



TOWN COUNCIL WORK SESSION & MEETING

Zoom Webinar and Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

AGENDA

TOWN COUNCIL WORK SESSION & MEETING 2022-19

Tuesday, October 11, 2022, at 6:00 PM

A. CALL TO ORDER WORK SESSION

The Goal of the Work Session is to have the Town Council receive information on topics of Town business from the Town Manager, Town Attorney and Town Staff in order to exchange ideas and opinions regarding these topics.

1. Pledge of Allegiance

2. Water Conservation Incentives and Rebates

- Discussion
- Staff Presentation: Nicholas Wharton, Town Manager

3. Ordinance 2022-XX: Nuisance Ordinance

- Discussion
- Staff Presentation: Keith Martin, Town Attorney

4. Resolution 2022-XXR: Supporting Weld County School District No. RE-4 Ballot Issue 4B Pertaining to the District's Issuance of General Obligation Bonds and a Property Tax Increase for the Purpose of the District Acquiring, Constructing, Repairing, Equipping, and Improving School Buildings And Facilities and Replacing and Enhancing Safety and Security Infrastructure

- Discussion
- Staff Presentation: Nicholas Wharton, Town Manager

B. CALL TO ORDER REGULAR MEETING

1. Roll Call

2. Agenda Review by Town Manager

3. Consent Calendar

The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.

- a. 9.27.22 Minutes

4. Approval of Agenda

5. Public Comment

The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address.

6. Council Member Comments

7. Reports

Council approval may be sought for administrative actions in association with staff reports.

- a. Town Attorney
- b. Town Staff
- c. Town Management
- d. Council Members Liaisons
- e. Mayor

C. TOWN COUNCIL

1. Parking Requirements: Land Use Code

- Discussion
- Staff Presentation: Abdul Barzak, Town Planner

2. Lighting Requirements: Land Use Code

- Discussion
- Staff Presentation: Abdul Barzak, Town Planner

3. Ordinance 2022-23: Establishing a Special Purpose Fund to Be Known as the Fleet Fund and Adding a New Section 4-2-60 to the Severance Municipal Code

- Legislative
- Staff Presentation: Nancy Mueller, Finance Director

4. Resolution 2022-43R: A Resolution for the Town of Severance to Appropriate Unanticipated Revenues

- Legislative
- Staff Presentation: Nancy Mueller, Finance Director

5. 2023 Proposed Operations Budget Discussion

- Discussion
- Staff Presentation: Nancy Mueller, Finance Director

6. 2023 Proposed Water/Wastewater/Stormwater Fees

- Discussion
- Staff Presentation: Nicholas Wharton, Town Manager

7. 2023 Fee Schedule

- Discussion
- Staff Presentation: Nicholas Wharton, Town Manager

D. COUNCIL MEMBER PETITIONS

Council Members may ask for items to be added to future agendas.

1. Additional Public Record

E. EXECUTIVE SESSION

- 1. Pursuant to Colorado Revised Statutes section 24-6-402(4)(b) for the purposes of conferring with the Town Attorney to receive legal advice on specific legal questions regarding the Town's Water System.**
- 2. Pursuant to Colorado Revised Statutes section 24-6-402(4)(a) and (4)(e)(I) for the purposes of discussing the potential acquisition of real property for the Town's gun range, and to determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the same.**

F. ADJOURN

Town Council MEETING

Tuesday, October 11, 2022, 6:00 PM (MDT)

Registration URL

https://us02web.zoom.us/webinar/register/WN_GSL5tq02RNOARXxagWeWpA

The Town of Severance does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. For disabled persons needing reasonable accommodation to attend or participate in a town service, program, public meeting, or activity, call 970-686-1218 at least 72 hours in advance. Disabled access is available from the front entrance of the Town Hall.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Water Conservation Incentives and Rebates	Nicholas Wharton, Town Manager	Nicholas J. Wharton
ACTION REQUESTED		
Management asks that the Town Council review and discuss water conservation incentives and rebates.		<u>Presentation Discussion</u>
BRIEF SUMMARY		
Management has had several residents reach out about implementing a water conservation rebate program. More specifically, we have had requests for incentivizing artificial turf, xeriscaping, bathroom fixtures, garden in a box, and sprinkler audits. Many larger municipalities have implemented programs that include the following items: • Irrigation Audit • Garden in a Box • Water Efficient Irrigation • Smart Irrigation Controls • Xeriscaping Installation • Artificial Turf Installation • Bathrooms (Toilet & Commercial Flush Valve Toilets) Examples of programs from the City of Greeley and the Town of Windsor have been included in the packet. Currently, the Town of Severance does offer gardens in a box and is examining adding irrigation audits for 2023.		
PUBLIC SUPPORT/CONCERN		
Management has received requests from residents regarding the ability to provide incentives/rebates for water conservation.		
ANALYSIS AND RECOMMENDATION		
Management asks that the Town Council discuss offering water conservation rebates for Town of Severance residents.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. City of Greeley Water Conservation Rebates 2. Town of Windsor Water Conservation Rebates		

Water Conservation Rebates

2022 Toilet Rebate Application Form

The list below contains details on all of Greeley's bathroom rebates and items that can be requested for free.

Bathroom Rebates

Toilet (0.8 gallons per flush or less) -- MaP test score of 500 and above strongly recommended	\$50
Commercial Flush Valve Toilet (non-tank toilets) or Urinal (1.28 gallons per flush or less) -- MaP test score of 500 and above strongly recommended	\$125
Recycle your old toilet or urinal - (in conjunction with the rebate only)	\$25
Bathroom Faucet Aerator	free upon request
Leak Detection Dye Tablets (for tank type toilets)	free upon request

Irrigation Rebates

To be eligible for an irrigation rebate, you must first complete an [irrigation audit](#). After the audit, a customized report will be created for your property, and certain practices and products may be suggested to help you increase your water efficiency. The recommended products will be eligible for rebates. Rebate amounts will be determined by total heads, nozzles, or pressure-reducing valves installed and based on a 50% reduction of retail price. Eligibility for the rebate is dependent on a return visit from the City's auditor to confirm proper installment based on recommendations and in the correct quantity. You may need an irrigation professional to assist you in installation, but that cost is not included in the rebate.

Smart Controllers

Smart controllers (also called ET controllers) ensure irrigation works in sync with weather and optimizes sprinkler run times. Because smart controllers can be more efficient than traditional, time-based irrigation controllers, they often reduce use by at least 10%, saving both money and water.

Rebates are available for qualifying smart controllers. We will pay for 50% the cost of the controller and all necessary accessories, up to a total of \$300. The City of Greeley provides rebates for [contractor-grade ET-based \(weather adjusting\) controllers](#), but does not provide rebates for [retail-grade controllers](#). After testing many different controllers in the field, the following have shown particular success in Greeley's climate and soil conditions:

- [Hunter Controllers](#) with [Hunter Solar Sync®](#)
- [Rain Bird® Controllers](#) with [Rain Bird® LNK WiFi Module](#)
- [Toro Evolution®](#) with [Smart Connect® Wireless Weather Sensor](#)

Pressure-Reducing Valves

Some irrigation systems apply water at a very high pressure. This causes misting: a fine spray that appears as a fog over the system as it sprays. Rainbows are also often visible. Misting causes excessive evaporation and water drifting into other areas. A pressure-reducing valve will reduce misting by regulating the pressure and making your system more efficient.

Rotary Nozzles

Rotary nozzles operate by rotating streams of water over the landscape instead of the mist produced by spray head sprinklers. Installing rotary nozzles reduces water waste and applies water in the right place.

Commercial Rebates

[2022 Commercial Rebate Fill in Application](#)

Water can be conserved in commercial, industrial, multi-family, non-profit and governmental properties by installing water efficient appliances and fixtures. In addition to the rebate program, we offer free indoor and outdoor audits to commercial properties and can help determine which products make sense for your organization.

Large scale projects, with rebates totaling more than \$1,000, should be pre-approved to make sure funds are available.

Please call (970) 336-4228 to make an audit appointment or to get a project pre-approved.



Water Conservation

Everyone needs to do their part! The Town of Windsor strives to be a good environmental steward and has put forth efforts to maximize water conservation such as:

- The installation of water efficient appliances at town facilities
- Lawn watering restrictions (No watering from 10am-6pm daily)
- Use of irrigation system rain sensors
- Detection of water leaks and repair
- Xeriscape garden
- Educating the public and providing opportunities to conserve water through this website and through the media

Municipal Water Efficiency Plan

Windsor has developed a [Municipal Water Efficiency Plan \(PDF\)](#) in accordance with the Water Conservation Act of 2004 and to meet the provisions of Colorado Revised Statute section 37-60-126. As part of CRS 37-60-126, a state-approved plan will qualify Windsor for funding from the Colorado Water Conservation Board (CWCB) and the Colorado Water Resources and Power Development Authority for water supply and delivery projects.

Windsor Water Conservation Month

This May, Mayor Paul Rennemeyer is partnering with town staff to host Windsor Water Conservation Month to promote awareness about ways residents can be waterwise every day. Residents are encouraged to pick up a free home water conservation kit during the Coffee with the Mayor and Pints with Paul events. Coffee with the Mayor is scheduled for Friday, May 13, from 10 to 11 a.m., at the Community Recreation Center, 250 N 11th St. Pints with Paul is on Wednesday, May 11, from 4:30 to 6:30 p.m., at the 408 Exchange Tavern, 408 Main St.

“Windsor is dedicated to preparing for a water-secure future, and it’s our duty to encourage our community to do what they can to be more mindful about their water use,” said Mayor Rennemeyer.

In addition to the water conservation themed mayoral events, residents are encouraged to participate at home by completing a conservation bingo card. [Kid](#) and [adult](#) bingo cards can be printed out at home or by picking one up in person at the Town Hall, 301 Walnut Street, or CRC front desk during regular business hours. Residents can send a picture of the completed cards to communications@windsorgov.com along with their name, phone number and home address to be entered to win a free stainless steel water bottle or home irrigation smart controller, installed free-of-charge by the Town of Windsor water conservation technician. Residents must be a Windsor Water customer to qualify. Additionally, completed kids cards can be brought to Town Hall or the CRC for a

small participation prize, while supplies last. Cards must be submitted by Wednesday, June 1 to be eligible for prizes.

Garden In A Box

Choosing xeric, low water plants is an easy way to commit to reducing your outdoor water usage this year.

The Town of Windsor is partnering with Resource Central to offer a \$25 discount to Windsor Utility customers on Garden In A Box kits. These pre-designed kits are tailored to Colorado soil and include simple plant-by-number maps. Garden kits are limited. Visit ResourceCentral.org/Gardens to order your water-wise Garden in a Box today. Pick-up will be held in May, just in time for spring planting.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Ordinance 2022-XX: Nuisance Ordinance	Keith Martin, Town Attorney	Keith Martin
ACTION REQUESTED		
The Town Attorneys ask that the Town Council review and discuss the proposed Ordinance amending chapter seven of the Severance Municipal Code.		<u>Ordinance Discussion</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
Legal staff has determined that the Town's current regulations regarding nuisances set forth in Chapter 7 of the Severance Municipal Code, as well as regulations concerning snow removal and trash removal, are outdated and not sufficiently aligned with best practices or the Town's current administrative procedures. Additionally, legal staff has determined that the town's current regulations are inadequate to properly address the abatement and removal of abandoned or inoperative vehicles within the Town.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Management and the Town Attorneys recommend that the Town Council allow this proposed ordinance to be placed as an agenda item at the next available meeting.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet:		
1. Nuisance Rewrite - O92222 (draft)		

**TOWN OF SEVERANCE
ORDINANCE NO. 2022-__**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, REPEALING, RE-ENACTING AND RENAMING ARTICLES 1
THROUGH 3 OF CHAPTER 7 OF THE SEVERANCE MUNICIPAL CODE TO
ARTICLE 1 “NUISANCES AND ENVIRONMENT,” ARTICLE 2 “ABANDONED
VEHICLES” AND ARTICLE 3 “SOLID WASTE”; REPEALING AND RESERVING
ARTICLE 4 OF CHAPTER 7 OF THE SEVERANCE MUNICIPAL CODE; AND
REPEALING IN ITS ENTIRETY SECTION 11-1-20 “SNOW AND ICE REMOVAL
FROM SIDEWALKS”**

WHEREAS, the Town Council of the Town of Severance (“Town”) has determined that the Town’s current regulations regarding nuisances set forth in Chapter 7 of the Severance Municipal Code, as well as regulations concerning snow removal and trash removal, are outdated and not sufficiently aligned with best practices or the Town’s current administrative procedures; and

WHEREAS, the Town Council has further determined that the Town’s current regulations are inadequate to properly address the abatement and removal of abandoned or inoperative vehicles within the Town; and

WHEREAS, the Town desires to repeal and reenact Articles 1 through 4 of Chapter 7 of the Severance Municipal Code to address these existing deficiencies, and the Town finds that repealing and re-enacting will increase the effectiveness of the Severance Municipal Code with regard to those regulations and underlying goals and promote the public health, safety, and general welfare

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. Article 1, “Administration and Abatement of Nuisances,” Article 2, “Nuisances,” and Article 3, “Garbage and Refuse,” of Chapter 7 of the Severance Municipal Code are hereby repealed in their entirety and re-enacted as a new Article 1, entitled “Nuisances and Environment,” a new Article 2, entitled “Abandoned Vehicles,” and a new Article 3, entitled “Solid Waste,” to read as follows:

ARTICLE 1 - NUISANCES AND ENVIRONMENT

DIVISION I - GENERAL PROVISIONS

Sec. 7-1-10. Purpose.

The Town Council declares that the determination and abatement of local nuisances for the protection of the public's health, safety and welfare is a matter of local concern and therefore subject to the valid exercise of the town's police powers.

Sec. 7-1-20. Definitions.

As used within this article the following words and terms shall have the following meaning except where otherwise specified:

Abandoned vehicle means:

- (1) Any vehicle left unattended on private property for a period of 48 hours or longer without the consent of the owner, occupant or tenant of such property or such person's agent; or
- (2) Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the limits of the town for a period of 24 hours or longer, unless the owner or driver has conspicuously affixed thereto a dated notice, or otherwise notified the police department of such person's intention to remove such vehicle, or the vehicle is parked in a public street within 50 feet of the property of the owner. Notwithstanding such notification of intent to return and remove the vehicle, if the vehicle has been left unattended for longer than 48 hours, it shall be presumed to be abandoned; or
- (3) Any vehicle standing or parked upon any portion of a public street or Town property, or upon private property, that has been determined by the police department to be inoperable, lost, stolen or unclaimed.

