

§ 171-11. Rates and Charges. [Amended 09-04-79, Ord. 79-23; 10-06-81, Ord. 81-17; 10-20-81, Ord. 81-18; 5-18-82, Ord. 82-09; 12-07-82, Ord. 82-25; 12-06-83, Ord. 83-13; 11-19-85, Ord. 85-19; 11-17-87, Ord. 87-20; 08-02-88, Ord. 88-04; 01-16-90, Ord. 90-01; 12-07-93, Ord. 93-15; 11-01-94, Ord. 94-14; 04-16-96, Ord. 96-08; 04-14-98, Ord. 98-10; 03-04-03, Ord. 03-03; 07-11-06, Ord. 06-22; 05-10-11, Ord. 11-03; 02-12-19, Ord. 19-02]

- A. Plant investment fees, Capital EQR schedules, delivery charges, flat rates and fees shall be determined and adopted by Council Ordinance from time to time.
- B. Plant investment fees shall be paid as follows:
 - 1. For a single-family, duplex, multiple-family or commercial structure: payable in full in conjunction with and simultaneous to the issuance of a building permit except as noted in (2) and (3) below.
 - 2. Notwithstanding the provisions of the preceding paragraph, for a publicly funded affordable housing project, or for any affordable housing project in which the Town participates by providing a substantial investment or contribution of land, money or services, the Plant Investment Fee shall be determined, and may be waived, by the Town Council on a case-by-case basis in consideration of the degree of public funding, or participation by the Town, in the project.
 - 3. Deferral of plant investment fees.
 - a. A qualified developer may request deferral of payment of Plant Investment Fees by submitting a written application to the Town Council in conjunction with development or subdivision review for an affordable housing project. The applicant shall submit written proof of eligibility demonstrating to the satisfaction of the Town Council that the applicant is a qualified developer and the proposed project will provide affordable housing in accordance with the requirements of this Section. Adequate proof shall also be submitted that the developer cannot afford to immediately pay the Plant Investment Fees for which deferral is requested and that the deferral is necessary to make the project financially feasible.
 - b. Final Determination of eligibility for deferral of Plant Investment Fees and the terms and conditions for any such deferral shall be made by the Town Council. If determined to be eligible, and as a condition to the grant of any deferral, the applicant shall be required to enter into a contract with the Town stating the terms of payment for the deferred Plant Investment Fees and including suitable guarantees, as determined by the Town Council, that the project shall remain available as affordable housing for twenty (20) years or more. Each such contract shall provide that in case of any default by the developer in the payment of the deferred fees or in the performance of the other terms of the contract, such fees shall become immediately due and payable and shall be subject to the collection and penalty provisions of this Article.
 - c. Deferrals for those units deemed “affordable” will receive separate treatment and consideration from those units not deemed “affordable” within the same application.

4. Plant Investment Fees for Auxiliary Units, which are approved as part of the Planning process, shall be payable in full in conjunction with and simultaneous to the issuance of a building permit at the rate prescribed in Section 171-11, "Rates and Charges".

C. Plant investment fees. Remodels

1. For the purpose of recalculating plant investment fees in the event that an existing commercial building is being remodeled, said building will not need a recalculation of plant investment fees unless there is an addition of more than one thousand (1,000) square feet or a change in use. In the event of such addition or change, it shall be recalculated in its entirety according to the provisions set forth in this section.
2. There shall be no recalculation of plant investment fees in residential structures unless an additional dwelling unit is added or there is a change in use.
3. Residential units currently drawing water from a private well shall be encouraged to connect to the town water system and shall be required to do so with the change of ownership.

- D. The owner/contractor shall pay the cost of tapping the main and installation of the service line to include all materials and labor.

- E. A customer requiring a larger tap size will pay the difference between the old tap size and the new EQR. Plant investment fee refunds may only be made prior to Certificate of Occupancy and under the direction of the Water Superintendent. Any change of use of any customer being served which increases water consumption to the extent set forth in §171-11B shall pay the appropriate additional plant investment fees.

- F. Water taps, once issued, shall remain with the property to which they are issued and shall not be transferable. In the event a building for which a plant investment fee has been purchased is removed or razed, quarterly user fees in the amount of one-half (1/2) EQR shall be assessed against the property to maintain the presence of the plant investment fee. In the event that the user fees become delinquent for more than six (6) quarters [eighteen (18) months] the plant investment fee is forfeit, and resumption of water service to the premises shall require a new plant investment fee.

- G. User fees. Payment of water user fees shall begin twelve (12) months after the issuance of building permit from the building department or upon the issuance of a certificate of occupancy, whichever occurs first.

- H. For supplying water to users outside the Town, the charge shall be two (2) times the applicable rate within the Town.

- I. Responsibility for water payments.

1. All water fees shall be charged against the owner of the property served and shall be a lien upon the respective lots or parcels of land where said water is used from the time when due and shall be a perpetual charge against said lots or parcels until paid.
2. In the event that a notice of non-payment is sent, an administration fee shall be added to the required payment. In the event that the water to any premises is shut off for nonpayment, the Water Superintendent shall not reinstitute service until all sums remaining due for water service

and other fees are paid either by the owner, occupant, new owner or other person who may pay the same.

3. Water fees shall be due and payable each quarter. In the event that the same is not paid, the Water Billing Clerk shall notify the delinquent user by certified mail, with return receipt, that the payment has not been received. If payment has not been received seventy-two (72) hours after acknowledgment of notification, the Water Superintendent shall cease the delivery of water to the premises by turning off the water at the curb stop.
4. All payments for water service and other fees prescribed hereunder shall be made to the Town Treasurer to be deposited by the Treasurer to the Water Fund.
5. Until paid in full, all service charges, including but not limited to rates, fees, tolls, minimum charges, disconnection fees, reconnection fees and reasonable penalties for delinquencies, including interest on delinquencies from any due date at a rate determined by Council, reasonable attorney fees and other costs of collection, for the use of services furnished by or for the direct or indirect connection with town water facilities shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics' liens.
6. Nothing in the above shall be construed to limit the town's legal remedies to collect fees.