of Trustees, unless the jury fee is waived by the municipal judge because of the indigence of the defendant.

Section 3. The Section 4-43(e) of the Hudson Municipal Code is hereby amended as follows:

(e) For each license issued under this ordinance, a fee in such amount as shall be adopted by the Town by Resolution of the Board of Trustees shall be paid, which fee shall accompany the application. A further fee in such amount as shall be adopted by the Town by Resolution of the Board of Trustees shall be paid for each year or fraction thereof for which said license is renewed; provided that only one-half of such renewal fee shall be charged on licenses issued on or after July 1 of any year.

Section 4. The Section 4-122(j) of the Hudson Municipal Code is hereby amended as follows:

(j) Impact fees shall be as adopted by the Town by Resolution of the Board of Trustees. On January 1, 2010, and on January 1st of each year thereafter in which an impact fee is in effect, the amount of the impact fee per dwelling unit for residential development and the per square footage of gross floor area for nonresidential development may be adjusted to account for inflation increases in the cost of providing capital facilities, utilizing the most recent data from the Engineering News Record construction cost index for the Denver metropolitan area. In lieu of this automatic annual adjustment, the town may, at its option, determine the appropriate annual inflation factor. Moreover, nothing herein shall prevent the town from electing to maintain a then-existing capital facilities impact fee or from electing to waive the inflation adjustment for any given fiscal year or years. Any such action to determine an inflation factor other than that set forth above shall be by board resolution.

Section 5. The Section 5-10(a) of the Hudson Municipal Code is hereby amended as follows:

(a) Grantee shall pay to the town a franchise fee in such amount as shall be adopted by the Town by Resolution of the Board of Trustees.

Section 6. The Section 5-52.1 of the Hudson Municipal Code is hereby amended as follows:

Sec. 5-52.1. Franchise fee.

In consideration for the grant of this franchise, the company shall pay the town a sum equal to a percentage of all revenues received from the sale of electricity within the town and a percentage of the revenues received by the company for the use by others of its overhead utility facilities within the town, such percentages as shall be adopted by the Town by Resolution of the Board of Trustees.

Section 7. The Section 5-52.3 of the Hudson Municipal Code is hereby amended as follows:

Sec. 5-52.3. Change of franchise fee and other franchise terms.

Once during each calendar year of the franchise term the board of trustees, upon giving thirty (30) days' notice to the company, may review and change the franchise fee by Resolution and other significant financial benefit the town may be entitled to receive as a part of the franchise; provided, however, that the board of trustees may only change the franchise fee payments, or other provision of this franchise to cause the town to receive a franchise fee, or other significant financial benefit, under this franchise equivalent to the franchise fee or other significant financial benefit that the company may pay to (or obligate itself for) any other city or town in any other franchise under which the company renders any electric service in the state.

Section 8. The Section 5-59.2 of the Hudson Municipal Code is hereby amended as follows:

Sec. 5-59.2. Transfer fee.

In order that the town may share in the value this franchise adds to the company's operation, any such transfer or assignment of rights under this franchise requiring the approval of the town shall be subject to the conditions that the transferee shall promptly pay to the town a pro rata share of an amount as shall be adopted by the Town by Resolution of the Board of Trustees, which pro rata share shall be calculated by multiplying such amount times a fraction of which the then population of the town is the numerator and the then population of the city and county of Denver is the denominator. Such transfer fee shall not be recovered from the town or from the town's residents or property owners through electric rates of customers in the town or by surcharge by the transferee or the company.

Section 9. The Section 5-83 of the Hudson Municipal Code is hereby amended as follows:

Sec. 5-83. Franchise fee.

(a) In consideration for the grant of this franchise, the company shall collect and remit to the town a sum equal to a percentage of the revenues derived annually from the sale of gas within the town, excluding the amount received from the town itself for gas service furnished it, such percentage as shall be adopted by the Town by Resolution of the Board of Trustees. Annual franchise fee payments shall be made on or before March 1 for the preceding calendar year ending December 31. Payments at the beginning and end of the franchise shall be prorated.