Agent means and includes any person acting on behalf of or in place of the owner.

Building means any dwelling, office building, store, warehouse, or structure of any kind, whether or not the building is permanently affixed to the ground upon which it is located, and any trailer, semitrailer, mobile home, or any other vehicle designed or used for occupancy by persons for any purpose.

Code enforcement officer means personnel of the Severance Police Department, including peace officers, as defined in C.R.S. §§ 18-3-201(2) and 30-15-105, who are empowered by the Town of Severance to enforce the provisions of this article, or any employee of the town, who is designated or authorized by the town manager or by the town manager's authorized representative to enforce the provisions of this article.

Developed property means land that has been substantially improved, with structures, landscaping and/or hardscape on areas zoned for residential and nonresidential uses, except areas zoned and used for agricultural purposes.

Engine compression brake device means any device which, when activated, impedes or retards a motor vehicle's forward motion through compression of air in the engine's cylinder to provide braking power, which device is also known as a "brake retarder."

Graffiti means the defacing of public or private property by means of painting, drawing, writing, etching or carving with paint, spray paint, ink, knife or any similar method.

Hobby vehicle means the repairing, reconditioning, or rebuilding of vehicles which is done for personal enjoyment or entertainment only, with no profits, compensation, or reimbursement of any kind involved.

Inoperable vehicle means any vehicle that does not display current, valid license plates; lacks any part necessary for legal operation on a public street; or lacks glazing, lights or indicators, body sheet metal or paint on any part of the vehicle.

Junk means trash, waste, rubbish and other discarded things and salvage materials, including, without limitation, scrap copper, brass, iron, steel or other metals, tires, wheels, household appliances, furniture, rope, rags, batteries, glass, rubber debris, plastic debris, construction debris, remnants of wood, plumbing fixtures, port-o-potties, paint, concrete, cinderblock, bricks, asphalt or any discarded, dismantled, wrecked or scrapped motor vehicle or other machinery or parts thereof, and any other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Junk vehicle means any self-propelled vehicle designed for highway travel under its own power which is not capable of such travel in its existing mechanical condition; or any dismantled, partially dismantled, discarded, wrecked, demolished, or partially demolished vehicle; or any inoperable vehicle.

Landlord means the owner, lessor or sublessor of the dwelling unit or the property of which it is a part and, in addition, means any person designated as a representative of the landlord.

Litter means and includes any and all rubbish, waste material, refuse, garbage, trash, debris, excrement, urine, offal composed of animal matter or vegetable matter or both, or any noxious or offensive matter whatsoever, including but not limited to, any discarded dead animal, fishing line, bait, chemical, chemical compound, petroleum product or compound, automobile part or accessory, tire, wheel, junk, paper, cardboard, can, lid, bottle, cap, carton, wrapper, box, wooden object, plastic object, clothing, cloth, metal object, rubber object, leather object, hide, feathers, grass clippings, leaves, cut weeds, branches cut from trees or bushes, brick, cinderblock, building material, paint, concrete, soil, sand, gravel, stone, glass, asphalt, ashes, cigarette, cigar, food or food product, solvent, dye, beverage, and liquid except water.

Liquid- or gas-fueled appliance means any equipment or device that burns liquid or gaseous fuel that can be shut off by means of a switch or other mechanical means and that is designed or intended for use outdoors to produce heat for pleasure, religious, ceremonial, cooking, warmth, or similar purposes. This includes, but is not limited to, a liquid- or gas-fueled camp stove, fire pit, or grill.

Nuisance means:

- (1) The conducting or maintaining of any business, occupation, activity, building, land, or premises prohibited by state statute or by this Code;

- (2) The continuous or repeated conducting or maintaining of any business, occupation, operation, activity, building, land or premises is in violation of state statute or this Code;
- (3) Any building, structure or land open to or used by the general public, the continuous use or condition of which presents a substantial danger or hazard to the health, safety or welfare of the community;
- (4) Any unlawful pollution or contamination of any surface or subsurface waters in this town, or of the air, or of any water, substance or material intended for human consumption;
- (5) A thing, act, failure to act, occupation, activity, condition or use of any building, land, substance or property which shall otherwise constitute or be known or declared a nuisance by virtue of common law, state statutes or the ordinances of the town;
- (6) Any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of any department or officer of the town, continues to be conducted or continues to exist in violation of any statute or this Code or in violation of any regulation of the town, the county, or the state;
- (7) Any activity, operation, condition, building, structure, place, premises or thing which is injurious to the health or safety of the citizens of the town, or which is offensive to the senses so as to interfere with the comfortable enjoyment of life or property;
- (8) Any nuisance defined or declared as such by state statute or this Code;
- (9) Any dilapidated building of whatever kind which is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger or damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter;
- (10) Any building or structure, or any portion of the building or structure, which is unsafe or unfit for use or occupancy, because it has been constructed, exists, is used, or is maintained in violation of any applicable building or structural requirements or restrictions under the building codes as adopted by the town; or
- (11) Any building or structure which is in a condition that is unsanitary, is a fire, life or safety hazard, or is likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, or lack of sufficient fire-resistive construction, fire protection systems and connections, electrical systems and connections, fuel connections or mechanical or plumbing systems and connections.

Occupant means and includes any person who occupies the whole or a part of a building, premises, or land, whether alone or with others.

Owner means and includes:

- (1) any person, co-partnership, association, corporation, or fiduciary owning or holding a legal or equitable title or any interest in any real property, including the holder of a certificate of purchase or certificate of redemption, except a future or reversionary interest and except the interest of a public trustee, lien holder, mortgagee or beneficiary of a deed of trust; or
- (2) the owner of record.

Owner of record means the person having recorded title to the property at any given point in time at which the record is provided by the appropriate county clerk and recorder's office.

Person means and includes any individual, partnership, corporation or association; and the agent, servant or employee of any individual, partnership, corporation or association.

Responsible party means and includes:

- (1) Any person who creates, makes or causes any nuisance to exist;
- (2) Any person who operates or conducts any nuisance;
- (3) Any person who encourages or permits any nuisance to exist;
- (4) Any person who maintains or fails to prevent, discontinue or abate the nuisance;
- (5) Any person in charge of a property where any nuisance exists or is found.

Open fire or open burning has the meaning set forth in the International Fire Code, as adopted by the Town and as may be amended from time to time. Any fire that is not a recreational fire shall be deemed to be an open fire.

Person in charge of a property means any person in actual or constructive possession or control of a property, including, but not limited to, an owner, occupant, agent or property manager of a property under such person's control, and any bank or financial institution in actual or constructive possession or which possesses any sort of lien or interest in the property.

Portable outdoor fireplace means a portable, outdoor solid-fuel-burning fireplace that may be constructed of steel, concrete, clay, or other noncombustible material. A portable outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. This type of fireplace is sometimes known as a chiminea.

Public place means any place commonly or usually open to the general public or to which members of the general public may resort, or is accessible to members of the general public. By way of illustration, such public places include, but are not limited to, public ways, streets, buildings, sidewalks, alleys, parking lots, shopping centers, shopping center malls, and places of business usually open to the general public.

Recreational fire means an outdoor fire where the fuel being burned is not contained in an incinerator and that has a total fuel area of three feet (914 mm) or less in diameter and two feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes. For purposes of this article, a recreational fire includes, but is not limited to, a fire in a charcoal barbeque grill, a barbeque pit, a fire pit, or a fixed, permanent outdoor fireplace, a fire in a barrel or drum, a fire in a portable outdoor fireplace, or a fire in a tiki torch, or in a similar device, object, or piece of equipment. It also includes any fire created as a result of the use of liquid- or gas-fueled appliance.

Shrub means a woody perennial plant, smaller than a tree, usually having permanent stems branching from or near the ground.

Trash means combustible refuse, including but not limited to paper, cartons, boxes, barrels, wood (except stacked firewood and stacked construction materials), tree branches, yard trimmings, dead plant material, wood or upholstered furniture or bedding, or similar substance or material; noncombustible refuse, including but not limited to metals, tin or aluminum cans, metal furniture, dirt, rock, pieces of concrete, glass, crockery or other minerals or mineral wastes; and street rubbish, including but not limited to street sweepings, dirt, leaves, catch bag dirt and contents of a litter receptacle. "Trash" does not include earth and waste from building construction during the period in which a valid building permit issued by the town is active.

Turf grass means any of a variety or combination of varieties of perennial grasses, such as Kentucky bluegrass or rye, historically used for residential lawns and typically maintained at a height not exceeding eight inches.

Undeveloped property means property that is not "developed property" as defined herein or property that has been overlot graded, but not improved.

Vehicle means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides to transport persons or property or pull non-self-propelled vehicles or machinery, and includes, without limitation, automobile, airplane, boat, truck, trailer, motorcycle, motor scooter, moped, tractor, buggy, and wagon.

Weed means any undesirable plant or part thereof which has been designated and listed as a "noxious weed" on either the Federal and Colorado Noxious Weed Lists, and shall include, without limitation, common ragweed, leafy spurge, Canada thistle, musk thistle, fireweed, bindweed, mustard, scotch thistle, Russian thistle, sandburs and other similar plants and vegetation.

Yard waste means leaves, grass clippings, brush, tree prunings and other vegetative waste matter, such as garden plants, weeds, and crop residue.

Sec. 7-1-30. Nuisances prohibited.

- (a) It shall be a violation of this article for any person to:
 - (1) Do any act constituting a nuisance; or
 - (2) Create, operate, maintain, or conduct any nuisance; or
 - (3) Knowingly fail to act where such failure causes or continues a nuisance; or
 - (4) Permit or encourage any activity or condition constituting a nuisance; or
 - (5) Permit, encourage, aid or abet in the creation or maintenance of a nuisance; or
 - (6) Interfere with or prevent or attempt to interfere with or prevent the abatement of any nuisance by an officer, employee or agent of the town pursuant to the provisions of this article.
- (b) The prohibitions of this section shall apply only to a responsible party.
- (c) Any violation of any injunction or order issued by the municipal court in an action to abate a nuisance may be punished as a contempt of court or by a fine as specified in section 1-4-20 or 1-4-30 of this Code. Unless the violation by its nature cannot be corrected, each day's (24 hours) failure to comply with an injunction or order to abate shall constitute a separate violation, for which an additional penalty may be imposed.

Sec. 7-1-40. Inspection of property.

- (a) *Authorized inspector.* The town manager shall have the power and authority to appoint and authorize any police officer, building inspector, or code enforcement officer of the town to inspect and examine any public or private property in the town for the purpose of ascertaining the nature and existence of any nuisance.
- (b) *Right of entry generally.* Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized inspector has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance hereunder, such inspector may enter such building or premises at all reasonable times to inspect the same or to perform any lawful duty. If such building or premises is unoccupied, the inspector shall first make reasonable effort to locate the owner or occupant or other person or persons having charge or control of the building or premises. Upon locating the owner or occupants, the inspector shall present proper credentials and request entry. If entry is refused, the inspector shall give the owner or occupant, or, if the owner or occupant cannot be located after a reasonable effort, leave at the building or premises a written notice of intention to inspect not sooner than 24 hours after the time specified in the notice. The notice given to the owner or occupant or left on the premises shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon

issuance of a search warrant by the municipal judge or by a judge of any other court having jurisdiction.

- (c) *Search warrants.* After the expiration of the 24-hour period from the giving or leaving of such notice, the authorized inspector may appear before the municipal court and, upon showing of probable cause by written affidavit, shall obtain a search warrant entitling the inspector to enter the building or upon the premises. Upon presentation of the search warrant and proper credentials, or possession of the same in the case of an unoccupied building or premises, the authorized inspector may enter into the building or upon the premises using such reasonable force as may be necessary to gain entry.
- (d) *Probable cause.* The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises at issue in order to obtain a search warrant, but must show some objective facts, or circumstances, which are reasonably trustworthy, that would cause an ordinary prudent person to act. It is unlawful for any owner or occupant of the building or premises to deny entry to any authorized inspector or to resist reasonable force used by an authorized inspector acting pursuant to this section.
- (e) *Emergencies.*
 - (1) Whenever an emergency situation or exigent circumstances exists in relation to the enforcement of any of the provisions of this article, an authorized inspector, upon a presentation of proper credentials or identification in the case of an occupied building or premises, may enter into any building or upon any premises.
 - (2) In an emergency situation or exigent circumstance, an authorized inspector may use such reasonable force as may be necessary to gain entry into the building or upon the premises.
 - (3) For purposes of this subsection, the term "emergency situation" or "exigent circumstance" includes any situation that would cause a reasonable person to believe that prompt action is necessary: (i) to respond to an imminent danger of loss of, or serious injury or damage to, life, limb or property; or (ii) to prevent imminent destruction of evidence.
- (f) *Search warrants issued upon showing of probable cause.* The municipal judge shall have power to issue search warrants upon a showing of probable cause as set forth in this section.

Sec. 7-1-50. Notice of nuisance.

- (a) Except as otherwise specified within this article, upon the discovery of any nuisance on public or private property within the Town, the Town shall notify any and all responsible parties to remove and abate the thing or things herein described as a nuisance within the time specified in the notice.

(b) *Service of notice.* The Town may serve written notice to abate upon the responsible party(ies) described in the notice by one (1) of the following methods:

- (1) Personally delivering a copy of the notice to such person;
- (2) Leaving a copy of the notice at such person's residence, with any individual whose age is 18 years or older and who is a member of such person's family or who is cohabitant;
- (3) Leaving a copy of the notice at such person's usual workplace, with such person's supervisor, secretary, human resources representative or any individual who is the owner of the business or employee of the business authorized to accept service for such person;
- (4) Delivering a copy of the notice to a person authorized by appointment or by law to receive service of process;
- (5) Mailing a copy of the notice by certified mail, to such person's last known address; or
- (6) If personal service or service by mail cannot be effectuated, notice shall be given by posting the notice in a conspicuous place at the premises, if possible, or if not possible, by posting such notice at the Firestone Town Hall and by mailing a second copy of the notice by regular mail to such person's last known address. When the owner of an abandoned vehicle cannot be located by a reasonable search, notice shall be given by attaching the notice to the vehicle.

Personal service shall be deemed complete upon the date of personal delivery or three (3) business days after the date of mailing as required herein.

