

ORDINANCE NO. 631

AN ORDINANCE ESTABLISHING AN ASSESSMENT TO BE USED FOR DRAINAGE PURPOSES FOR THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO.

WHEREAS, the town's engineers, staff, planning commission and board of trustees have determined that there are various areas within the town which experience poor drainage and that these drainage problems not only cause damage to the curbs, gutters, streets and sidewalks of the town, but also jeopardize the health, safety and welfare of its citizens.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. Definitions:

A. Property: A parcel of land upon which there exists a structure and an active water tap. Where there are multiple water taps serving one structure, it shall be deemed to be only one property. Generally, each property will have a separate legal description. Thus, duplexes, condominiums and apartments would usually be classified as one property while town houses would be classified as multiple properties. In the event there are several structures served through a master tap, then the fee for the property will be based upon the number of equivalent taps.

B. Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, excluding fences.

C. Drainage Area: Those portions of structures (e.g. roofs) and improvements to property (e.g. driveways, patios, parking lots, and sidewalks) which generate more drainage than would be expected from undeveloped land.

Section 2. Drainage Fee:

Each property containing any structures within the Town of Berthoud shall be assessed a monthly drainage fee for the square footage of all structures located on the property. This fee shall be billed in conjunction with the monthly water/sewer utility billing.

Section 3. Drainage Fund:

The money collected through the drainage fee assessment shall be deposited in a fund to be used exclusively for the resolution of drainage related problems.

Section 4. Enforcement:

In the event the drainage fee is unpaid and a delinquency is created the clerk of the town, its treasurer or its designated representative may certify the delinquencies to the office of the treasurer of Larimer County. The treasurer may then proceed to collect these delinquencies through the applicable statutory tax sale procedure.

The town may also proceed to collect the unpaid fee by terminating utility service for water or sewer or both, or by litigation or through a combination of these remedies.

Section 5. Amendment of Existing Ordinance:

Paragraph number 2. of Section 3 of Ordinance 484 is hereby amended to read as follows:

2. Drainage

a. For each property containing structures which have a total of 1,000 or less square feet, a minimum fee of \$2.50 per month will be assessed.

b. Any property containing structures whose square footage is in excess of 1,000 square feet will be assessed an additional \$.25 for each 100 square feet, or fraction thereof, for square footage equal to or greater than 50 square feet. The assessment calculation for excess square footage shall be made as follows: Square footage up to fifty shall be rounded to the lowest 100 square feet and square footage of fifty or more shall be rounded to the next highest 100. (e.g. properties with structures whose square footage is less than 1050 would be \$2.50 per month, but those structures whose square footage is 1050 but less than 1100 would pay \$2.75 per month.)

c. The square footage of applicable structures shall be established based upon the most recent records available to the Town through the office of the Larimer County Assessor. The applicable square footage shall include the primary structure on the premises, secondary structures in excess of 120 square feet, attachments to the principal structure such as carports and patios. In the event a dispute should arise with respect to the accuracy of the square footage shown on the records of the assessor the Town will, at the owner's request, measure the

exterior perimeter of the buildings and make any necessary corrections.

Section 6. Exemptions and Deferrals:

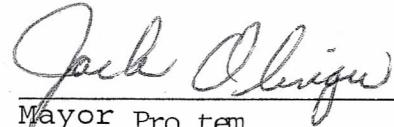
a. The Town Board of Trustees reserves the right to consider the individual financial situation of the property owners and the factual circumstances regarding drainage on specific property. In appropriate cases, and after establishment of the necessary administrative guidelines, the drainage fee may be deferred, waived, reduced or increased.

Section 7. Effective Date:

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this ordinance shall take effect and be in force thirty (30) days after publication.

At its meeting May 23, 1989, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 13th, of June, 1989. After the public hearing, the ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 13th day of June, 1989.

TOWN OF BERTHOUD:



Mayor Pro tem

ATTEST:



Ophelle Patterson
Town Clerk

Published:

Berthoud Recorder June 22, 1989
