

ORDINANCE NO. 2
(Series 2008)

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, REPEALING AND REENACTING SECTION 16.1-3(H) OF THE LAKE CITY MUNICIPAL CODE TO REDEFINE CONDITIONS UPON WHICH CERTAIN COMMON WATER AND SEWER TAPS AND CONNECTIONS MAY BE MAINTAINED FOR MULTIPLE BUILDINGS ON A SINGLE PROPERTY.

WHEREAS, Lake City Municipal Code Section 16.1-3(H) generally requires separate water and sewer taps for each building located upon a lot or other parcel of property, regardless of ownership; and

WHEREAS, the Town's Trustees find the provisions of the aforementioned subsection unduly restrictive as written, and further find that the provisions can be modified to allow common water and sewer taps in certain situations and on certain conditions without prejudice to the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Lake City, Colorado as follows:

Section 1. Section 16.1-3(H) of the Lake City Municipal Code be and is hereby repealed and reenacted to provide:

"16.1-3(H):

Separate buildings shall require a separate tap to a Town water main and a Town sewer main, and separate plant investment fees and other fees customarily due for installation of water and sewer taps shall be due for each new tap, regardless of building ownership except under the following circumstances:

- (1) An outbuilding, such as a garage, utility shed or workshop, the purpose of which is to contain vehicles, tools and the like for use accessory only to an existing residence on the same property, may have plumbing and related fixtures served from the taps of the existing residence, as long as there is no intent by the owner to change the existing property use.
- (2) Upon written application by a property owner and written approval by the Town's Building Inspector or other Town official, the Trustees, in the exercise of their reasonable discretion, may allow new buildings placed on a particular parcel or group of adjoining Town lots or parcels to be served by common water and sewer taps and, for that purpose, may grant a written deferral of the requirements for separate water and sewer taps and tap fees provided by this subsection (H) on such conditions as the Trustees deem necessary. At a minimum, such conditions shall include the following:

(a) The owner/applicant shall pay the Town an administrative fee of \$500.00 and such additional special costs as the Trustees may assess.

(b) With the application for deferral, the owner/applicant shall provide a schematic diagram of the subject property showing the general location of each building to be served by any proposed common taps and the location of the water and sewer lines extending from the common taps to each building on the property. Any special hardships and other considerations supporting the application shall also be clearly stated.

(c) If the application is given threshold approval by the Trustees, the owner/applicant shall execute an appropriate instrument restricting certain future transactions regarding the subject property. Specifically, said instrument shall prohibit the subdivision or transfer of any part of the subject property which contains buildings that are then served by any common water and/or sewer taps and/or related service lines unless and until there is full compliance with the requirements for separate taps to each building, and payment of related fees, as set forth in this subsection (H). The instrument shall be prepared by the Town attorney and recorded in the public records of Hinsdale County, Colorado.

All conditions required by the Trustees for any deferral of obligations sought hereunder shall be fulfilled before formal written approval is granted by the Town and before the final implementing building permit is issued. In the event of any substantial failure to comply with the provisions of this subsection (H), the Town shall be entitled to invoke its service shut-off and other enforcement rights under Section 16.1-13 as to all parts of the subject property and all buildings thereon after the required notice to affected owners.”

Section 2. Except as hereinabove amended by this ordinance, all other terms and conditions of Section 16.1-3 of the Lake City Municipal Code are hereby ratified and confirmed.

INTRODUCED, READ AND ADOPTED by the Board of Trustees of the Town of Lake City, Colorado this 4th day of June, 2008.

TOWN OF LAKE CITY, COLORADO

By: _____

Mayor

ATTEST:

Cindy Nelson
Town Clerk