(c) Any written notice issued pursuant to Subsection (b) above shall include:

- (1) A description of the nuisance;
- (2) A date by which the nuisance must be abated;
- (3) A statement informing the responsible party that, if the nuisance is not abated within the time specified, the nuisance may be abated by the Town and/or the Town may proceed with civil or criminal proceedings in Municipal Court for violating the provisions of this Chapter;
- (4) A statement that, if the Town abates the nuisance, the Town is entitled to recover the actual cost of abatement;

- (5) A statement that, if the cost of abatement is not paid, a lien may be placed upon any property on which the abatement was performed. Failure to substantially comply with this notice shall not invalidate the proceedings.
- (d) Service of the notice and demand shall be a prerequisite to the commencement of civil proceedings by the town, except for situations involving emergency abatement. The fact that the person or entity against whom legal action is initiated does not actually receive such notice shall not preclude such litigation, provided the town has acted in good faith and in a manner reasonably calculated to give notice to the owner, occupant, person having control or agent thereof.

Sec. 7-1-60. Abatement of nuisance; procedure.

The Town may abate a public nuisance by any of the following procedures:

- (a) *Summary abatement.* Where, in the opinion of the town manager, chief of police, code enforcement officer, or such person's designee, a nuisance exists and constitutes an immediate and serious danger to the public health, safety or welfare or, in the case of any nuisance in or upon any public street or public property, such may be summarily abated without notice of any kind.
- (b) *Abatement after notice.* If, after written notice has been given, the responsible party refuses or fails to abate the nuisance in the time specified in the notice, the Town may enter upon such property for the purposes of abating the nuisance in the case of any nuisance in or upon any public street or public property.
- (c) *Abatement by civil action.* If, after written notice has been given, the responsible party refuses or fails to voluntarily abate the nuisance within the time specified in the notice, and if the Town elects not to summarily abate the nuisance, the town may initiate a civil action in the municipal court to have the nuisance declared as such by the court and for an order enjoining the nuisance or authorizing its restraint, removal, termination of abatement by the responsible party, or a code enforcement officer or any authorized town employee, or any person under contract with the town to perform such service. A civil action shall be brought in accordance with the procedures set forth in section 7-1-70.
- (d) *Abatement by criminal action.* If, after written notice has been given, the responsible party refuses or fails to voluntarily abate the nuisance within the time specified in the notice, and if the Town elects not to file a civil suit to abate the nuisance, the town may initiate a criminal action in municipal court to require compliance with the provisions of this chapter in accordance with the municipal court rules of procedure.

Sec. 7-1-70. Civil action to abate.

- (a) *Commencement of action.* The civil action to declare and abate a nuisance is commenced by the filing of a complaint in the municipal court, which shall be verified or supported by affidavit.

- (b) *Summons.* The summons shall be issued in accordance with the municipal court rules of procedure.
- (c) *Notice of appearance.* A notice of appearance shall be served with the summons and complaint. The appearance date shall be not less than 14 days from the date of service of the summons.
- (d) *Process.* The summons and verified complaint shall be served in accordance with the municipal court rules of procedure.
- (e) *Trial.* Trial shall be to the court, and the municipal court rules of procedure shall apply. The trial shall be held upon the appearance date, unless the court grants a continuance for good cause shown. In any action filed, the Town shall have the burden of showing, by a preponderance of the evidence, that a nuisance occurred on/or within the property identified in the complaint.
- (f) *Filing of response.* The party-defendant named in the complaint shall file a response on or before the appearance date set forth in the notice of appearance.
- (g) *Failure to file response and appear.* Upon the date and at the time set for appearance and trial, if the party-defendant has filed no response and fails to appear and if the town shows that proper service was made on the party-defendant at least 14 days prior to the appearance date, the court may grant such orders as are requested by the town; except that, the court shall order that enforcement by the town be stayed for ten days and that a copy of the court's order be mailed to the respondent's last known address. Failure to appear on any other date set for trial shall be grounds for entering a default and judgment thereon against a non-appearing party. For good cause shown, and prior to enforcement, the court may set aside an entry of default and the judgment entered thereon.
- (h) *Intervention.* Any person holding any legal or equitable interest in the parcel who has not been named as a party-defendant may intervene as a party-defendant. No other person may intervene.
- (i) *Appeal.* The judgment of the Municipal Court may be appealed to the district court.
- (j) *Indispensable parties.* The defendants to an action commenced under this article, and the person liable for and subject to the remedies may include any owner, owner of record, all tenants and occupants of the subject property, all managers and agents for any person claiming an ownership or leasehold interest in such property, any responsible party, and anyone necessary to carry into effect the court's orders. None of these parties shall be deemed necessary or indispensable parties.

Sec. 7-1-80. Abatement orders.

- (a) *Issuance and effect of temporary and permanent abatement orders.* The issuance of temporary or permanent abatement orders under this article shall be governed by the municipal court rules of procedure, pertaining to temporary restraining orders, preliminary injunctions and permanent injunctions, except to the extent of any

inconsistency with the provisions of this article, in which event the provisions of this article shall prevail. Temporary abatement orders provided for in this article shall go into effect immediately when served upon the property or party against whom they are directed. Permanent abatement orders shall go into effect as determined by the court. No bond or other security shall be required of the town upon the issuance of any temporary abatement order.

- (b) *Form and scope of abatement orders.* Every abatement order under this article shall set forth the reasons for its issuance; shall be reasonably specific in its terms; shall describe in reasonable detail the acts and conditions authorized, required or prohibited; and shall be binding upon the subject property, the parties to the action, their attorneys, agents and employees, and any other person named as a defendant in the nuisance action and served with a copy of the order.
- (c) *Substance of abatement orders.* Temporary or permanent abatement orders entered under this article shall be narrowly tailored so as to address the particular kinds of separate violations that form the basis of the alleged nuisance. Such orders may include:
 - (1) Orders requiring any defendant to take steps to abate the nuisance;
 - (2) Orders authorizing town personnel to take reasonable steps to abate the nuisance activity and prevent it from recurring, considering the nature and extent of the separate violations;
 - (3) Orders prohibiting certain named individuals from entering the property;
 - (4) Orders reasonably necessary to access, maintain or safeguard the property; and/or
 - (5) Orders reasonably necessary for the purposes of abating the nuisance or preventing the nuisance from occurring or recurring; provided, however, that no such order shall require the seizure of, the forfeiture of title to, or the appointment of a special receiver to protect, possess, maintain or operate any property.
- (d) *Temporary abatement orders.*
 - (1) The purpose of a temporary abatement order shall be to temporarily abate an alleged nuisance pending the outcome of the matter's judicial proceeding. A temporary abatement order may be issued by the court, even if the effect of such order is to change, rather than preserve, the status quo.
 - (2) At any hearing on a motion for a temporary abatement order, the town shall have the burden of proving that there are reasonable grounds to believe that a nuisance occurred in or on the subject property and, in the case of a temporary order granted without notice to the defendant, that such order is reasonably necessary to avoid immediate, irreparable loss, damage or injury.
- (e) *Permanent abatement orders.* Where the existence of a nuisance is established in a civil action under this article, the court shall enter a permanent abatement order requiring the

defendant to abate the nuisance and take specific steps to prevent the same and other nuisances from occurring or recurring on the property.

(f) *Motion to vacate or modify temporary abatement orders.*

(1) *General.* At any time a temporary abatement order is in effect, any defendant or any person holding any legal or equitable interest in any property governed by such an order may file a motion to vacate or modify said order. Any motion filed under this subsection shall state specifically the factual and legal grounds upon which it is based, and only those grounds may be considered at the hearing. The court shall vacate the order if it finds by a preponderance of the evidence that there are no reasonable grounds to believe that a nuisance was committed in or on the property. The court may modify the order if it finds by a preponderance of the evidence that such modification will not be detrimental to the public interest and is appropriate, considering the nature and extent of the violations.

(2) *Consolidation of hearing with other proceedings.* If all parties so stipulate, the court may order the trial on the merits to be advanced and tried with the hearing on these motions.

(g) *Noncompliance to court issued order.* It shall be unlawful for any person to fail to comply or refuse to abide by any of the terms and conditions of a temporary or permanent order issued by the court. Unless the violation by its nature cannot be corrected, each day's failure to comply with an injunction or order to abate shall constitute a separate violation for which an additional penalty may be imposed.

(h) *Contempt of court.* Any violation of any injunction or order issued by the Municipal Court in an action to abate a public nuisance may be punished as a contempt of court.

Sec. 7-1-90. Remedies.

(a) The town and any defendant to an action under this article may, upon the court's approval, voluntarily stipulate to orders and remedies, temporary or permanent, that are different from those provided in this article.

(b) In any case in which the town prevails in a civil action initiated pursuant to section 7-1-60(c), the town may recover its costs and expenses of declaring and abating the nuisance, including reasonable attorney fees and costs of litigation, such costs may be assessed against the defendant and become a lien against the subject property pursuant to the procedure set forth in this article.

(c) The remedies set forth herein are cumulative. The initiation of any action or the imposition of any penalty hereunder shall not preclude the town from instituting any other proceeding to require compliance with the provisions of this article and with any administrative orders and determinations made hereunder. No provision herein shall be construed to limit or abrogate the right of any person to bring a private action to abate a private nuisance.

Sec. 7-1-100. Interference prohibited.

It is unlawful for any person to interfere with or prevent, or attempt to interfere with or prevent, the abatement of any nuisance by any employee or agent of the town acting pursuant to the provisions of this article.

Sec. 7-1-110. Assessment and collection of costs of abatement.

- (a) In the event the town chooses to abate a nuisance under section 7-1-60, the responsible party, the owner, or the occupant of the property shall be liable for all actual costs and expenses incurred by the town in abating such nuisance.
- (b) The costs of abatement may be recovered by:
 - (1) A claim for restitution, in the event the town chooses to abate a nuisance under section 7-1-60(d);
 - (2) The institution of a civil action for damages, in the event the town chooses to abate a nuisance under section 7-1-60(c); or
 - (3) If the costs of abatement have not been otherwise collected, the town may prepare a statement enumerating the actual costs of abatement incurred by the town, and file a first and prior lien upon the property relating back to the date upon which the abatement was performed. Penalty and interest shall be assessed at a rate equivalent to that which is assessed by state law upon delinquent general property taxes. Such lien shall have priority over all other liens except general taxes and shall, upon the town's certification and filing with the county, be collected and paid to the town by the county treasurer in the same manner as delinquent general property taxes.
 - a. A copy of the statement shall be mailed, by registered or certified mail, or personally delivered to the owner of the property.
 - b. The owner shall have 30 days from the date of mailing or delivery of the same to pay the assessment.
 - c. The owner may request, in writing, a hearing before the town manager to object to or contest the amount of the assessment.
 - d. The written request must be made within 30 days from the date of certified mailing or delivery of the same.
 - e. The town clerk shall then schedule the matter for hearing before the town manager. The owner shall be given written notice at least two (2) weeks prior to the date, time and place of any hearing scheduled before the town manager.

- f. The decision of the town manager shall be final and provided in writing to the property owner within seven days of the hearing.

DIVISION II - SPECIFIC NUISANCES

Sec. 7-1-200. Snow removal.

- (a) *Snow or ice requirements and restrictions.*
 - (1) It shall be unlawful and constitute a nuisance for any person to allow snow or ice to remain on any sidewalk open to the public and abutting or adjoining the property controlled, owned or occupied by such person after 24 hours of the last measurable snowfall or snowdrift.
 - (2) It shall be unlawful and constitute a nuisance for any person, without the permission of the public works director or such person's designee, to throw, deposit, or scatter or cause to be thrown, deposited or scattered upon any public place, other than the curb line, snow or ice removed from any property.
- (b) *Notice of violation.* Any code enforcement officer is authorized and directed to give notice to any owner, owner's agent, occupant or lessee of property being kept or maintained in violation of the provisions of this article. Such notice may be personally served upon such person or, if not personally served, may be posted upon the property or deposited in the United States mail, addressed to the occupant and owner of record at the address on the assessment roll of the county assessor or at such other, more recent, address as may be available to the town, or with respect to notice to occupants, at the address of the property so occupied. If service or mailing of the notice is to any party other than the owner, or if the property is posted, a copy of the notice shall be mailed via United States mail to the owner of record.
 - (1) The notice shall state that, if the offending snow or ice is not removed from such property as prescribed by this article on or before one day from the date of such notice, the removal may be done by the town and all costs of abatement, including the cost of inspection and all other incidental costs in connection therewith, including administrative costs, will be charged against the property, in addition to any other penalty and costs or orders that may be imposed.
- (c) *Removal authority; assessment lien on property.* If the offending property has not been brought into compliance with this article within three days from the date of the notice, the abatement may be done by the town, either by town personnel or by private contractors. In the event of such abatement by the town, the cost, including inspection, all other incidental costs in connection therewith, including administrative costs shall be assessed against the offending property.

Sec. 7-1-205. Blowing dust.

- (a) It is unlawful and deemed a nuisance for a person to maintain any lot or lots or vacant land within the Town so as to allow the blowing of dust, soil or sand from such property

to the detriment of the health, safety and general welfare of the inhabitants of the Town or to cause damage to the real or personal property of any person or of the Town.

- (b) It is unlawful and deemed a nuisance for the owner or occupant of any lot or lots or vacant land within the Town to maintain lots or vacant land in such a manner that permits dust or blowing soil or blowing sand to be deposited on other property, or to be deposited upon or within any public street, public highway or public way.
- (c) *Control of dust.* It is unlawful and a nuisance for any person to own, possess or control any cleared area, construction site, parking lot, vacant lot or other site use by vehicular traffic or construction equipment, or own, possess or control any open pit, storage or stockpile area, without implementing preventative fugitive dust control measures, which may include, but are not limited to, the following:
 - (1) Wetting down the dust producing area;
 - (2) Landscaping;
 - (3) Covering, shielding or enclosing;
 - (4) Paving on a temporary or permanent basis;
 - (5) Treating through the use of palliative and chemical stabilization in conformance with state guidelines.

Sec. 7-1-210. Grass and weeds.

- (a) *Developed property.* It is unlawful, and shall constitute a nuisance for any person who is an owner, owner's agent, occupant, or lessee of any developed property to permit or maintain on any such property, or within any easements and rights-of-way adjacent to such property, any accumulation, collection, presence or growth of any of the following:
 - (1) Noxious weeds; or
 - (2) Turf grass or weeds over eight inches in height.