Section 10. The Section 6-6(2) of the Hudson Municipal Code is hereby amended as follows:

(2) Unless otherwise provided for in this chapter, a fee in such amount as shall be adopted by the Town by Resolution of the Board of Trustees shall be imposed for every license.

Section 11. The Section 6-23 of the Hudson Municipal Code is hereby amended as follows:

Sec. 6-23. Fees.

(a) The license fee for each person who engages any other person for salary, commission or other remuneration to engage in door-to-door sales shall be as adopted by the Town by Resolution of the Board of Trustees, and such license shall be issued for six (6) months.

(b) The permit fee for each person engaging in door-to-door sales shall be as adopted by the Town by Resolution of the Board of Trustees, and such permit shall be issued for six (6) months or the term remaining on the license such permit is issued under, if any.

Section 12. The Section 6-47(c) of the Hudson Municipal Code is hereby amended as follows:

(c) Before any person may work at a licensed premises, he or she shall file a notice with the licensing officer of his or her intended employment on forms supplied by the licensing officer and shall receive approval of such employment from the licensing officer. The prospective employee shall supply such information as the licensing officer requires, including a set of fingerprints, on regular United States Department of Justice forms. Upon approval, the employee may begin working at the licensed premises. If approval is denied, the prospective employee may, within twenty (20) days from the date of the denial, apply to the licensing officer for a hearing. The decision of the licensing officer after hearing may be appealed to the board of trustees, who may issue such order as is proper in the premises. An investigation fee in an amount as shall be adopted by the Town by Resolution of the Board of Trustees shall accompany the notice of intended employment or a receipt of the licensing officer evidencing the payment of such fee at the time the notice is filed.

Section 13. The Section 6-55(b)(2) of the Hudson Municipal Code is hereby amended as follows:

(2) Pays a transfer fee of a percentage of the annual permit fee, such percentage as shall be adopted by the Town by Resolution of the Board of Trustees.

Section 14. The Section 6-98 of the Hudson Municipal Code is hereby amended as follows:

Sec. 6-98. Fees.

(a) The annual fee for a sexually oriented business permit shall be as adopted by the Town by Resolution of the Board of Trustees.

(b) The annual manager's license fee shall be as adopted by the Town by Resolution of the Board of Trustees.

(c) An applicant for a sexually oriented business permit shall pay a nonrefundable application fee at the time of filing an application as shall be adopted by the Town by Resolution of the Board of Trustees.

(d) An applicant for an employee permit shall pay a nonrefundable application fee at the time of filing an application as shall be adopted by the Town by Resolution of the Board of Trustees.

Section 15. The Section 6-122(b) of the Hudson Municipal Code is hereby amended as follows:

(b) In the event a specific business holding a license issued under this article changes its business location, an application for a new license reflecting the change of location shall be made

to the town clerk. An application fee as shall be adopted by the Town by Resolution of the Board of Trustees shall be paid to the town at the time of making the application.

Section 16. The Section 6-123(a) of the Hudson Municipal Code is hereby amended as follows:

(a) Whenever any individual, corporation or partnership existing or licensed under this article sells all or part of its corporate stock, partnership interest or business interest in a beer or liquor outlet and a new license application is required by the state, an application fee as shall be adopted by the Town by Resolution of the Board of Trustees shall be paid to the town at the time of making the application.

Section 17. The Section 6-123(c) of the Hudson Municipal Code is hereby amended as follows:

(c) The town clerk shall have the authority to issue a temporary permit to any applicant under this section who has also satisfied the applicable provisions of Section 12-47-303, C.R.S., and the provision of such statute shall apply to both the issuance and administration of such a temporary permit. The town clerk shall charge a fee as shall be adopted by the Town by Resolution of the Board of Trustees for a temporary permit.

Section 18. The Section 6-124(a) of the Hudson Municipal Code is hereby amended as follows:

a) Whenever any corporation causes a change in its corporate officers or directors and a license addendum is required to be filed with the state, an application fee as shall be adopted by the Town by Resolution of the Board of Trustees shall be paid to the town at the time of filing the addendum with the town.

