

ORDINANCE NO. 13

SERIES 2016

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 13, ARTICLE 1 OF THE CRESTED BUTTE MUNICIPAL CODE AMENDING THE TOWN'S REGULATIONS FOR THE EXTENSION OF TOWN WATER AND SEWER SERVICES AND ASSOCIATED SYSTEMS OUTSIDE OF TOWN BOUNDARIES

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Town has in place certain requirements for the extension of water and sewer service and associated systems outside of the Town's boundaries, which such requirements are codified at Section 13-1-280 of the Crested Butte Municipal Code (the "Code");

WHEREAS, the Town staff has been reviewing such requirements, evaluating the needs of the Town and studying the impact on the Town's systems should the Town Council elect to allow the extension of water and sewer service and associated systems outside of the Town's boundaries so that the Town Council can evaluate amending the Code in order to adopt new rules and regulations for such extraterritorial extensions;

WHEREAS, the Town staff has completed its review of said requirements, evaluated the needs of the Town, studied the impacts on the Town's systems that such extensions would have and considered what new rules and regulations are most appropriate for the Town in this regard;

WHEREAS, the Town staff has recommended to the Town Council that it adopt new rules and regulations taking into account the Town's needs and the impacts on the Town's water and sewer services and associated systems that such extensions would have; and

WHEREAS, the Town staff has presented its findings and recommendations regarding such new rules and regulations to the Town Council, and the Town Council has carefully considered the same, including receiving public input relative thereto, and finds that, in furtherance thereto, such new rules and regulations, as set forth herein, are in the best interest of the environment and the health, safety and general welfare of the residents and visitors of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amending Section 13-1-280, Extension of Town Systems Outside of Town Boundaries. Section 13-1-280 of the Code is hereby amended by deleting said Section in its entirety and replacing the same with the following new language in said Section which shall read as follows:

“Sec. 13-1-280. Extension of Town Systems Outside Town Boundaries.

(A) The Town’s water and sewer services and systems may be expanded to serve users outside of the Town’s boundaries only upon compliance with all of the terms and conditions hereafter stated.

(B) The owner of any land outside of the Town’s boundaries may request, in writing, water and/or sewer service for such lands by means of an extension of the Town’s systems, subject to the requirements of this Section. Such request must include:

- (1) a legal description of the real property to be served;
- (2) a description of the nature and scope of the land owner’s proposed development;
- (3) a statement as to the timing of the completion of the development;
- (4) an estimate as to probable flow requirements;
- (5) a description, with copies of all supporting documents, of the property rights (e.g., easements) that allow for such extension.

(C) Upon receipt of the written request referred to in subsection (B) above, the Town Manager, or his/her designee shall transmit copies of the request to the other Town departments for comment and review. Upon the Town Manager’s receipt of comments from the other Town departments, the Town Manager shall prepare a staff report and place the request on the Town Council’s agenda for review and approval or disapproval by the Town Council. The Town Council shall thereafter decide whether to provide such water and/or sewer service in accordance with the subject request.

(D) If the Town Council elects to provide such water and/or sewer service, that fact shall be communicated to the applicant therefor, and the applicant shall thereafter prepare and submit to the Town Manager, at the applicant’s expense, an engineering feasibility study. Such study shall include, but not be limited to:

- (1) preliminary designs and cost estimates of required sewage collection and water distribution systems;
- (2) preliminary design of connection methods to the Town’s systems;

(3) hydraulic analysis of the combined systems showing the effect of the added area on the Town's existing systems;

(4) preliminary design and cost estimates for any treatment facilities required to be added as a result of the service to the applicant's area; and

(5) such additional information as the Town Manager deems necessary, appropriate or prudent.

(E) Upon the Town Manager's completion of review of the feasibility study, the Town Manager shall transmit copies of the study to the other Town departments for comment and review. Upon the Town Manager's receipt of comments from the other Town departments, the Town Manager shall prepare a staff report, including the requirements for the provision and receipt of water and/or sewer service beyond Town boundaries applicable to the applicant's request. Requirements for said provision and receipt shall be, at a minimum:

(1) Where annexation is required by the Town Council, the subject property owner shall execute, without limitation, a pre-annexation agreement prior to the extension of water and/or sewer service. The pre-annexation agreement shall, among other things, require that the property owner agrees that its land shall be annexed if and when the Town elects that such property shall be annexed.

