

ORDINANCE NO. 1880

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE FEES FOR CONNECTION TO THE AEROSPACE RESEARCH PARK SUBDIVISION FIRE-FLOW SYSTEM AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, AS FOLLOWS:

SECTION 1: Section 3-5-12 is hereby amended to read as follows

3-5-12 WATER AND SEWER SYSTEM INVESTMENT AND CONNECTION CHARGES

- (A) Unless otherwise provided, all system ~~System~~ investment and connection charges imposed by this Section shall be assessed when any customer presently served by water or sewer expands his facilities if the expansion necessitates a larger connection or increases the number of units, or when a new connection to the system is required except a connection solely for the purposes of repair of an existing adequately sized connection in which case only actual costs of material and labor will be charged. Such charges shall be paid prior to any expansion or connection or issuance of any permit therefore.

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- (F) All businesses and industries locating within the Montrose Aerospace Business Park Subdivision after October 4, 2001, or existing businesses and industries within said Subdivision seeking to expand or significantly alter their building structures after October 4, 2001, shall be required to connect to the City fire-flow system. The charge for connecting to the fire flow system located within the Aerospace Research Park Subdivision shall be \$10,000 per acre (approximately \$0.23 per square foot), based upon the entire acreage of each lot to be served by the connection. The payment of this charge shall be subject to one of the following payment options:

- (1) Payment of the charge may be subject to a payoff schedule based upon an amortization schedule that reaches maturity on Sept 1, 2019, subject to 5% annual interest. The first

payments shall commence on Sept. 1 subsequent to the issuance of building permit, with remaining payments due upon the annual anniversary thereof. Under this option, such payments shall be structured under a connection agreement approved by the City, whereby any failure of to make timely payments may be enforced under the remedies available to the City as provided in this Chapter 5.

- (2) Payment of the charge, in one lump sum, at the time of issuance of the building permit, discounted to reflect present value.

The contractor shall be responsible for installing the fire line between the building improvements to be served and the fire-flow main line (which main line extends from Lot 5 of the Fire-flow Subdivision to the Creative Place cul-de-sac). The City shall install the actual connection of the lateral fire-flow line to the main fire-flow line, and the contractor shall pay for all labor and materials thereof. The payment of time and material as provided herein shall be separate from the payment of connection charge as provided above, and payable in total to the City at the time of connection.

The contractor shall also be responsible for any applicable street or hard surface repair resulting from the fire-flow connection. All connections and lines shall be subject to City specifications and inspection. There shall be no domestic water lines connected to the fire-flow infrastructure.

The provisions herein shall be applicable to any businesses or industries located outside of the Montrose Aerospace Business Park Subdivision seeking to connect to the City fire-flow system. Any such connection shall require prior City review, approval and inspection.

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SECTION 2:

This Ordinance does not fix rates of City owned utilities, nor does this Ordinance grant a special privilege. The enactment of this Ordinance shall clarify the fee payment options

for existing and future businesses seeking to connect to the recently constructed fire-flow system. The immediate enactment of this Ordinance is necessary for the preservation of public property, health, peace, and safety.

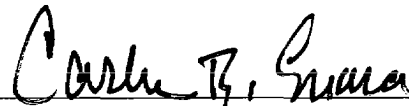
SECTION 3:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4:

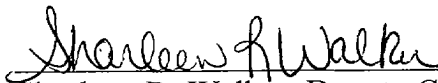
All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

INTRODUCED, READ and PASSED unanimously this 4th day of October, 2001.
This Ordinance shall take effect immediately.



Carlos R. Guara, Mayor

ATTEST:



Sharleen R. Walker, Deputy City Clerk