This Subsection does not apply to natural grasses in open space and passive common areas; landscape or decorative grasses; flower or vegetable gardens, cultivated or tended shrubbery, xeriscape plants and materials; or agricultural crops on land zoned for agriculture, including, but not limited to, hay or grass grown for feed, fodder or forage.

- (b) *Undeveloped property.* It is unlawful, and shall constitute a nuisance for any person who is an owner, owner's agent, occupant, or lessee of any undeveloped property to permit or maintain on any such property, or within any easements and rights-of-way adjacent to such property, any accumulation, collection, presence or growth of weeds. Undeveloped property shall be allowed to grow native and other acceptable vegetation to their naturally occurring heights, as this practice is essential for accepted erosion control practices, wildlife habitat and natural suppression of weeds. This Subsection does not apply to

agricultural crops on land zoned for agriculture, including, but not limited to, hay or grass grown for feed, fodder or forage.

- (c) Weeds shall be controlled by cutting, spraying or other lawful and suitable methods of weed control.
- (d) The Town Council may, by resolution, exempt certain areas in the Town, whether publicly or privately owned, from the prohibitions contained in this Section, if the Town Council determines that such areas are: natural open space, passive common areas, conservation areas, erosion control areas, agricultural zoned property or irrigation or drainage ditch rights-of-way.

Sec. 7-1-215. Overgrown, diseased and prohibited vegetation.

- (a) *Overgrown trees, grasses and shrubs.* No person shall allow:
 - (1) Any branch of any tree, shrub or other vegetation to overhang streets or alleys in such a manner that the branches interfere with the safe and unobstructed movement of vehicles on any street or alley; or
 - (2) Any branch of any tree, shrub or other vegetation to overhang the first eight (8) feet of space above any public sidewalk; or
 - (3) Any landscaping, grasses, or plant material installed within site distance triangles to grow in such a manner as to interfere with or impede a motorist's view of approaching traffic, traffic signs and traffic signals; or
 - (4) Any branch of any tree, shrub or other vegetation to overhang public rights-of-way in such a manner as to visually obstruct a motorist's view of traffic signs and traffic signals.
- (b) *Diseased trees and shrubs.* Trees, shrubs and other vegetation which are dead, broken, diseased, infested by insects, or impede the passage of pedestrians or vehicles or obstruct sight-lines of any public street or highway or any official traffic control device so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the Town are hereby declared a nuisance.
- (c) The code enforcement officer shall give written notice to the owner or occupant of any property abutting Town rights-of-way or other public property of any condition deemed unsafe caused by trees and other vegetation overhanging or projecting from such abutting property and onto or over such right-of-way or other public property with such unsafe condition. In case the owner or occupant of such property fails to follow the requirements of such notice, then it shall be the duty of the Town to correct any such unsafe condition immediately upon the expiration of the notice periods specified in the notice of abatement.
- (d) It is unlawful and deemed a nuisance for any person, firm or corporation to cut, trim, spray, remove, treat or plant any tree, vine, shrub, hedge or other woody plants upon

access-controlled arterials or other public parks and greenbelts within the town, unless authorized by the town.

- (e) It is unlawful and deemed a nuisance for any person to injure, damage or destroy any tree, shrub, vine, hedge or other vegetation in or upon public rights-of-way or other public property within the town, unless authorized by the town.

Sec. 7-1-220. Abandoned, junk and inoperable vehicles.

- (a) It is unlawful and constitutes a nuisance for any person to:
 - (1) Abandon a vehicle; or
 - (2) Leave any junk or inoperable vehicle upon any public property; or
 - (3) For the owner of any vehicle or any person who is in charge, control or possession of property, to permit or allow any abandoned, junked, or inoperable vehicle to remain on such property for a time period in excess of 48 hours, except that this subsection shall not apply to:
 - a. A vehicle or parts of a vehicle in a completely enclosed structure; or
 - b. A vehicle on the premises of a commercial enterprise operated in a lawful place and manner when necessary to the operation of such business provided that such vehicle or parts are stored in accordance with the Firestone Development Code; or
 - c. A vehicle in a storage place or depository maintained for vehicles impounded by or for the town; or
 - d. Trailers.

Sec. 7-1-225. Hobby vehicles.

- (a) It shall be unlawful for any person to repair, restore, recondition or perform maintenance on a hobby vehicle, except as follows:
 - (1) Hobby vehicles must be kept in either a completely enclosed garage or in a side or back yard behind a solid fence of at least six feet in height so that the hobby vehicle is not visible from any adjacent property line or public right-of-way.
- (b) Minor repair or maintenance of vehicles, which includes, but is not limited to, changing of oil, spark plugs, tires and replacing of fluids is permitted, so long as such work is completed within three consecutive days and such work shall not be performed on any public property or right-of-way.

Sec. 7-1-230. Littering public or private property.

- (a) *Streets and roads.*

- (1) It is unlawful and a nuisance for any person involved in the operation of a vehicle to track, scatter or deposit or cause to be tracked, scattered or deposited, any sand, gravel, rocks, mud, dirt, dust or any other such object upon any public thoroughfare or right-of-way.
 - (2) It is unlawful and a nuisance for any person to operate a vehicle containing sand, gravel, rocks, mud, dirt, or any other such object unless such load is covered or otherwise prevented from dropping, leaking, blowing, or otherwise escaping from the vehicle upon any public thoroughfare or right-of-way.
 - (3) The provisions of this subsection shall not apply where such vehicles are used in authorized snow removal activities or where sand or gravel is used for the purpose of securing traction in inclement weather.
- (b) *Litter prohibited.*
- (1) It is unlawful and constitutes a nuisance for any person to throw or deposit, or cause or permit to be thrown or deposited upon any street, alley, sidewalk or public property or place in the town, any garbage, trash, litter or junk, or hazardous material as defined by 40 C.F.R. Part 261, or other offensive matter, except in public receptacles or authorized private receptacles.
 - (2) It is unlawful and deemed a nuisance for any person to obstruct, litter or damage any street, avenue, alley, sidewalk, highway, public right-of-way, public grounds, park, recreation facility or public property in the town.

Sec. 7-1-235. Unclean stable or stall; manure fertilizer offensive in odor.

- (a) Any animal or fowl enclosure in which any animal or fowl shall be kept, or in any other place within the Town in which manure or liquid discharges of such animals or fowls shall accumulate, and which is maintained in an unsanitary condition, allowing an offensive odor to escape therefrom, providing an insect or rodent attractant, or endangering the health of such animals, shall be deemed a nuisance.
- (b) It is unlawful and constitutes a nuisance for any person to use manure or other organic material on premises for fertilizing purposes if such creates unsanitary conditions or odors upon any adjoining or surrounding property offensive to a reasonable person for a period of 14 or more consecutive days.
- (c) Whenever manure or any other organic material shall accumulate and affect the health of the public, it may be forbidden and designated a nuisance under the provisions of this article.

Sec. 7-1-240. Offensive locations.

- (a) *Geological hazard areas.* It is unlawful and constitutes a nuisance for any person to aggravate any geologic hazard area of the town by means of disturbing vulnerable rock slopes or unstable soil slopes. For purposes of this section, “geologic hazard area” means

a geologic phenomenon which is so unstable that any use of such area may result in landslides, rock falls, mudflow or creep.

- (b) *Polluted water.* A swimming pool, pond or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted, or any standing or flowing water from a septic tank, cesspool, or sewer service line within the Town shall constitute a public nuisance. For purposes of this subsection the term “polluted water” means water contained in a swimming pool, pond, or other body of water, which contains one or more of the following: bacterial growth, including algae; remains of insects; remains of deceased animals; reptiles; rubbish; feces; refuse; debris; papers; and any other foreign matter or material which because of its nature or location constitutes an unhealthy or unsafe condition.
- (c) *Water supply ditch.* It is unlawful and constitutes a nuisance for any person to own or operate a water supply ditch where the condition of the ditch is such that it creates a health, sanitation or safety hazard upon any property within the town.
- (d) *Open wells, cisterns or excavations.* It is declared that excavations exceeding five (5) feet in depth, cisterns and wells or an excavation used for storage of water within the Town are public nuisances unless the same are adequately covered with a locked lid, or other covering weighing at least sixty (60) pounds or are securely fenced with a solid fence to a height of at least five (5) feet; and it is unlawful for any person to permit such nuisance to remain on premises owned or occupied by such person.
- (e) *Property and buildings.* It is unlawful and constitutes a nuisance for any person to own, lease, occupy, manage or possess any property upon which any of the following conditions exist:
 - (1) The premises are so defective, unsightly, or in such condition or disrepair that they impair the value of the surrounding property. Manifestation of this condition shall include, but not be limited to, the keeping on, or disposing of on, or the scattering over the premises of any of the following:
 - a. Junk, garbage or trash, as defined in this title;
 - b. Stagnant water or an excavation of five feet or more in depth; or
 - (2) The premises are abandoned, boarded up, partially destroyed, or left in a state of partial construction or destruction; or
 - (3) Structures on the premises have dry rot, warping, or termite infestation; or
 - (4) The premises have broken windows or unsecured entrances which may cause hazardous conditions and/or invite trespassers and other unlawful acts; or
 - (5) The landscaping on the premises has not been maintained such that the majority of plant material has been adequately irrigated and maintained in a living and healthy condition.

Sec. 7-1-245. Offensive trade or business.

Whenever the pursuit of any trade, business or manufacture or maintenance of any substance or condition of things results in a condition detrimental to the health, safety or general welfare of the inhabitants of the Town, such pursuit shall be deemed a nuisance and shall be abated. By way of illustration, but not limitation, the pursuit of the following trades or businesses within the Town shall constitute unlawful nuisances:

- (1) *Storage operations.* All places at which the owner or occupant keeps, stores or permits to be kept or stored any building materials, construction materials, liquids, debris, paper, trash, waste material or litter upon any property in such a manner as to cause a fire hazard to a building, improvement, or other property, or other detriment to the health, safety or general welfare of the inhabitants of the Town, or in such a manner that the stored materials may be blown or deposited upon any other public or private property, unless such materials are covered and secured so as to prevent such materials from being scattered about or otherwise dispersed by wind, water or other natural causes.
- (2) *Construction sites.* All places at which construction or excavation operations occur and from which trucks or other vehicles emerge from the site and carry onto or deposit in any street or other public place any mud, dirt, sticky substance or other litter which causes a hazard to automobile traffic or which otherwise causes a detriment to the health, safety or welfare of the inhabitants of the Town.

Sec. 7-1-250. Graffiti.

- (a) Any graffiti vandalism, which is visible from any public facility, street, trail or park, is declared to be a public nuisance.
- (b) Graffiti vandalism shall not constitute a "public nuisance" and no charges or liens for the costs of abatement or summons and complaint or civil action shall be imposed or commenced by the town against a responsible party, if, subject to the availability of appropriated funds, such person:
 - (1) Within 15 calendar days of the date of the graffiti vandalism abatement notice from the town, or in the absence of receipt of such notice upon written request for removal to the town, such person executes a release, waiver and consent form authorizing the town to enter upon the property and remove the graffiti vandalism; or
 - (2) If upon inspection, the town determines that removal of the graffiti vandalism would require specialized equipment or pose a substantial risk of injury or harm to town personnel performing such work, the removal of the graffiti vandalism shall remain the obligation of the responsible party.

Sec. 7-1-255. Burning of trash, litter and rubbish; yard waste.

It is unlawful and shall constitute a nuisance for any person to build, maintain, attend or use an open fire, a portable outdoor fireplace, or recreational fire, or to conduct open burning, in the town, including public and private lands, for purposes of removing and disposing of trash, junk, rubbish, litter, or yard waste.

Sec. 7-1-260. Burning of irrigation ditches; crop fields.

- (a) It is unlawful and shall constitute a nuisance for any person to build, maintain, attend or use an open fire, or to conduct open burning of irrigation ditches or crop fields in the town without having first obtained a burn permit issued by the Windsor-Severance Fire Protection District, or in a manner contrary to the terms, conditions and restrictions set forth in such permit and any fire restrictions or fire ban issued by the Windsor-Severance Fire Protection District or Weld County to be in effect within or upon any area within the town. A copy of said permit shall be provided to the Town prior to the commencement of burning.
- (b) Any person engaging in such burning shall comply with any applicable state laws and regulations relating to the building, maintaining or attending to an open fire or acts related to, or that may create, open burning, including but not limited to any requirement to obtain an open burning permit from the Colorado Department of Public Health and Environment, as well as any and all terms, restrictions, and conditions contained in the burn permit issued by the Windsor-Severance Fire Protection District.

Sec. 7-1-265. Use of air compression brakes prohibited.

- (a) It is unlawful and shall constitute a nuisance for the operator of a motor vehicle equipped with an engine compression brake device to use such device while operating the vehicle within the town.

ARTICLE 2 - ABANDONED VEHICLES

Sec. 7-2-10. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means:

- (1) Any vehicle left unattended on private property for a period of 48 hours or longer without the consent of the owner, occupant or tenant of such property or such person's agent;
- (2) Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the limits of the town for a period of 24 hours or longer, which is not removed within forty-eight (48) hours from the date of service of the notice specified in section 7-1-50(b);

- (3) Any "junk vehicle" as defined in section 7-1-20; or
- (4) Any vehicle stored in an impound lot at the request of its owner or the owner's agent or the police department and not removed from the impound lot according to the agreement with the owner or agent or within 72 hours of the time the police department notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the police department requested the storage, the provisions of this article governing public tows apply as of the time of abandonment, and the police department shall be deemed the responsible law enforcement agency. Otherwise, the private tow provisions of this article apply as of the time of abandonment.

Appraisal means a bona fide estimate of reasonable market value made by any vehicle dealer licensed in this state or by any employee of the state patrol, the county sheriff's department or the police department whose appointment for such purpose has been reported by the head of the appointing agency to the executive director of the department of revenue of the state.

Code enforcement officer means personnel of the Severance Police Department, including peace officers, as defined in C.R.S. §§ 18-3-201(2) and 30-15-105, who are empowered by the Town of Severance to enforce the provisions of this article, or any employee of the town, who is designated or authorized by the town manager or by the town manager's authorized representative to enforce the provisions of this article.

Department means the state department of revenue acting directly or through its duly authorized officers and agents.

Disabled vehicle means any vehicle which is stopped or parked, either attended or unattended, upon a street, highway or right-of-way generally open to the use of the public and which is, due to any mechanical failure or any inoperability because of a collision, a fire or any other such damage, temporarily inoperable under its own power.