(2) For all other projects seeking to connect to the Town's sewer system under this Section, the following minimum requirements must be met:

(a) Sewer service shall be extended only to single family residential units, accessory dwelling units and/or guest houses.

(b) Sewer service shall only be extended within the service area and land identified in Appendix "A" attached hereto.

(c) Once sewer service is extended, there shall be no further subdivision or change in use of the subject property.

(3) For all other projects seeking to connect to the Town's water system under this Section, the following minimum requirements must be met:

(a) Notwithstanding any provision of the Code to the contrary, potable water shall not be used for irrigation purposes, except when Town-approved conservation measures are utilized.

(b) The extension of water service shall occur only if there are public benefits provided by the applicant and users such as, for example, river access trails, senior water rights and voluntary real estate transfer taxes approved by the Town Council.

(4) For all projects seeking to connect to the Town's sewer and/or water systems under this Section, and where annexation is not otherwise required, the following minimum requirements must be met:

(a) The Town shall maintain all water and sewer systems and associated infrastructure; however, the costs to maintain such systems shall be paid for by the users thereof through increased user fees. If user fees prove to be inadequate to cover the costs of maintenance of such water and sewer systems, said user fees shall be increased accordingly. The Town shall not maintain service lines, which shall be maintained by the users thereof at their sole cost and expense.

(b) Construction of water and sewer systems must be in accordance with the Town's specifications, and may require, without limitation, additional site engineering for site limitations and constraints and will minimize, to the maximum extent possible, impacts to wetlands and threatened and endangered species.

(c) All water and sewer systems shall be designed and installed by the Town or, if the applicant requests and the Town agrees, by an engineer or contractor selected by the applicant, so long as the Town reviews and approves all aspects of such systems, including, without limitation, all drawings, specifications, venter terms and work performed.

(d) Applicant shall deed all water and sewer systems to the Town upon completion and acceptance by the Town, or at some specified date subsequent to completion as required by the Town.

(e) The applicant shall provide year-round access by easement or public right to the Town for the purposes of maintaining all the deed facilities associated with any proposed sewer and water extension. When any part of the water and sewer system is not located in the public right of way, acceptable easements shall be given therefor to the Town.

(f) Service area customers shall agree to abide by the Town's rules and regulations governing use of the Town's water and sewer systems.

(g) Single-family residences served by the Town water and/or sewer systems shall not exceed 5,000 square feet.

(h) The applicant for water and/or sewer service shall pay all applicable system development fees.

(i) Taps fees for water and sewer service shall be 1.5 times the in-Town rate. Tap fees shall be 1 EQR if deed restricted to be consistent with the Town's policies for deed restrictions on accessory dwellings.

(j) Monthly service fees for water and sewer service shall be 2 times the in-Town rate.

(k) If the subject property is annexed at a later date, all fees shall be the same as the fees other Town residents pay for such services at the time of annexation, unless site limitations or other considerations indicate they should be higher as determined by the Town or as otherwise determined by the Town Council.

(l) The applicant shall contract with the Town to make such additional financial commitments and contributions to the Town in order to ensure that such extension of water and/or sewer service does not adversely affect the Town from a financial perspective.

(5) An agreement for the provision and receipt of water and/or sewer service beyond Town boundaries not otherwise inconsistent with the requirements of this Section shall be prepared by the Town Attorney and approved by the Town Council. Such agreement shall incorporate and include, without limitation, terms and conditions that address the requirements of this Section. The Town Manager's staff report regarding the request shall be incorporated in the agreement prepared by the Town Attorney. Upon execution by the applicant and the Town, said agreement shall be recorded on the official land records of Gunnison County and the obligations and requirements contained therein shall be a burden upon and run with the subject property.

(6) Unless waived by the Town Council, the applicant shall pay all costs and expenses whatsoever incurred by the Town, including, without limitation, all costs and expenses in connection with any legal publications, notices, filings, reproduction of materials, public hearings, recording of documents, engineering services, attorneys' services, consultant services, time of Town staff, permits and easements, in connection with the provision and receipt of water and/or sewer service beyond Town boundaries and the transactions contemplated in this Section. In connection therewith, the applicant shall deliver to the Town an executed costs and expenses reimbursement agreement obligating the applicant to reimburse the Town for all costs and expenses whatsoever incurred by the Town in connection with the processing, review and prosecution of the request for connection to Town water and sewer beyond Town boundaries."