Section 19. The Section 6-125 of the Hudson Municipal Code is hereby amended as follows:

Sec. 6-125. Additional licenses; rules and regulations; fees.

The town clerk shall establish rules and regulations concerning temporary beer or liquor licenses, special events licenses and renewal of 3.2 beer licenses. The clerk is authorized to establish rules and regulations not inconsistent with other provisions of this article for the filing, processing, investigation and review of applications for these licenses. The application and renewal fees for these licenses, as shall be adopted by the Town by Resolution of the Board of Trustees, shall not be greater than the maximum fee allowed by law.

Section 20. The Section 6-139 of the Hudson Municipal Code is hereby amended as follows:

Sec. 6-139. Fee.

An application fee and a license fee as shall be adopted by the Town by Resolution of the Board of Trustees shall be paid to the town at the time of making an application for a 3.2 beer license. A renewal fee as shall be adopted by the Town by Resolution of the Board of Trustees shall also be imposed by the town for renewals. This fee shall be used by the town to defray the expenses incurred by the town in investigating the applicant and conducting the hearing. In addition, the town shall impose a fee for the registration of a manager if the manager is different from the licensed person, and shall also impose a fee for a change of managers in accordance with section 6-138 of this article, such fees shall be as adopted by the Town by Resolution of the Board of Trustees . No part of this fee shall be refundable to the applicant for any reason.

Section 21. The Section 6-163 of the Hudson Municipal Code is hereby amended as follows:

Sec. 6-163. Application fee.

An application fee as shall be adopted by the Town by Resolution of the Board of Trustees shall be paid to the town at the time of making an application for a liquor license. This fee shall be used by the town to defray the expenses incurred by the town in investigating the applicant and conducting the hearing. No part of this fee shall be refundable to the applicant for any reason.

Section 22. The Section 6-170 of the Hudson Municipal Code is hereby amended as follows:

Sec. 6-170. License fees.

(a) License fees for the following shall be as adopted by the Town by Resolution of the Board of Trustees shall be paid to the town annually in advance:

(1) For each retail liquor store license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below;

(2) For each liquor-licensed drugstore. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below;

(3) Beer and wine licenses:

a. For each beer and wine license, except as provided in subparagraph b below. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below;

b. For each beer and wine license issued to a resort hotel. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below;

(4) For each hotel and restaurant license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below;

(5) For each tavern license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below with such fee proceeds being distributed pursuant to subsection (c) below;

(6) For each optional premises license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below with such fee proceeds being distributed pursuant to subsection (c) below;

(7) For each club license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below with such fee proceeds being distributed pursuant to subsection (c) below;

(8) For each brew pub license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below with such fee proceeds being distributed pursuant to subsection (c) below;

(9) For each arts license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below, with such fee proceeds being distributed pursuant to subsection (c) below;

(10) For each racetrack license. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below, with such fee proceeds being distributed pursuant to subsection (c) below; and

(11) For each bed and breakfast permit. Fee revenues shall be paid to the Colorado Department of Revenue and to the town clerk pursuant to subsection (c) below, with such fee proceeds being distributed pursuant to subsection (c) below.

(b) No rebate shall be paid by the town of any alcoholic beverage license fee paid for any such license issued by it, except upon affirmative action by the local licensing authority rebating a proportionate amount of such license fee.

(c) Eighty-five percent (85%) of the license fees provided for in this section and collected by the town clerk shall be paid to the Colorado Department of Revenue, which shall transmit said fees to the state treasurer to be credited to the old age pension fund.

(d) Each application for a license provided for in this section filed with the local licensing authority shall be accompanied by an application fee as shall be adopted by the Town by Resolution of the Board of Trustees to cover actual and necessary expenses:

(1) For a new license

(2) For a transfer of location or ownership;

(3) For a renewal of license;

(4) For renewal of an expired license;; and

(5) For the registration of a manager who is separate from the licensed person, or for a change in managers.

(e) The local licensing authority may charge corporate applicants and limited liability companies a fee as shall be adopted by the Town by Resolution of the Board of Trustees for the cost of each fingerprint analysis and background investigation undertaken to qualify new officers, directors, stockholders, members or managers pursuant to the requirements of section 6-121 of this article; however, the local licensing authority shall not collect such a fee if the applicant has already undergone a background investigation and paid a fee to the state licensing authority.