Impound lot means a parcel of real property that is owned or leased by the town or an operator at which motor vehicles are stored under appropriate protection.

Operator means a person or firm licensed by the public utilities commission of the state as a towing carrier.

Private property means any real property that is not public property.

Private tow means any tow of an abandoned vehicle not requested by the police department.

Public tow means any tow of an abandoned vehicle requested by the police department.

Vehicle means any machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides to transport persons or property or pull machinery and includes, without limitation, automobile, airplane, truck, trailer, motorcycle, motor scooter, tractor, buggy and wagon.

Sec. 7-2-20. Abandonment; authority to impound; public tow.

Any police or code enforcement officer who finds a vehicle which such officer has probable cause to believe has been abandoned on public property may, without further notice or delay, require such vehicle to be removed or cause the same to be removed and placed in storage in any impound lot designated or maintained by the town or to any other place under any of the circumstances hereinafter described:

- (1) The driver of the vehicle is taken into custody by the police department and it is necessary to tow the vehicle to a storage lot to secure it and its contents.
- (2) Removal of the vehicle is necessary in the interest of public health or safety because of fire, flood, snow, storm or other natural or manmade disaster or emergency.
- (3) There is probable cause to believe the vehicle is stolen.
- (4) The vehicle is parked in a designated no parking or tow-away zone.
- (5) The vehicle is illegally parked in a designated handicapped parking space or zone.
- (6) There is probable cause to believe the vehicle has been vandalized or its parts stolen.
- (7) The engine number, vehicle identification number or manufacturer's serial number has been altered, changed or obliterated.
- (8) The vehicle is parked, stopped or standing in a manner which creates an obstruction or hazard or potential obstruction or hazard to any lawful function or use of any public street or other public or private property.
- (9) The vehicle is blocking access to fire hydrants, fire standpipe outlets or fire sprinklers.
- (10) The vehicle is parked, stopped or standing in designated safety zones or safety lanes.
- (11) The vehicle is parked in a designated fire lane.

Sec. 7-2-30. Report; notice; public tow.

- (a) Upon having an abandoned vehicle towed, the police department shall ascertain, if possible, whether or not the vehicle has been reported stolen, and, if so reported, the police department shall recover and secure the vehicle, notify its owner and terminate the abandonment proceedings under this article. The police department shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.
- (b) As soon as possible, but in no event later than ten working days after having an

abandoned vehicle towed, the police department shall report the same to the department by first class or certified mail, personal delivery or internet communication, which report shall be on a form prescribed and supplied by the department. The report shall contain the following information:

- (1) The fact of possession, including the date possession was taken, the location of storage of the abandoned vehicle and the location from which it was towed, the business address, telephone number and the name and signature of a representative from the police department;
 - (2) If applicable, the identity of the operator possessing the abandoned vehicle, together with such person's business address and telephone number and the carrier number assigned by the public utilities commission; and
 - (3) A description of the abandoned vehicle, including the make, model, color, and year of such vehicle; the license number, issuing state, and the expiration date of the license plate; the vehicle identification number; and a list of the names and addresses of any known owners.
- (c) The police department, upon receiving the department's report as required by state statute, shall determine, from all available information and after reasonable inquiry, whether or not the abandoned vehicle has been reported stolen, and, if so reported, shall recover and secure the vehicle and notify its owner and terminate the abandonment proceedings under this article. The police department shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.
- (d) As required by state statute, the police department, within ten working days of the receipt of the department's report, shall notify by certified mail or personal service, the owner of record, if ascertained, and any lien holder, if ascertained, of the fact of such report and the claim, if any, and shall send or serve a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the vehicle, and the location from which it was towed, and that, unless claimed within 30 calendar days from the date the notice was sent or served as determined from the postmark on the notice, the vehicle is subject to sale.
- (e) Such notice shall also inform the owner of record of such person's opportunity to request a hearing concerning the legality of the towing of the abandoned vehicle, pursuant to this article, and the fact that the owner must contact the police department to request, in writing, a hearing within ten days of the postmarked date or date of service of the sending of the notice required by subsection (d) of this section.

Sec. 7-2-40. Hearing.

- (a) Any hearing requested under this article shall be conducted before the municipal judge or a hearing officer appointed by the municipal judge, within 72 hours (excluding Saturdays, Sundays and town holidays) of receipt of a written demand for such hearing, unless the person requesting the hearing waives the right to a speedy hearing. The sole issue before the municipal judge or hearing officer shall be whether there was probable

cause to impound the vehicle. In this section the term "probable cause to impound" means a state of facts to allow a person of ordinary care and prudence to believe that there was a sufficient breach of municipal, state or federal laws, rules or regulations to grant legal authority for the removal of the vehicle.

- (b) The hearing shall be conducted in an informal manner and shall not be governed by the formal rules of evidence. The person demanding the hearing shall have the burden of establishing that such person has the right to possession of the vehicle. The police department shall have the burden of establishing that there was probable cause to impound the vehicle. The municipal judge or hearing officer shall only determine that either there was probable cause to impound the vehicle, or there was not probable cause to impound the vehicle. The decision of the municipal judge or hearing officer shall be a final judgment.
- (c) Upon a finding of no probable cause, towing and storage fees shall be paid by the town in accordance with arrangements made between the town and the operator. If the possessor of the vehicle fails to claim the vehicle from the operator within 24 hours of a finding of no probable cause, excluding hours when the operator is not open for business, the possessor shall assume liability for all subsequent storage charges. It shall be the responsibility of the police department to notify the operator in writing of a finding of no probable cause within one working day after such finding is made.
- (d) Failure of the owner of the vehicle:
 - (1) To request a hearing in writing to the police department within ten days of the postmarked date of service of the notice; or
 - (2) To attend a scheduled post-seizure hearing,shall be deemed a waiver of the right to such hearing.

Sec. 7-2-50. Abandonment; private tow.

- (a) Any owner, tenant, lessee or such person's authorized agent may have an abandoned vehicle removed from such person's property by having it towed and impounded by an operator.
- (b) Any operator in possession of any abandoned vehicle from a private tow shall immediately notify the police department as to the operator's name and the location of the impound lot where the vehicle is located and a description of the abandoned vehicle, including make, model, color and year of such vehicle; the license number, issuing state and expiration date of the license plate; and the vehicle identification number. Upon such notification, the police department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, shall recover and secure the vehicle and notify its owner and terminate the abandonment proceedings under this article. The police department shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

Sec. 7-2-60. Appraisal and sale of impounded vehicles.

- (a) Public tow abandoned vehicles or vehicles abandoned in an impound lot subsequent to a public tow shall be appraised and sold by the police department or its designated representative at a public or private sale held not less than 30 nor more than 90 days after the date of issuance of the notice required by section 7-2-30.
- (b) If the appraised value of an abandoned vehicle sold pursuant to this section is \$200.00 or less, the sale shall be made only for the purpose of junking, scrapping or dismantling such vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a state certificate of title. The police department shall cause to be executed and delivered a bill of sale, together with a copy of the required state report to the person purchasing such vehicle. The bill of sale shall state that the purchaser acquires no right to a certificate of title for such vehicle. The police department shall promptly submit a report of sale, with a copy of the bill of sale, to the department and shall deliver a copy of such report of sale to the purchaser of the vehicle.
- (c) If the appraised value of an abandoned vehicle sold pursuant to this section is more than \$200.00, the sale may be made for any intended use by the purchaser thereof. The police department shall cause to be executed and delivered a bill of sale, together with a copy of the required state report and application for a state certificate of title signed by a legally authorized representative of the police department.

Sec. 7-2-70. Proceeds of sale.

- (a) If the sale of any vehicle and its attached accessories or equipment under the provisions of this article realizes a monetary amount less than or equal to the sum of all charges of the operator who has perfected a lien pursuant to state statute, then the operator shall have a valid claim against the owner of record for the full amount of such charges, less the amount received upon the sale of such vehicle
- (b) If the sale of any vehicle and its attached accessories or equipment under the provisions of this article realizes a monetary amount greater than the sum of all charges of the operator who has perfected a lien pursuant to state statute, then the proceeds of the sale shall be distributed as provided by state statute unless the town has entered into a towing agreement with an operator which provides for a specified contractual distribution.

ARTICLE 3 - SOLID WASTE

Sec. 7-3-10. Definitions.

Bulky item means refuse items that are too large or too voluminous to be placed in a residential refuse container, which include, but are not limited to, furniture or appliances, and small equipment, such as lawnmowers.

Collector means any person providing collection services for solid waste, and/or recyclables and organics.

Electronic device means a device that is marketed by a manufacturer for use by a consumer and that is:

- (1) A computer, peripheral printer, facsimile machine, digital video disc player, video cassette recorder or other electronic device specified by rule promulgated by the State of Colorado Solid and Hazardous Waste Commission, or
- (2) A video display device or computer monitor, including a laptop, notebook, ultrabook, or network computer, television, tablet or slate computer, electronic book or other electronic device specified by rule promulgated by the State of Colorado Solid and Hazardous Waste Commission that contains a cathode ray tube or flat panel screen with a screen that is greater than four (4) inches measured diagonally.

Excluded waste means all commercial and industrial solid waste, refuse, construction debris, dead animals, institutional solid waste, hazardous waste, offal waste, stable matter, vegetable waste and special waste, highly flammable substances, liquid waste, certain pathological and biological wastes, explosives, toxic materials, radioactive materials, material that the disposal facility is not authorized to receive and/or dispose of, and other materials deemed by state, federal or local law, or in the reasonable discretion of the town, to be dangerous.

Food waste means all compostable pre- and post-consumer food waste, such as whole and partial pieces of produce, meats, bones, cheese, bread, cereals, coffee grounds, or egg shells, and food-soiled paper, such as paper napkins, paper towels, paper plates, coffee filters, paper take-out boxes, pizza boxes, or other paper products accepted by the designated composting site. Food waste does not include dead animals, plastics, diapers, kitty litter, liquid wastes, ashes, pet wastes, and other materials prohibited by the designated composting site.

Large dead animals mean animals or portions thereof equal to or greater than ten (10) pounds in weight that have expired from any cause, except those slaughtered or killed for human use.

Offal waste means waste animal (land or marine) matter from establishments such as butcher shops, slaughterhouses, food processing and packing plants, rendering plants and fertilizer plants.

Organics means food waste and yard waste separately or combined.

Recyclable materials mean those materials, goods and items deemed as single-stream recyclables by the collectors operating within the town.

Refuse means all nonhazardous, solid waste, including rubbish generated from the regular use of the premises, but does not include any excluded waste.

Rubbish means all yard waste, waste wood, wood chips, shavings, sawdust, pasteboard, rags, straw, food waste, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping, crockery and glass, ashes, cinders, floor sweepings, glass, mineral or

metallic substances, and any and all other waste materials not included in the definition of excluded waste.

Refuse container means a metal or other nonabsorbent container equipped with a tightly fitting metal or nonabsorbent lid.

Single-stream recycling container means a metal or other non-absorbent container equipped with a tightly fitting metal or nonabsorbent lid.

Solid waste means useless, unwanted or discarded materials with insufficient liquid content to be free-flowing, that result from domestic, industrial, commercial, agricultural, governmental and community operations, which require proper storage, collection, transportation and disposal to prevent environmental pollution inimical to public health, safety and welfare. Solid waste does not include sewage, earth or material used to fill land in accordance with building codes, mining residues, slag, dissolved or suspended solids in industrial waste water effluents which are not acceptable for disposal in any sanitary sewage treatment system or any material included in the definition of excluded waste.

Special waste means nonhazardous solid waste that is subject to additional governmental regulations or special handling requirements in its collection, transportation, processing or disposal as a result of the characteristics of or processes which generate such waste. Special waste includes, but is not limited to:

- (1) Waste iron from a commercial or industrial activity;
- (2) Waste generated by an industrial process or a pollution control process;
- (3) Waste which may contain free liquids;
- (4) Waste which may contain residue and debris from the cleanup of a spill of petroleum, chemical or commercial products or wastes, or contaminated residuals;
- (5) Articles from the cleanup of a facility which generates, stores, treats, recycles or disposes of chemical substances, commercial products or wastes;
- (6) Wastes which are nonhazardous as a result of proper treatment pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 ("RCRA");
- (7) Asbestos containing or asbestos bearing material that has been properly secured under existing federal, state, or local laws, rules and regulations;
- (8) Containers that once contained hazardous substances, chemicals, or insecticides so long as such containers are "empty" as defined by RCRA;
- (9) Municipal or commercial solid waste that may have come into contact with any of the wastes described herein this subsection;

- (10) Filter cake sludge wastes from waste water treatment processes;
- (11) Wastes containing any regulated polychlorinated biphenyls; ash, sludge, tires and powders; and
- (12) Electronic devices.

Yard waste means leaves, grass, and clippings of woody, as well as fleshy plants.

Sec. 7-3-20. Burial of solid waste, recyclables or organics prohibited.

It shall be unlawful and constitute a nuisance for any person to bury solid waste, recyclables or organic materials anywhere within the town.

Sec. 7-3-30. Refuse, recyclable and organic materials—Responsibility.

Refuse, recyclable and organic materials shall be gathered, deposited, disposed of, and placed, in the manner provided for in this article, by the owner, tenant, lessee or occupant of the property, or the agent or contractor of any of the foregoing, and each of the foregoing persons may be held jointly and severally liable for any violation of this article.

Sec. 7-3-40. Refuse—Collection requirements.

- (a) No person shall place, leave, deposit or dispose of any refuse on any curb or other public place, or on any private property, unless the refuse is wholly contained within a proper refuse container approved by such person's collector. Any accumulation of refuse in violation of this article is declared to be a nuisance and is prohibited.
- (b) Bulky items shall be collected, removed and disposed of in accordance with the contractual requirements of such person's collector. Any accumulation of bulky items on any curb or other public place, or on any private property is declared to be a nuisance and is prohibited.
- (c) Refuse containers shall be kept off the curb and all other public ways, except on the scheduled day of collection, and then only for a maximum of twelve (12) hours before and twelve (12) hours after the scheduled time of collection.
- (d) Household hazardous waste shall be disposed of as required by the Weld County Household Hazardous Waste Collection Program.

Sec. 7-3-50. Recyclable—Collection requirements.