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

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Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 17th DAY OF October, 2016.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 7th DAY OF November, 2016.

TOWN OF CRESTED BUTTE, COLORADO

By: Glenn Michel
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford
Lynelle Stanford, Town Clerk

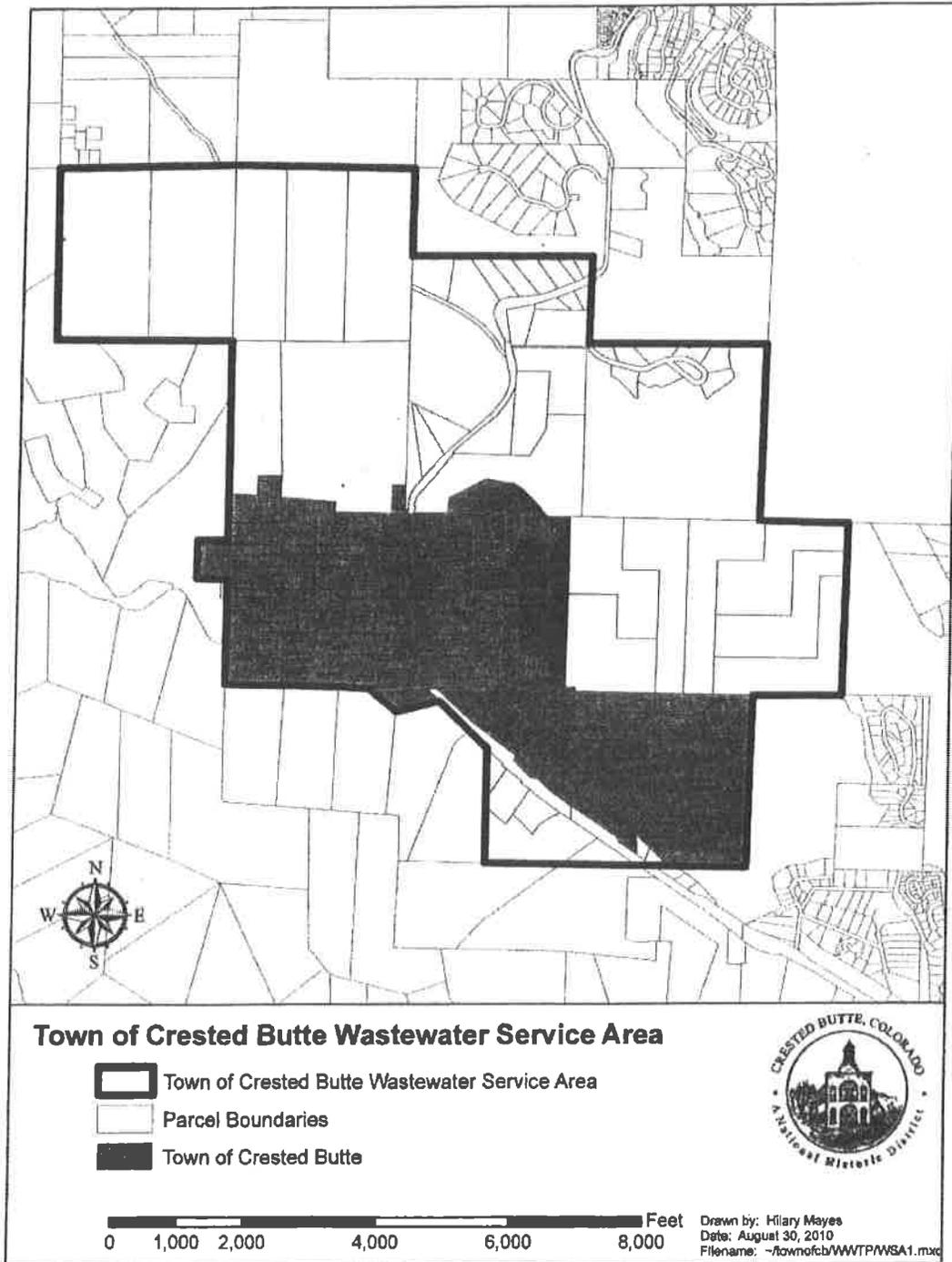
[SEAL]



APPENDIX "A"

[attach service area map here]

**APPENDIX P
Wastewater Service Area**



(Ord. 25 §1, 2010)