Section 23. The Section 6-210 of the Hudson Municipal Code is hereby amended as follows:

Sec. 6-210. Fee.

In addition to the fees paid to the department of revenue, an application for a special events permit shall be accompanied by a fee paid to the town as shall be adopted by the Town by Resolution of the Board of Trustees to defray the expenses for any necessary investigation and for the issuance of the permit.

Section 24. The Section 6-228 of the Hudson Municipal Code is hereby amended as follows:

Sec. 6-228. Application fee.

An applicant shall pay to the town a nonrefundable application fee when the application is filed. The purpose of the fee is to cover the administrative costs of processing the application. The application fee shall be as adopted by the Town by Resolution of the Board of Trustees

Section 25. The Section 7-70(b) of the Hudson Municipal Code is hereby amended as follows:

(b) Each applicant for a license shall be required to pay a fee for each neutered or spayed dog and an annual fee for each unneutered or unspayed dog prior to the issuance of a license, such fees shall be as adopted by the Town by Resolution of the Board of Trustees. Any person who wishes to use the reduced fee for neutered or spayed animals shall present to the clerk a signed statement from a licensed doctor of veterinary medicine that such animal has been neutered or spayed. License fees may include a multiple year license.

Section 26. The Section 7-71(d) of the Hudson Municipal Code is hereby amended as follows:

(d) A duplicate metal license tag may be obtained from the town clerk upon payment of a fee as adopted by the Town by Resolution of the Board of Trustees if such tag is lost or destroyed.

Section 27. The Section 7-84(a) of the Hudson Municipal Code is hereby amended as follows:

(a) Backyard chicken hens are allowed only in the Residential one (R-1) zoning district with a duly issued permit and payment of the applicable fee as adopted by the Town by Resolution of the Board of Trustees.

Section 28. The Section 8-35(f) through 8-35(g) of the Hudson Municipal Code is hereby amended as follows:

(f) The Town Administrator or his or her designee shall charge permit fees as adopted by the Town by Resolution of the Board of Trustees for the following permits:

1. Annual permit;
2. Daily permit;
3. Single-trip permit.

(g) Special permits for overweight moves requiring extraordinary Town action, or moves involving weight in excess of two hundred thousand (200,000) pounds, fee as adopted by the Town by Resolution of the Board of Trustees. In addition, unless waived by the Town Administrator or his or her designee for good cause, the owner of a vehicle requiring a special permit shall provide the Town with a bond in an amount to be determined by the Town Administrator or his or her designee, but not less than two thousand five hundred dollars (\$2,500), as security for damage to streets, roadways or roadway structures within the Town.

Section 29. The Section 11-66(d)(6) of the Hudson Municipal Code is hereby amended as follows:

(6) The applicable permit fee schedule as adopted by the Town by Resolution of the Board of Trustees.

Section 30. The Section 11-68(a) of the Hudson Municipal Code is hereby amended as follows:

(a) Before a permit to work in a public right-of-way is issued, the applicant shall pay to the town a permit fee, as adopted by the Town by Resolution of the Board of Trustees.

Section 31. The Section 11-68(b)(1) of the Hudson Municipal Code is hereby amended as follows:

(1) Restoration fees shall only be charged to the applicant if the applicant chooses not to perform the required restoration of the public right-of-way to the town's standards, so that the town will be ultimately responsible for performing the required restoration. The restoration fee shall be as adopted by the Town by Resolution of the Board of Trustees. The applicant

shall decide at the time of application whether the applicant will perform the required restoration, and the applicant's decision shall be final.

Section 32. The Section 11-103(d) of the Hudson Municipal Code is hereby amended as follows:

(d) An annual permit fee per newsrack as adopted by the Town by Resolution of the Board of Trustees shall be paid at the time of application.

Section 33. The Section 11-104(d) of the Hudson Municipal Code is hereby amended as follows:

(d) Such permits shall be valid for one (1) year and shall be renewable pursuant to the procedure for original applications referred to in section 11-103 above and upon payment of the annual permit fee as adopted by the Town by Resolution of the Board of Trustees.