- (a) No person shall place, leave, deposit or dispose of any recyclable materials on any curb or other public place, or on any private property, unless the recyclable materials are wholly contained within a single-stream recycling container approved by such person's collector. Any accumulation of recycling materials in violation of this article is declared to be a nuisance and is prohibited.

- (b) Recycling containers shall be kept off the curb and all other public ways, except on the scheduled day of collection, and then only for a maximum of twelve (12) hours before and twelve (12) hours after the scheduled time of collection.

Sec. 7-3-60. Organics—Collection requirements.

- (a) No person shall place, leave, deposit or dispose of any organic materials on any curb or other public place, or on any private property, unless the organic materials are wholly contained within an organics container approved by such person's collector. Any accumulation of organic materials in violation of this article is declared to be a nuisance and is prohibited.
- (b) Organic containers shall be kept off the, curb and all other public ways, except on the scheduled day of collection, and then only for a maximum of twelve (12) hours before and twelve (12) hours after the scheduled time of collection.

Sec. 7-3-70. Unlawful acts.

It shall be unlawful and constitute a nuisance for any person to place, deposit, leave or dispose of any excluded waste, special waste or large dead animals in any refuse, recyclable or organic container provided by such person's collector, or upon any curb or other public place. Any accumulation of excluded waste, special waste or large dead animals on private property, or upon any curb or other public place adjacent to such private property, is hereby deemed and declared to be unlawful and a nuisance.

Section 2. Article 4, "Weeds and Brush," of Chapter 7 of the Severance Municipal Code is hereby repealed and reserved as follows:

ARTICLE 4 - RESERVED

Section 3. Section 11-1-20, "Snow and ice removal from sidewalks," of the Severance Municipal Code is hereby repealed in its entirety.

Section 4. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

Section 6. Violations of this ordinance in addition to the penalties set forth herein may be punishable in accordance with Section 1-4-20 of the Severance Municipal Code.

Section 7. 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 IN
FULL this ____ day of _____, 2022.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney

DRAFT



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Resolution 2022-XXR: Supporting Weld County School District No. RE-4 Ballot Issue 4B Pertaining to the District's Issuance of General Obligation Bonds and a Property Tax Increase for the Purpose of the District Acquiring, Constructing, Repairing, Equipping, and Improving School Buildings And Facilities and Replacing and Enhancing Safety and Security Infrastructure	Nicholas Wharton, Town Manager	Council Member Dan Meyers
ACTION REQUESTED		
Management asks that the Town Council review and discuss the proposed resolution of support for the Weld RE4 School District Bond Measure.		<u>Resolution</u> <u>Discussion</u> <u>Attorney Approved</u> <u>Action Requested</u>
BRIEF SUMMARY		
This proposed resolution of support for the Weld RE4 School District Bond Measure is a council member petition led by Council Member Dan Meyers.		
PUBLIC SUPPORT/CONCERN		
Weld RE-4 Together has provided a presentation to the Council.		
ANALYSIS AND RECOMMENDATION		
Management asks that the Town Council discuss this proposed resolution of support and provide guidance on the possible next steps.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet:		
1. 2022 - XXR - Support Weld County School District RE-4 Issue 4B		

**TOWN OF SEVERANCE
RESOLUTION NO. 2022-XXR**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, SUPPORTING WELD COUNTY SCHOOL DISTRICT NO. RE-4
BALLOT ISSUE 4B, PERTAINING TO THE DISTRICT’S ISSUANCE OF GENERAL
OBLIGATION BONDS AND A PROPERTY TAX INCREASE FOR THE PURPOSE OF
THE DISTRICT ACQUIRING, CONSTRUCTING, REPAIRING, EQUIPPING, AND
IMPROVING SCHOOL BUILDINGS AND FACILITIES AND REPLACING AND
ENHANCING SAFETY AND SECURITY INFRASTRUCTURE**

WHEREAS, Weld County School District No. RE-4 (“Weld RE-4”) has referred Ballot Issue 4B (“Issue 4B”) to Weld County voters at the November 8, 2022, general election; and

WHEREAS, Issue 4B asks Weld County voters to approve Weld RE-4’s issuance of general obligation bonds and a property tax increase for the purposes of acquiring, constructing, repairing, equipping, and improving Weld RE-4 capital assets, including:

- The construction of two new elementary schools;
- The construction of a new middle school;
- The expansion of Severance Middle School;
- The expansion of Severance High School;
- A new career and technical education center at Severance High School;
- Replace and enhance safety and security infrastructure;
- The expansion of Windsor Charter Academy; and
- As funds allow, the repair of and improvements to other district schools and operational facilities to extend their useful life, and the acquisition of currently leased capital assets; and

WHEREAS, the last time voters approved bond funding in Weld RE-4 was in 2016, which funded, among other things, the construction of Severance High School, as well as facility investments and improvements across the Weld RE-4’s elementary and middle schools, and facility improvements to other district facilities;¹ and

WHEREAS, since 2016, the Town of Severance and the surrounding communities served by Weld RE-4 have been expanding at a rapid pace, causing the schools that serve children and families in the Town of Severance to become overcrowded; and

WHEREAS, according to Weld RE-4, eight of the nine schools in the district have

¹ See <https://bond.weldre4.org/faq> (last visited on Oct. 3, 2022).

exceeded their building capacity, including Range View Elementary School, Severance Middle School, and Severance High School² within the Town of Severance, due to the rapid growth and issuance of residential building permits in Severance and surrounding communities; and

WHEREAS, Range View Elementary in the Town of Severance is built for 600 students, but in the 2021-2022 school year, Range View had 725 students, such that it was operating at 120.83% capacity;³ and

WHEREAS, currently, a small portion of Severance students are being bused to Grandview Elementary School in Windsor instead of to Range View Elementary in Severance,⁴ but if Issue 4B passes in November, then, based on Weld RE-4's preliminary modeling, Weld RE-4 hopes to redraw the boundaries in a way that allows more Severance elementary students to attend Severance schools; and

WHEREAS, Weld RE-4 recently received preliminary information from Weld County on the assessed property values in the school district, which has decreased Weld RE-4's previously estimated taxpayer impact for Issue 4B from \$9.20 per month per \$100,000 of actual property value to \$5.01 per month per \$100,000 actual property value;⁵ and

WHEREAS, the Town Council of the Town of Severance ("Town Council") recognizes that overcrowding in Weld RE-4 schools presents safety and security concerns for students and staff, and that teachers are unable to provide as much personalized feedback to each student when classrooms are overcrowded, causing student learning to suffer; and

WHEREAS, the Town Council recognizes that effective learning and teaching takes place in a safe, secure, and healthy environment with adequate capacity and resources, and that adequate school facilities are necessary to provide an environment in which students will be effectively supported in learning; and

WHEREAS, if Issue 4B is approved by voters at the November 8, 2022, general election, the Town Council finds that the residents of the Town of Severance are likely to directly benefit from Weld RE-4's ability to:

- finance and carry out the expansion of Severance Middle School and Severance High School; and
- construct new elementary schools in the RainDance and Peakview neighborhoods, which is expected to balance enrollment across Weld RE-4's K-5 campuses, including at Range View Elementary in Severance, to address the current capacity challenges throughout the district and so that more Severance elementary students

² See <https://bond.weldre4.org/faq> (last visited on Oct. 3, 2022).

³ See <https://bond.weldre4.org/faq> (last visited on Oct. 3, 2022).

⁴ See <https://bond.weldre4.org/faq> (last visited on Oct. 3, 2022).

⁵ See <https://weldre4.org/en-US/news-1342402e/updated-tax-impact-for-november-election-ad241259> (last visited on Oct. 3, 2022). Weld RE-4 notes that this decrease is driven primarily by a 117% year-over-year increase in oil and gas industry revenues. *Id.*

can attend Severance schools;⁶ and

WHEREAS, the Town Council supports Weld RE-4 Issue 4B and urges Severance voters to vote “YES” on Weld RE-4 Issue 4B at the November 8, 2022, general election.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:

The Town Council of the Town of Severance, Colorado, supports and urges a “YES” vote on Weld County School District No. RE-4 Ballot Issue 4B, which will appear on the November 8, 2022, general election ballot, and which would approve Weld RE-4’s issuance of general obligation bonds and a property tax increase for the purpose of Weld RE-4 acquiring, constructing, repairing, equipping, and improving school buildings and facilities and replacing and enhancing safety and security infrastructure within the district.

RESOLVED AND APPROVED this 11th day of October, 2022.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney



TOWN COUNCIL REGULAR MEETING
Zoom Webinar and Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

MINUTES
REGULAR MEETING 2022-18
Tuesday, September 27, 2022, at 6:00 PM

Present:

Mayor:

Matthew Fries

Mayor Pro-tem:

Stephen Gagliardi

Council Members:

Frank Baszler

Dennis 'Zeke' Kane

Michelle Duda

David Bruen

Absent:

Audience: Zach & Tiffany Hahn, Laura Young, Josh & Amy Green, DanielleLlewellyn, Steve Winter, Matt & Margie Caldwell, Jack Winter, Mike Harris, Ben Sturgeon, Jeremy Call, Nikki Kujara, Amber Buren, Erk Peter, Crissy & Hoss Johnson & Gary & Linda Diede

Staff:

Nicholas Wharton, Town Manager

Lindsay Radcliff-Coombes, Deputy Town Manager

Abdul Barzak, Town Planner

Nancy Mueller CPA, Finance Director

Keith Martin, Town Attorney

Jim Gerdeman, Chief of Police

John Zacklene, Public Works Director

Lance Hoisington, Sgt SVPD

Chris Messersmith, Town Engineer

A CALL TO ORDER REGULAR MEETING

1. Roll Call

2. Pledge of Allegiance

3. Agenda Review by Town Manager

4 Consent Calendar

The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.

MOTION WAS MADE BY Mayor Pro-Tem Gagliardi, seconded by Council Member Baszler to Approve the Consent Calendar. All Council Members present voting Yes,

MOTION PASSED

- a. 9.13.22 Minutes
- b. August 2022 Payables
- c. Financial Statement August 2022

5. Approval of Agenda

MOTION WAS MADE BY Mayor Pro-Tem Gagliardi, seconded by Council Member Duda to Approve the Agenda. All Council Members present voting Yes,

MOTION PASSED

6 Public Comment

The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address.

10Mike Harris - 36591 CR 23 & 2)Matthew Caldwell - 687 Takin Dr

7. Council Member Comments

8 Reports

Council approval may be sought for administrative actions in association with staff reports.

- a. Town Attorney
- b. Town Staff
- c. Town Management
- d. Council Members Liaisons
- e. Mayor

B TOWN COUNCIL

1. Resolution 2022-40R:A Resolution of the Town Council of the Town of Severance, Colorado, Approving a Preliminary Subdivision Plat for Certain Real Property Located within the Tailholt Subdivision Third Filing.

- Quasi-Judicial
- Staff Presentation: Abdul Barzak, Town Planner

MOTION WAS MADE BY Council Member Baszler, seconded by Mayor Pro-Tem Gagliardi,

to Approve **Resolution 2022-40R**: A Resolution of the Town Council of the Town of Severance, Colorado, Approving a Preliminary Subdivision Plat for Certain Real Property Located within the Tailholt Subdivision Third Filing. . All Council Members present voting Yes,

MOTION PASSED

Presenters: Shelly Lamastra, Representative for Developer & Ruth Rollins, Rollins Consult - Traffic Engineer

Public Comments: John Green - 721 Elk Mtn Dr & John Larson - 2016 Trail Ridge Dr

2. **Resolution 2022-42R: A Resolution of the Town Council of the Town of Severance, Colorado, Finding Substantial Compliance of an Annexation Petition for Certain Property Located in Weld County, Colorado and Setting a Public Hearing on the Petition in Accordance with the Municipal Annexation Act of 1965.**

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner

MOTION WAS MADE BY Council Member Baszler, seconded by Council Member Meyers to Approve **Resolution 2022-42R**: A Resolution of the Town Council of the Town of Severance, Colorado, Finding Substantial Compliance of an Annexation Petition for Certain Property Located in Weld County, Colorado and Setting a Public Hearing on the Petition in Accordance with the Municipal Annexation Act of 1965. All Council Members present voting Yes,

MOTION PASSED

3. **PUBLIC HEARING**

Ordinance 2022-19: An Ordinance of the Town Council of the Town of Severance, Colorado, Annexing The Property Known as The Moody Annexation to the Town of Severance, Colorado; and approving the associated Annexation Agreement

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner

MOTION WAS MADE BY Council Member Duda, seconded by Council Member Meyers to Adopt **Ordinance 2022-19**: An Ordinance of the Town Council of the Town of Severance, Colorado, Annexing The Property Known as The Moody Annexation to the Town of Severance, Colorado; and approving the associated Annexation Agreement with the amendment (page seven (2) clarification for renewable every 35 years). All Council Members present voting Yes,

MOTION PASSED

Public Hearing: Open: 7:13 pm Close: 8:14 Presented by: Larry Buckendorf - Hidden Lakes Investments-Developer

Public Comment: Zach and Tiffany Hahn, Jason Larson-2016 Trail Ridge Dr, Mike Harris-36591 WCR 23, Alex Slaten-1302 Chamois Dr, Hoss Johnson-1425 Red Fox Cir

4. **Ordinance 2022-21: Repealing and Reenacting In Its Entirety Chapter 10, "Offenses," of the Town of Severance Municipal Code**

- Legislative
- Staff Presentation: Keith Martin, Town Attorney, Mary Lynn Macsalka, Town Attorney

MOTION WAS MADE BY Council Member Duda, seconded by Council Member Meyers to Adopt **Ordinance 2022-21**: Repealing and Reenacting In Its Entirety Chapter 10, "Offenses," of the Town of Severance Municipal Code. All Council Members present voting Yes,

MOTION PASSED

5. **Ordinance 2022-22: An ordinance of the Town Council of the Town of Severance, Colorado, amending Chapter 2 of the Severance Municipal Code pertaining to the disposal of surplus town personal property**

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Council Member Duda, seconded by Council Member Meyers to Adopt **Ordinance 2022-22**: An ordinance of the Town Council of the Town of Severance, Colorado, amending Chapter 2 of the Severance Municipal Code pertaining to the disposal of surplus town personal property amending \$10,000 value to \$50,000 and to exempt vehicles and equipment. All Council Members present voting Yes,

MOTION PASSED

6. Resolution 2022-41R: A Resolution of the Town Council of the Town of Severance, Colorado, Supporting Town of Severance Ballot Issue 2K, "Use Tax on a Motor and Other Vehicles Purchased at Retail for Which Registration is Required"

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Council Member Meyers, seconded by Council Member Bruen to Approve **Resolution 2022-41R**: A Resolution of the Town Council of the Town of Severance, Colorado, Supporting Town of Severance Ballot Issue 2K, "Use Tax on a Motor and Other Vehicles Purchased at Retail for Which Registration is Required".

