

ORDINANCE NO. 484

AN ORDINANCE CREATING PARK ACQUISITION, DEVELOPMENT, DRAINAGE, AND PUBLIC FACILITIES INVESTMENT 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, the following fees shall be paid or dedication made:

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 unit as defined in the Town of Berthoud's Zoning Ordinance, three hundred dollars (\$300.00).
2. Drainage
 - a. For each square foot of land 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 at the base of the building. A structure shall be defined as one for which a building permit is required by the ordinances of the Town of Berthoud.
3. Public Facilities Investment
 - a. An amount equal to the building permit fee for the structure.

Section 4:

In the event 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 shall not be required to pay the foregoing fees.

Section 5:

All fees and dedications made pursuant to this Ordinance shall be kept by the Town and segregated from the general fund and shall be disbursed only for the following purposes:

a. Park development fees shall be expended specifically for the 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 immediately, Ordinance 481, previously enacted by the Board of Trustees, is hereby repealed. It is the intention of the Board of Trustees that this Ordinance replace Ordinance 481.

Section 9:

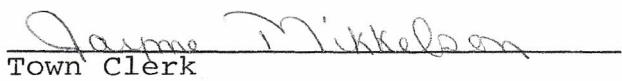
The Board of Trustees has determined that further delay

in the passage of this Ordinance would only result in loss of revenues to the Town, that Ordinance 481, presently in effect, is substantially similar to this Ordinance, that an emergency situation exists relative to the development processes and their effect on the Town, and this Ordinance shall hereby take effect immediately.

TOWN OF BERTHOUD:


Richard D. Strachan
Mayor

ATTEST:


Joyce Mikkelsen
Town Clerk

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