Section 34. The Section 13-23(c) of the Hudson Municipal Code is hereby amended as follows:

(c) At the time of opening a water and wastewater account, a deposit in an amount as adopted by the Town by Resolution of the Board of Trustees shall also be paid in such amount as the board may prescribe by resolution for service to any premises which are not occupied by the owner of such premises. Such deposit shall not constitute a prepayment of water bills, but rather a security deposit to insure that outstanding bills are satisfied upon the closing of an account. A deposit may be applied by the town to a delinquent account at any time, but the town shall not be obliged to do so. The deposit shall be applied to any balance remaining due upon the closing of an account, and the remainder of the deposit, if any, shall be returned to the user whose name is on the account. The town shall not be obligated to determine who is the owner of the deposit or the address of the user to whom the deposit shall be returned, other than the user's last address appearing on the account. If any deposit funds have been applied to a delinquent account and the water service has been discontinued, the user shall deposit sufficient additional funds to bring his or her deposit up to the amount then in effect for a deposit before service is resumed.

Section 35. The Section 13-24(b) of the Hudson Municipal Code is hereby amended as follows:

(b) All delinquent accounts will be charged a late fee per account as adopted by the Town by Resolution of the Board of Trustees for each month that the account is delinquent.

Section 36. The Section 13-53(d) of the Hudson Municipal Code is hereby amended as follows:

(d) Raw water dedication. In addition to the water connection and PIF fees, there shall be transferred to the town at the time of payment of said charges the following quantity of CBT water, unless said CBT water was previously transferred as a condition of annexation.

(1) For single-family residential development, one (1) acre-foot share of CBT water for each single-family dwelling unit or for each single-family equivalent (EQR);

(2) For multi-family residential, commercial, industrial or other nonresidential development, one (1) acre-foot share of CBT for each four hundred two (402) gallons per day of average water demand. Average water demand for commercial, industrial or other nonresidential development shall be as identified in the utility service plan and as approved by the town administrator upon advice from the town engineer; or

(3) In lieu of the acre-foot shares set forth in paragraphs (d)(1) and (d)(2) above, the town may, at its discretion, accept a cash amount equivalent to one hundred ten percent (110%) of the then-current purchase price of such shares of CBT water as determined by the town.

Section 37. The Section 13-106 of the Hudson Municipal Code is hereby amended as follows:

Sec. 13-106. Industrial user fees.

Permit fees for each class of industrial user shall be as adopted by the Town by Resolution of the Board of Trustees. The fee cost includes permit review and initial monitoring by the town.

In addition, to recover the cost to the town of implementing the program established by this article, the town may adopt charges and fees by Resolution of the Board of Trustees, including but not limited to the following:

(1) Fees for monitoring, inspections and surveillance procedures;

(2) Fees for reviewing accidental discharge procedures and construction;

(3) Fees for permit applications;

(4) Fees for filing appeals;

(5) Fees for consistent removal by the town of pollutants otherwise subject to federal pretreatment standards;

(6) Such other fees as the town may deem necessary to carry out the requirements contained herein.

Section 39. The Section 16-8 of the Hudson Municipal Code is hereby amended as follows:

Sec. 16-8. Fees.

(a) Reasonable fees as adopted by the Town by Resolution of the Board of Trustees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, Use by Special Review permits, subdivision plat approval, zoning amendments, and variances and other administrative relief.

Once review of any application has been commenced by the town, these fees are nonrefundable. In the event the town administrator determines that because of the nature of the application technical review consultants will be necessary, a deposit in an amount as adopted by the Town by Resolution of the Board of Trustees shall be required to be submitted with the application. In the event the deposited funds are expended on review, the town administrator may require an additional deposit for further estimated costs of review.

(b) The town will bill developers for any and all costs of professional or consulting services, plus administrative costs as specified in this chapter, which the town incurs as a result of a developer or his or her project. Professional or consulting services include, but are not limited to, legal, planning, engineering or hydrological services.