YEAS: Fries, Gagliardi, Meyers, Bruen

4

NAYS: Duda, Baszler, Kane

3

MOTION PASSED

7. Capitol Improvement Projects Budget Discussion

- Discussion
- Staff Presentation: Nancy Mueller, Finance Director

C COUNCIL MEMBER PETITIONS

Council Members may ask for items to be added to future agendas.

D ADJOURN

9:54 PM



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Parking Requirements: Land Use Code	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development and Management ask that the Severance Town Council review, discuss, and provide direction to Town staff on the Parking Requirements within the Land Use Code.		<u>Report Discussion</u>
BRIEF SUMMARY		
On June 1st, 2022 and August 3rd, 2022, the Land Use Advisory Committee (LUAC) reviewed, discussed, and directed Town staff with recommendations for Parking Requirements within the Land Use Code. On August 17th, 2022, the Planning Commission reviewed, discussed, and then directed Town staff with recommendations for Parking Requirements within the Land Use Code . Tonight those recommendations are before the Town Council as proposed Code Language. Town staff asks that the Town Council review, discuss, and provide direction to Town staff on the Parking Requirements within the Land Use Code. Town Staff will make final edits and bring back the Code Language to Town Council for approval via Ordinance.		
PUBLIC SUPPORT/CONCERN		
Residents have expressed the desire to increase parking requirements to Town staff.		
ANALYSIS AND RECOMMENDATION		
Town staff is asking for the Town Council to review, discuss, and provide direction to Town staff on the Parking Requirements within the Land Use Code.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet:		
- Staff Memo on Parking - Proposed Parking Code (redlines) - Proposed Parking Code (clean)		

MEMORANDUM

To: Mayor and Town Council - Town of Severance

From: Josh Olhava, AICP, PCCP, Sr. Community Planner and Sr. Project Manager

Date: October 11, 2022

Re: Council Code Review – Parking Draft Code Language

Overview

Over the past few months, Ayres has worked closely with Town staff, the Land Use Advisory Committee (LUAC) and the Planning Commission (PC) to prepare the enclosed draft Parking code language for Council review and input. The information in this memorandum is intended to support the enclosed draft code language and identify any differences between LUAC and PC recommendations.

Parking

The following key topic areas were identified early-on by Council and the PC:

- Review single-family detached parking requirements in relation to the adjacent street sections.
- Evaluate parking regulations specific to duplex, townhomes and condominiums.
- Review per bedroom parking regulations for multi-unit projects and a guest parking ratio.
- Retail off-street parking requirements should be reviewed.
- Industrial parking should be reviewed and updated to accommodate new trends and patterns.
- No specific comments for Office, Restaurant and Mixed-Use projects.
- Design standards should be in place and work complimentary with overall site layout and design.
 - Parking shall be placed to the side or rear sides of buildings.
 - Sites should be pedestrian focused incorporating pathways.
 - Large parking areas should be broken up with landscaping and walkways.
 - Minimum on-site tree and shrub plantings based on the number of parking spaces should be incorporated as standards.

These key topic areas were incorporated in the review and are integrated into the draft code language for Council review and feedback. Criteria within the draft language considers the unique context and vision for each zone district. This approach will help direct new and re-development activities in-line with the vision and goals of the Comprehensive Plan and Corridor Plan to create a sense of place specific to Severance and the associated neighborhoods.

Input and recommendations from the LUAC and PC were closely aligned on most criteria, apart from Restaurant and Office off-street parking requirements. The draft language provided to Council includes the PC recommendations, although it is worth noting that LUAC's recommendations in these two areas follow best practices and are more closely aligned with our comparison organizations.

Parking.

(a) Design standards. The following design standards shall apply to all required off-street parking areas:

1. Any off-street parking area shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available.
2. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way. Additionally, any vehicular overhang that encroaches or extends onto any pedestrian access shall be designed to ensure a minimum 5' pedestrian access is maintained.
3. Any off-street parking area with greater than 20 spaces shall provide internal landscaping islands. All parking lot landscaping shall be in addition to other required site landscaping. Landscaping islands shall be placed at both ends of each row of parking. The required amount of internal landscaping islands shall be as follows:
 - (a) No more than 10 parking spaces in a row shall be permitted without a landscaped island;
 - (b) Landscape islands shall be the size of one standard parking space;
 - (c) Landscape islands shall contain one deciduous shade tree and 3 shrubs at a minimum. An additional shade tree and additional shrubs shall be required for each 200 square feet of landscaped islands;
 - (d) Landscape island area shall be in addition to any internal pedestrian accessway as required in [Section 16.9.40 \(a\) 4.](#) below; and
 - (e) Parking lots with greater than 100 spaces shall be broken into smaller parking blocks that meet the standards above.
4. Any off-street parking area with more than one drive aisle shall provide and maintain internal pedestrian accessways. No parking space shall be more than 10 spaces or 100 feet, whichever is closer, from an internal pedestrian accessway.
5. All off-street parking areas shall maintain an 8' perimeter buffer. The 8' perimeter buffer shall be in addition to other required site landscaping. The buffer shall be designed to provide a visual break throughout the calendar year with a combination of year-round landscaping, landscape screen walls, and/or earthen berms, or similar devices. The buffer area shall include, at a minimum:
 - (a) 2 deciduous shade trees for each 50 linear feet; plus
 - (b) 3 shrubs for each 10 linear feet of buffer.
6. The following parking design standards shall apply to the Town Core and Development Node zone districts:
 - (a) Parking shall not be placed in locations that interrupt the storefront continuity along sidewalks
 - (b) Parking shall be placed behind buildings on the ground level or completely above or below the first floor of a building to the maximum extent possible. Any parking that is not able to be placed behind buildings or completely above or below the first floor of the building shall be completely screened with a combination of year-round landscaping, landscape screen walls, and/or earthen berms, or similar devices;
 - (c) Parking shall be accessed from the rear of the property on parcels with alleys or rear access easements. If parking is to be accessed from the front property line, parking access shall be consolidated to the maximum extent possible;

- (a)(d) For parcels without rear or side access, driveways serving on-site parking should be avoided on Harmony Road. When necessary, such driveways should be minimized in width and provide adequate visibility for pedestrians.
- (b) Shared off-street parking. Shared off-street parking may be used when there are opportunities to support parking demand through shared off-street parking for compatible uses (such as a theater and an office building, which would have staggered peak hours). Shared parking shall only be utilized when approved by the Town Council in a site plan or development agreement.
- (c) Adjacent on-street parking. In order to promote a pedestrian scale, to encourage an environment of safety and to maximize land use efficiency and land devoted to parking in the Town Core land use district, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. On-street parking shall only be counted towards minimum parking standards as specified in Table 9-2.

Table 9-2 Parking Requirements

Use	Parking Spaces Required All Other Zones	Town Core <u>and Multi-Use Development Nodes</u> (-) denotes no change	
		Parking Spaces Required	On Street Parking Credit
Single-family residence, attached and detached	2 spaces per dwelling unit	-	<u>No</u>
Townhome	1.5 2 spaces per dwelling unit	-	25% of the available on street parking directly adjacent to the proposed development
Condo	1.5 spaces per 1 bedroom unit plus .25 spaces for each additional bedroom		25% of the available on street parking directly adjacent to the proposed development
Multi-family dwelling residence	1.5 spaces per unit		<u>25% of the available on street parking directly adjacent to the proposed development</u>
<u>1 bedroom or studio</u>	<u>1.5 spaces</u>	<u>1 space</u>	
<u>2 bedrooms</u>	<u>1.75 spaces</u>	<u>1.5 spaces</u>	
<u>3 bedrooms</u>	<u>2.0 spaces</u>	<u>1.75 spaces</u>	
<u>4+ bedrooms</u>	<u>3.0 spaces</u>	<u>2 spaces</u>	
<u>Guest parking</u>	<u>1 space for every 5 units</u>	<u>1 space for every 5 units</u>	
Public assembly facilities, provided for seated audiences (churches <u>places of worship</u> , theaters, auditoriums, etc.)	1 space for every 3 seats	-	-
Elementary schools (if the school includes an auditorium, the auditorium requirement shall govern; if it is greater)	2 spaces for every classroom	-	-
Junior and senior high schools	Auditorium requirement or 1 space for every 5 students of maximum capacity	-	-

Hospitals	1 space for every 2 beds	-	-
Clinics	5 spaces for every practitioner on Staff	-	-
Industrial uses	1 space for every 1 employee, <u>computed at any given time; plus 1 space per company vehicle</u>	-	-
Retail stores, customer service establishments, shopping centers and other similar uses	1 space for every 200 ²⁵⁰ square feet of Gross Land Area (GLA)	<u>1 space for every 300 square feet</u>	<u>50% of the available on street parking directly adjacent to the proposed development</u>
Office	1 space for every 250 square feet	-	-
Eating and drinking establishments	1 space for every 250 ¹⁵⁰ square feet or 1 space for every 3 seats of GLA, whichever is greater; <u>plus 1 space for every 12 employees, computed on the maximum service capacity</u>	<u>1 space for every 200 square feet or 1 space for every 4 seats, whichever is greater; plus 1 space per every 2 employees, computed on the maximum service capacity</u>	<u>50% of the available on street parking directly adjacent to the proposed development</u>
<u>Lodging</u> Hotels or motels	1 space for every room to be rented; plus 1 space for every 2 employees, computed on the maximum service capacity	-	-

For uses not included in the above list, the review process shall determine the appropriate parking requirements.

(d) Handicap parking spaces.

- (1) Handicap parking spaces shall be required for all retail, office, business, industrial and institutional uses and multi-family units.
- (2) Handicap parking spaces shall be designated as being for the handicapped with painted symbols and standard identification signs.
- (3) Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance.
- (4) Number of handicap parking spaces:

Total Parking Spaces in Lot	Minimum Required Number of Handicap Parking Spaces
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6

201—300	7
301—400	8
401—500	9
501—1,000	2% of total
1,000 and over	20 _i plus 1 <u>space</u> for every 100 <u>spaces</u> over 1,000

- (5) For every eight (8) handicap parking spaces, there must be at least one (1) van-accessible space. In no event shall there be fewer than one (1) van-accessible space. ~~If there is only one (1) handicap parking space, that space must be van-accessible.~~
- (6) Handicap parking space dimensions. If these dimensions differ from the ADA Design Guidelines, the ADA Design Guidelines shall govern.
- Parking spaces must be at least eight (8) feet in width by eighteen (18) feet in depth, with a five (5)-foot-wide access aisle.
 - Van-accessible spaces must be at least eight (8) feet in width by eighteen (18) feet in depth, with an eight (8)-foot-wide access aisle.
 - Parking spaces for the physically handicapped that are parallel to a handicap accessible pedestrian walk may have the same dimensions as those for standard vehicles.
- (e) Parking space~~stall~~ dimensions. Parking stalls for automobiles shall meet the following standards.
- (1) Standard spaces. All dimensions represent the minimum requirement for any required parking space and typical dimensions.

Parking Angle (A)	Stall Width (B)	Stall Depth to Curb (C)	Aisle (typical) Width (D)	Curb Length (E)
45°	9'	19.8'	13'	12.7'
60°	9'	21'	18'	10.4'
90°	9'	19'	23'	9'
0° (parallel)	9'	9'	12'	22'

- (2) Compact spaces. Up to forty percent (40%) of required parking spaces may be reduced to eight (8) feet in width by sixteen (16) feet in depth ~~designed~~ to allow for compact vehicles, provided signs and a plan for management of the spaces are provided as part of the review process.

Definitions:

Adjacent On-Street Parking: On-Street Parking that is located directly next to a proposed development. At least 50% of the length of the proposed space must be within the dimensions of the proposed development to be eligible as an adjacent on-street space.

Company Vehicle: A vehicle that is used solely for the purposes of the business. It is assumed that the vehicle will be parked at the proposed development during off-hours of the business. Company vehicles do not include semi-trucks or other large vehicles used for transportation of freight.

Maximum Service Capacity: The maximum number of patrons that may visit a restaurant or similar establishment at any given time. This number may be set by the fire department or other public safety entities.

Pedestrian Accessway: A facility used for on-foot travel by patrons. This includes, but is not limited to, sidewalks and crosswalks. Said facilities may or may not be in the right-of-way.

Shared Parking: Parking that is utilized by 2 or more businesses in the vicinity.

DRAFT

Parking.

(a) Design standards. The following design standards shall apply to all required off-street parking areas:

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 - (c) Landscape islands shall contain one deciduous shade tree and 3 shrubs at a minimum. An additional shade tree and additional shrubs shall be required for each 200 square feet of landscaped islands;
 - (d) Landscape island area shall be in addition to any internal pedestrian accessway as required in [Section 16.9.40 \(a\) 4.](#) below; and
 - (e) Parking lots with greater than 100 spaces shall be broken into smaller parking blocks that meet the standards above.
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- (d) For parcels without rear or side access, driveways serving on-site parking should be avoided on Harmony Road. When necessary, such driveways should be minimized in width and provide adequate visibility for pedestrians.
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- (c) Adjacent on-street parking. In order to promote a pedestrian scale, to encourage an environment of safety and to maximize land use efficiency and land devoted to parking in the Town Core land use district, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. On-street parking shall only be counted towards minimum parking standards as specified in [Table 9-2](#).

