

## **ORDINANCE NO. 684-18**

### **AN ORDINANCE AMENDING CHAPTER 4 OF THE BENNETT MUNICIPAL CODE CONCERNING THE ASSESSMENT AND REMITTANCE OF A FIRE AND EMERGENCY SERVICES IMPACT FEE**

WHEREAS, in 2016, the Colorado Legislature enacted HB 16-1088 (codified at C.R.S. § 29-20-104.5(2)(c)) allowing municipalities to impose impact fees to fund expenditures by fire and emergency services providers for capital facilities; and

WHEREAS, the Town and the Bennett Fire Protection District have entered into an Intergovernmental Agreement for the Assessment, Collection and Remittance of Emergency Service Impact Fees defining the fire and emergency services impact fee and the details of its collection and remittance; and

WHEREAS, the Board of Trustees desires to amend Chapter 4 of the Bennett Municipal Code to provide for the assessment and remittance of the fire and emergency services impact fee.

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

**Section 1.** Chapter 4 of the Bennett Municipal Code is hereby amended by the addition of a new Article IX to read as follows:

#### **Article IX Fire and Emergency Services Impact Fees**

##### **4-9-110. Definitions.**

*Development permit* shall have the same meaning as set forth in C.R.S. § 29-20-103(1), as may be amended from time to time.

*Fire District* shall mean the Bennett Fire Protection District No. 7.

*New development* shall mean development in the Town for which a development permit is required.

##### **4-9-120. Imposition of the fire and emergency services impact fee.**

(a) Pursuant to the Intergovernmental Agreement for the Assessment, Collection, and Remittance of Emergency Services Impact Fees between the Town and the Fire District, there is hereby imposed the following fire and emergency services impact fee on all new development within the Town and the Fire District's service area:

Development Type	Fire and Emergency Services Impact Fee
Residential Single Family	\$1,500 per dwelling unit*
Residential Multifamily	\$1,500 per dwelling unit*
Nonresidential	\$0.72 per square foot

\* A dwelling unit refers to each single-family dwelling and each individual unit of a multifamily dwelling.

(b) Commencing January 1, 2019 and annually thereafter, the fire and emergency services impact fee shall be automatically adjusted for inflation by the increase, if any, in the Denver-Boulder-Greeley Consumer Price Index for All Urban Consumers (CPI-U) over the preceding twelve-month period. The annual adjustment to the impact fees shall not require additional action by the Board of Trustees to be effective.

(c) The fire and emergency services impact fee shall be collected and paid in full directly to the Fire District prior to the issuance of a certificate of occupancy for new development.

(d) No fire and emergency services impact fee shall be imposed for new development which is exempt from payment of the Town's development impact fees as provided in Section 4-8-350 of this Code.


(e) The impact fees provided for in this Article IX are in addition to the development impact fees required to be paid to the Town pursuant to Article VIII of this Chapter.

**Section 2.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 3.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED BY  
TITLE ONLY this 9th day of January, 2018.

TOWN OF BENNETT, COLORADO

  
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Royce Pindell, Mayor

ATTEST:



Lynette White, CMC, Town Clerk