(c) Fees established in accordance with subsection (a) above shall be paid upon submittal of a completed land use application or notice of appeal. All applications for which there is a fee shall be accompanied by the appropriate fee. Applications which are not accompanied by the appropriate fee shall be considered incomplete and shall not be processed nor shall any permit be issued unless the appropriate fee accompanies the application. The applicant shall pay the town the cost to the town for engineering, planning, surveying, inspection and legal services rendered in connection with the review of the proposed development application as adopted by the Town by Resolution of the Board of Trustees.

(1) The town will send the applicant a statement for the actual and administrative costs incurred by the town for the services rendered by the town. The applicant shall pay the town the amount due on the statement within fifteen (15) days of the date of the issuance of such statement, unless the amount is covered by a deposit. In the event the applicant fails to pay the amount due on the statement within the time period specified above, the town may immediately stop the review process for the proposed development. The application may be deemed withdrawn if the statement is not paid in full within thirty (30) days of the date of the issuance of the statement.

(2) If the statement is not paid in full within thirty (30) days after issuance of the statement, in addition to the application being withdrawn, the town shall impose interest on the amount due and outstanding at the rate per month from the date when due as adopted by the Town by Resolution of the Board of Trustees.

(3) In addition to the town's remedies to stop the review process upon nonpayment of such statement and to impose penalty interest, the town shall possess the right to file a lien on property within the application or to otherwise initiate an enforcement action against the applicant for nonpayment of such fees. Such enforcement action may be initiated either in the Weld County court, the Weld County district court or in the town of Hudson municipal court. In the event such collection action is determined in favor of the town, the town shall be awarded its attorney's fees and court costs in addition to the unpaid fees as part of any judgment.

(4) The payment of fees of the costs of professional and consulting services under this section shall be due and payable as set forth within this section, regardless of whether the

project is completed, approved and/or regardless of whether the owner/ developer chooses to complete the town's land review process under the town's Land Development Code.

(d) The applicant shall pay any impact fees as established by town ordinances in effect at the time the development application is approved by the board of trustees. The impact fees shall be paid at the time specified by such ordinance. (Ord. 10-08 §2, 2010)

Section 38. The Section 16-45(h)(4)d. of the Hudson Municipal Code is hereby amended as follows:

d. A fee deposit as adopted by the Town by Resolution of the Board of Trustees.

Section 40. The Section 16-65(e)(5) of the Hudson Municipal Code is hereby amended as follows:

(5) A deposit as adopted by the Town by Resolution of the Board of Trustees, sufficient to reimburse the town for all actual costs associated with the processing and inspecting of the temporary structure. Any unused portion of the deposit shall be returned to the applicant at the expiration of the permit provided herein.

Section 41. The Section 16-87(c) of the Hudson Municipal Code is hereby amended as follows:

(c) Additional review fees. The applicant shall be responsible for payment of reasonable review deposits as adopted by the Town by Resolution of the Board of Trustees.

Section 42. The Section 16-148(b)(6) of the Hudson Municipal Code is hereby amended as follows:

(6) An application fee as adopted by the Town by Resolution of the Board of Trustees, plus a deposit, if required, sufficient to reimburse the town for a technical review of the application, pursuant to section 16-8 of this chapter.

Section 43. The Section 16-172(c)(1) of the Hudson Municipal Code is hereby amended as follows:

(1) The inspection fee per well for each year or part of a year during which such well has not been plugged and abandoned shall be as adopted by the Town by Resolution of the Board of Trustees. No inspection fee shall be due for any year following the year in which a well is plugged and abandoned, unless a Use by Special Review is granted with respect to such well. No inspection fee shall be due for any calendar year in which the fee for an application for Use by Special Review, as provided in subsection (e) below, is paid. Any inspection fee which becomes due and payable after January 1 of each year shall be paid by the operator within thirty (30) days after receipt of an invoice from the town. An operator contesting the amount of the invoice may, upon payment of the invoice under protest, appeal directly to the board of trustees.

Section 44. The Section 16-172(e) of the Hudson Municipal Code is hereby amended as follows:

(e) Application deposits. A nonrefundable deposit as adopted by the Town by Resolution of the Board of Trustees shall accompany the application.

