

AN ORDINANCE ASSESSING CERTAIN FEES UPON THE DEVELOPMENT OF LAND
BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD,
LARIMER COUNTY, COLORADO:

Section 1:

Pursuant to the request of the Board of Trustees of the Town of Berthoud; the Berthoud Planning Commission and the Town's planning staff have determined that, upon annexation of a development to the Town of Berthoud, or upon the subdivision of land already located within the municipal limits, certain expenses attributable to the annexation or subdivision are increased or created and these expenses are paid by the citizens of the Town.

These expenses are attributable to the annexation or development and should be borne in proper proportion by the developer.

The Board of Trustees has reviewed the recommendations of the Planning Commission and staff and has determined that the primary areas of expense are as follows:

1. Park Acquisition and Development
2. Drainage
3. Public Facilities Investment

Section 2:

At the time a parcel of land is annexed to the Town of Berthoud; or, a parcel of land within the Town is subdivided, as defined in the Subdivision Procedure Manual as adopted by the Town, there shall be paid the following fees:

Park Acquisition

a. Six percent (6%) of the gross acreage or its equivalent fair market value at the time of annexation or subdivision, at the discretion of the Board of Trustees, shall be dedicated or paid to the Town, said land or money to be set aside in a special fund by the Town and used only as park land or for the acquisition of park land.

Section 3:

At the time a building permit is issued the following fees shall be due and payable to the Town:

1. Park Development
 - a. For each dwelling as defined in the Town of Berthoud's Zoning Ordinance, three hundred dollars (\$300.00).
2. Drainage
 - a. For each square foot occupied by the structure three and one-half cents (3.5¢). The number of square feet occupied by the structure shall be established by the perimeter measurement.
3. Public Facilities Investment
 - a. An amount equal to the building permit fee for the structure.

Section 4:

With regard to the fees set forth in Section 3; if land is annexed with structures already in existence upon the land, these fees shall be assessed upon the landowner or landowners having the equitable title to the land upon which the structures are located. In the event land is subdivided which has previously been annexed, the owner of the improvements existing at the time of the subdivision shall not be required to pay the foregoing fees; however, at the initiation of new construction on the parcels created as a result of the subdivision, minor subdivision or replat process the fees shall be due and payable. No fees shall be assessed for remodeling or additions to structures which were within this Town's municipal boundaries at the time this Ordinance became effective or upon structures for which these fees have previously been assessed and paid.

Section 5:

All fees and dedications made pursuant to this Ordinance shall be kept by the Town in separate funds and shall be used only in the following manner:

a. Park development fees shall be expended specifically for improvement and installation of structures, fencing, parking, equipment and landscaping; and, for payment of the costs incurred to create or improve park lands within the Town of Berthoud. These funds are to be used for capital expenditures as opposed to maintenance expenses, whenever possible.

b. Drainage fees shall be expended to alleviate the drainage problems which arise as a result of the development and the attendant paving and construction thereon. In making these expenditures the Town shall be guided by the drainage study submitted by the developer, as well as the drainage studies and experience of the Town's staff.

c. Public facilities investment fees shall be expended for the improvement and construction of the buildings owned or leased by the Town; or, to acquire equipment necessary for the proper performance of the municipal duties. These funds shall not be expended for the improvement of the water treatment plant, the waste water treatment plant, development of parks, or for any municipal purpose for which a specific fee is levied by the Town. Wherever possible, these fees should be used for capital expenditures as opposed to maintenance expenses.

Section 6:

The park development, drainage and public facilities investment fees set forth herein may be modified by the Town by resolution of the Board of Trustees. Said resolution shall be preceded by publication of a notice and a public hearing. Publication of the notice shall be made not more than 15 days, nor less than 8 days prior to the hearing.

Section 7:

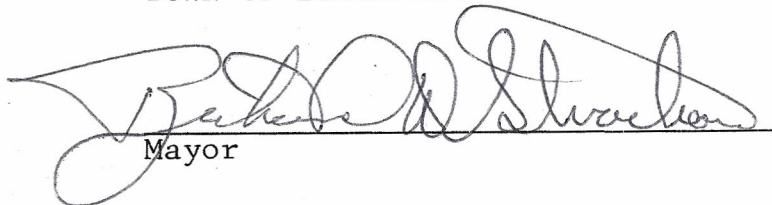
If any part, section, subsection, sentence, clause, or phrase of this Ordinance is held to be invalid, such decisions shall not affect the validity of the remaining sections; the Board of Trustees hereby declare that it would have passed this Ordinance irrespective of the fact that any portion of it may be declared invalid.

Section 8:

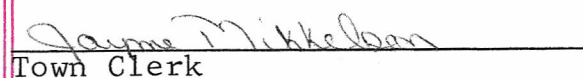
Effective date of this Ordinance shall be thirty (30) days after publication.

This Ordinance was introduced and read at the meeting of the Board of Trustees held January 8, 1980. A second reading was scheduled for January 22, 1980, at which time this Ordinance was read, passed and ordered published.

TOWN OF BERTHOUD:


Mayor

ATTEST:


Town Clerk

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