Section 45. The Section 18-4(a)(7) through 18-4(a)(8) of the Hudson Municipal Code is hereby amended as follows:

(7) IBC Section 108.2 (Schedule of permit fees) is amended by adding the sentence:

"On projects with an estimated valuation of \$1,000,000 or greater, the plan review fee shall be as adopted by the Town by Resolution of the Board of Trustees and such fee paid to the Town at the time of application submittal."

(8) IBC Section 108.4 (Work commencing before permit issuance) is amended by replacing the words "building official" with "Town" and adding "The fee shall be as adopted by the Town by Resolution of the Board of Trustees in addition to the required permit fees."

Section 46. The Section 18-4(b)(5) of the Hudson Municipal Code is hereby amended as follows:

(5) IRC Section 108.4.1 (Work commencing before permit issuance) is added:

"Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee as adopted by the Town by Resolution of the Board of Trustees. The fee shall be in addition to the required permit fees."

Section 47. The Section 18-17.5(7) of the Hudson Municipal Code is hereby amended as follows:

(7) Section 105 of the International Fire Code is amended by the addition of a new section to read:

"105.8 Permit fees. The fees for the permits, inspections and services authorized by this code shall be assessed in accordance with the fee schedule adopted by resolution of the board of trustees.

"105.8.1 Permits requiring plan reviews or inspections. Where the issuance of a permit requires a plan review or inspection or both, the applicable plan review or inspection fees pursuant to section 105.9 will be assessed.

"105.9 Plan review and inspection fees. The fees for plan review and inspections shall be as follows:

"1. For plan reviews and inspections conducted by the town or its designee: a fee per hour as adopted by the Town by Resolution of the Board of Trustees with a minimum charge of one (1) hour.

"2. For the use of outside consultants for plan reviews or inspections: as adopted by the Town by Resolution of the Board of Trustees.

"105.9.1 Payment of plan review or inspection fees. Plan review fees shall be paid prior to permit issuance. Inspection fees shall be paid upon receipt of billing from the town. No Certificate of Occupancy shall be issued until all outstanding fees have been paid."

Section 48. The Section 18-19 of the Hudson Municipal Code is hereby amended as follows:

Sec. 18-19. Fees.

The fees for permits as required under any provision of this article shall be as adopted by the Town by Resolution of the Board of Trustees.

(b) When a plan or other data is required to be submitted by any provision of this article, a plan review fee shall be charged and paid at the time permit fees are paid. Said plan review fee shall be as adopted by the Town by Resolution of the Board of Trustees. If plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the same rate.

Section 49. The Section 18-32(d) of the Hudson Municipal Code is hereby amended as follows:

(d) The building inspector shall charge a fee as adopted by the Town by Resolution of the Board of Trustees, in addition to the fee set forth in the Uniform Building Code, as adopted by the town, to cover costs of investigation and inspection for determining the structural soundness of buildings, structures or improvements to be moved, which fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures or improvements into compliance with the building ordinance should the building not comply. This fee is not returnable. If buildings, structures or improvements are found to be capable of complying with the Uniform Building Code, as adopted by the town, a building permit will be issued at the regular fee as determined by the valuation of said building, structure or improvements as published in the Uniform Building Code, as adopted by the town.

Section 50. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.


INTRODUCED, READ IN FULL, AND ADOPTED this 6th day of November, 2013.

TOWN OF HUDSON, COLORADO



ATTEST:


Neal Pontius, Mayor


Linnette Barker, CMC, Town Clerk

PASSED ON SECOND AND FINAL READING this 20th day of November, 2013, AND ORDERED PUBLISHED ONCE IN FULL.

TOWN OF HUDSON, COLORADO

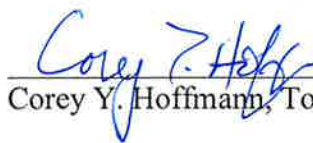


ATTEST:


Neal Pontius, Mayor


Linnette Barker, CMC, Town Clerk

APPROVED AS TO FORM:


Corey Y. Hoffmann, Town Attorney