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Townhome	2 spaces per dwelling unit	-	25% of the available on street parking directly adjacent to the proposed development
Multi-family residence			25% of the available on street parking directly adjacent to the proposed development
1 bedroom or studio	1.5 spaces	1 space	
2 bedrooms	1.75 spaces	1.5 spaces	
3 bedrooms	2.0 spaces	1.75 spaces	
4+ bedrooms	3.0 spaces	2 spaces	
Guest parking	1 space for every 5 units	1 space for every 5 units	
Public assembly facilities, provided for seated audiences (places of worship, theaters, auditoriums, etc.)	1 space for every 3 seats	-	-
Elementary schools (if the school includes an auditorium, the auditorium requirement shall govern if it is greater)	2 spaces for every classroom	-	-
Junior and senior high schools	Auditorium requirement or 1 space for every 5 students of maximum capacity	-	-
Hospitals	1 space for every 2 beds	-	-
Clinics	5 spaces for every practitioner on Staff	-	-
Industrial uses	1 space for every 1 employee, computed at any given time; plus 1	-	-

	space per company vehicle		
Retail stores, customer service establishments, shopping centers and other similar uses	1 space for every 200 square feet	1 space for every 300 square feet	50% of the available on street parking directly adjacent to the proposed development
Office	1 space for every 250 square feet	-	-
Eating and drinking establishments	1 space for every 150 square feet or 1 space for every 3 seats, whichever is greater; plus 1 space for every 1 employee, computed on the maximum service capacity	1 space for every 200 square feet or 1 space for every 4 seats, whichever is greater; plus 1 space per every 2 employees, computed on the maximum service capacity	50% of the available on street parking directly adjacent to the proposed development
Lodging	1 space for every room to be rented; plus 1 space for every 2 employees, computed on the maximum service capacity	-	-

For uses not included in the above list, the review process shall determine the appropriate parking requirements.

(d) Handicap parking spaces.

- (1) Handicap parking spaces shall be required for all retail, office, business, industrial and institutional uses and multi-family units.
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Total Parking Spaces in Lot	Minimum Required Number of Handicap Parking Spaces
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total
1,000 and over	20; plus 1 space for every 100 spaces over 1,000

-
- (5) For every eight (8) handicap parking spaces, there must be at least one (1) van-accessible space. In no event shall there be fewer than one (1) van-accessible space.
 - (6) Handicap parking space dimensions. If these dimensions differ from the ADA Design Guidelines, the ADA Design Guidelines shall govern.
 - a. Parking spaces must be at least eight (8) feet in width by eighteen (18) feet in depth, with a five (5)-foot-wide access aisle.
 - b. Van-accessible spaces must be at least eight (8) feet in width by eighteen (18) feet in depth, with an eight (8)-foot-wide access aisle.
 - c. Parking spaces for the physically handicapped that are parallel to a handicap accessible pedestrian walk may have the same dimensions as those for standard vehicles.
 - (e) Parking space dimensions. Parking stalls for automobiles shall meet the following standards.
 - (1) Standard spaces. All dimensions represent the minimum requirement for any required parking space and typical dimensions.

Parking Angle (A)	Stall Width (B)	Stall Depth to Curb (C)	Aisle (typical) Width (D)	Curb Length (E)
45°	9'	19.8'	13'	12.7'
60°	9'	21'	18'	10.4'
90°	9'	19'	23'	9'
0° (parallel)	9'	9'	12'	22'

- (2) Compact spaces. Up to forty percent (40%) of required parking spaces may be reduced to eight (8) feet in width by sixteen (16) feet in depth to allow for compact vehicles, provided signs and a plan for management of the spaces are provided as part of the review process.

Definitions:

Adjacent On-Street Parking: On-Street Parking that is located directly next to a proposed development. At least 50% of the length of the proposed space must be within the dimensions of the proposed development to be eligible as an adjacent on-street space.

Company Vehicle: A vehicle that is used solely for the purposes of the business. It is assumed that the vehicle will be parked at the proposed development during off-hours of the business. Company vehicles do not include semi-trucks or other large vehicles used for transportation of freight.

Maximum Service Capacity: The maximum number of patrons that may visit a restaurant or similar establishment at any given time. This number may be set by the fire department or other public safety entities,

Pedestrian Accessway: A facility used for on-foot travel by patrons. This includes, but is not limited to, sidewalks and crosswalks. Said facilities may or may not be in the right-of-way.

Shared Parking: Parking that is utilized by 2 or more businesses in the vicinity.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Lighting Requirements: Land Use Code	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development and Management ask that the Severance Town Council review, discuss, and provide direction to Town staff on the Lighting Requirements within the Land Use Code.		<u>Report Discussion</u>
BRIEF SUMMARY		
On June 1st, 2022 and August 3rd, 2022, the Land Use Advisory Committee (LUAC) reviewed, discussed, and directed Town staff with recommendations for Lighting Requirements within the Land Use Code. On August 17th, 2022, the Planning Commission reviewed, discussed, and then directed Town staff with recommendations for Lighting Requirements within the Land Use Code . Tonight those recommendations are before the Town Council as proposed Code Language. Town staff asks that the Town Council review, discuss, and provide direction to Town staff on the Lighting Requirements within the Land Use Code. Town Staff will make final edits and bring back the Code Language to Town Council for approval via Ordinance.		
PUBLIC SUPPORT/CONCERN		
Residents have expressed the desire to revise lighting requirements to Town staff.		
ANALYSIS AND RECOMMENDATION		
Town staff is asking for the Town Council to review, discuss, and provide direction to Town staff on the Lighting Requirements within the Land Use Code.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet:		
1. Staff Memo on Lighting 2. Proposed Lighting Code (redlines) 3. Proposed Lighting Code (clean)		

MEMORANDUM

To: Mayor and Town Council - Town of Severance

From: Josh Olhava, AICP, PCCP, Sr. Community Planner and Sr. Project Manager

Date: October 11, 2022

Re: Council Code Review – Lighting Draft Code Language

Overview

Over the past few months, Ayres has worked closely with Town staff, the Land Use Advisory Committee (LUAC) and the Planning Commission (PC) to prepare the enclosed draft Lighting code language for Council review and input. The information in this memorandum is intended to support and the enclosed draft code language and identify any differences between LUAC and PC recommendations.

Lighting:

The consensus from early Council feedback and the discussions with LUAC and the PC were to expand on the existing lighting regulations to incorporate elements from the model dark sky ordinance and criteria in-line with the goals and vision for the community.

Additionally, the draft code language includes photometric plan requirements for specific applications and types. For photometric plans and established lighting levels to be enforced, the Town will need to invest in a light meter for code enforcement.

Process

The following provides a summary of the steps completed, where we are in the process and the remaining steps.

- Step 1. Staff received guidance and direction on specific topic areas and areas of concern with the existing code from Council and the PC.
- Step 2. The project team, led by Ayres, conducted a detailed code comparison between 'like' communities in the region, including seven (7) jurisdictions: Evans, Firestone, Frederick, Johnstown, Timnath, Wellington and Windsor. Best practices and professional guidance unique to Severance were incorporated in the final comparison tables.
- Step 3. LUAC completed their initial review of the comparison tables and staff analysis. Following discussion by the group, LUAC provided guidance to the project team to update and incorporate for final review by LUAC.
- Step 4. LUAC completed their final review of the comparison tables and recommendations. LUAC provided a formal recommendation to the PC.
- Step 5. PC reviewed the comparison tables, staff's analysis and the LUAC recommendations. Following discussion by the group, the PC forwarded a formal recommendation on the code language to Council.
- Step 6. The project team prepared formal code language based on the recommendations provided and best practices for review by Council.
- Step 7. [Council review of draft code language.](#)
- Step 8. The project team will make final updates for final review and action by Council.
- Step 9. Integration of revised code language with other sections.
- Step 10. Adoption of revised code language.

Lighting.

Sec. 16.16.10. Intent.

The intent of this article is to:

- 1) Provide adequate light for safety and security;
 - 2) Promote efficient and cost-effective lighting to conserve energy;
 - 3) Reduce light pollution, light trespass, glare and offensive light sources
 - 4) Prevent inappropriate, poorly designed, or poorly installed outdoor lighting;
 - 5) Encourage quality lighting design that is functional, aesthetically pleasing, and complementary to the architectural style of buildings; and
 - 1)6) Require light fixture shielding, establish maximum uniformity ratios and establish maximum light levels within and on property lines.
- ~~(1) — Create an attractive lighting system to enhance visibility and safety while minimizing glare and contrast.~~
- ~~(2) — Encourage exterior lighting that is functional, aesthetically pleasing and complementary to the architectural style of buildings.~~

Sec. 16.16.20. Evaluation of exterior lighting.

Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect adjacent properties or neighborhoods. The degree to which exterior night lighting affects a property owner or neighborhood will be examined considering the light source, level of illumination, hours of illumination and need for illumination in relation to the effects of the lighting on the adjacent property owners and the neighborhood. All development requiring a site plan or building permit application shall provide a photometric plan to illustrate conformance with Article 16.

- 1) Lighting Plans Required: A lighting plan shall be submitted with any site plan application or building permit application, whichever occurs first, in which outdoor lighting is proposed or required except for a single detached dwelling unit on an individual lot. The lighting plan shall meet all requirements specified in the Lighting Plan Requirements form as maintained by the Community Development Department.
- 1)2) Final Inspection and Certification: Prior to a building permit final inspection or the issuance of a certificate of occupancy, the applicant shall provide certification that the outdoor lighting as installed complies with the approved illumination plan and the requirements of this section unless waived or amended by the Town Manager in writing. The certification shall be submitted in a format prescribed by the Town Manager. The certification affidavit shall be completed by the owner, applicant, or their designee acknowledging the on-site lighting was installed and will be maintained subject to the approved lighting plan.

Sec. 16.16.30. Design standards for exterior lighting.

- 1) LED Light Source Required: Light-Emitting Diode (LED) Light sources shall be required for all site plan and building permit applications. Outdoor lighting shall be L.E.D “Dark Sky” compliant, per the International Dark Sky Association requirements for reducing light pollution and minimizing glare.
- 2) Use of High-Pressure Sodium Lamps: Use of High-Pressure Sodium Lamps is prohibited.

3) Architectural Lighting of Building Facades: The lighting of a building facade for architectural, aesthetic, or decorative purposes is permitted subject to the following restrictions:

- a. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs, or overhangs, and mounted as flush to a wall as possible.
- b. Building facade lighting shall be fully shielded and mounted as flush to a wall as possible.
- c. Building facade lighting shall not extend beyond the pinnacle height of any structure.
- d. Building facade lighting that is measurable at the ground level shall be included in the maximum allowable light levels.

4) Unshielded lighting:

- a. Unshielded lighting that emits greater than 20 footcandles but less than 25 footcandles at any given location on a site is permitted provided that it is activated by a motion sensor for security purposes. All security lighting shall be aimed and located in such a manner as to prevent glare and light trespass. The light shall only go on when activated and go off within five minutes of activation. Motion sensor activated lighting shall not be triggered by any movement or activity located off the property on which the light is located.
- b. All lamps and bulbs located in residential zones shall be within a fully shielded fixture, or must be within a light fixture where the bulb or lamp are obscured from view by a material that diffuses the light. (i.e., frosted or milk colored materials), except as otherwise permitted in this section. (See Figure XX of this section.)

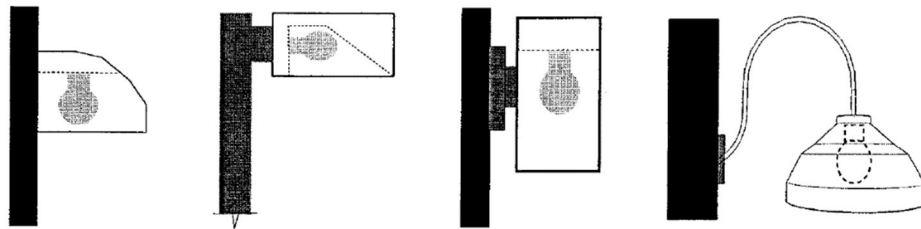


Figure 9-15: Fully Shielded Fixtures

5) Signs: All exterior signs shall be required to meet the standards for this section. In addition, all exterior signs are also subject to the requirements set forth in the sign code.

6) Standards for Lights Adjacent to Residential Zoning Districts, Residential Uses, or Public Rights of Way: Any light fixture located within ten feet of a property line of a residential zoning district, an existing residential use, or within ten feet of a public right-of-way, except as permitted in this article of this section shall be:

- a. Oriented away from the property line, residential zone, residential use, and/or right-of-way; and
- b. Shielded on the side closest to the property line, residential zone, residential use, or public right-of-way.

7) Canopy and Awning Lighting: Lighting fixtures mounted under canopies and awnings shall be aimed downward and installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy. A full cutoff light fixture may project below the underside of a canopy. All light emitted by an under-canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy. No lighting, except that permitted by the sign ordinance, shall be permitted on the top or sides of a canopy.

- 8) Flagpoles: A flagpole meeting the requirements of the Land Use Code may be illuminated by one upward aimed fully shielded spotlight light fixture which shall not exceed three thousand five hundred lumens. The light fixture shall be placed as close to the base of the flagpole as reasonably possible.
- 9) Strings of Lights: No person shall use a string of lights on property with nonresidential uses except as approved by the Town Manager.
- a. Strings of lights may only be used if they are approved by the Town Manager or as part of an outdoor lighting plan or landscape plan. The plan must comply with all standards of this Article. The purpose of such lighting is intended to create pleasing pedestrian spaces, such as outdoor dining or patio areas, utilizing low lighting levels.
 - b. Strings of lights permitted under this subsection shall be displayed in compliance with the following standards:
 - i. The string of lights contains only low wattage bulbs that are approved through the Community Development Department;
 - ii. The string of lights shall be located within a pedestrian way, plaza, patio, outdoor dining area, or the primary entry into a building;
 - iii. The string of lights is not placed in any required landscape setback adjacent to a street; and
 - iv. The string of lights shall be maintained and not obstruct pedestrian pathways or be detrimental to the health, safety, and welfare of the Town.
- 10) Parking Lot Lights and Trees: Parking lot light fixtures and poles shall be located such that trees located within the parking lot do not obscure the operation of the light fixture.
- 11) Full Cutoff Fixtures: Full cutoff fixtures shall be installed and maintained in a horizontal position as designed.
- 12) Color Temperature: All exterior lighting shall not exceed a correlated color temperature (CCT) of three thousand five hundred degrees Kelvin.

Sec. 16.16.430. Light levels.

Maximum light levels ~~at any point on a property line and intensities~~ shall not exceed .1 footcandles within or adjacent to a residential zone or .2 footcandles within or adjacent to a nonresidential zone. those appropriate for the lighting need. The surrounding environment shall be considered when designating light systems to avoid negatively affecting it.

Maximum light levels shall not exceed the thresholds established in Table XX below:

		<u>Rural Residential and Suburban Perimeter</u>	<u>Development Node and Town Core</u>
Maximum Allowable Light Levels (Measured in Footcandles)	Building Entries	<u>5.0</u>	<u>5.0</u>
	Parking and Loading Areas	<u>3.0 for Parking Areas</u> <u>20.0 for Loading Areas</u>	<u>5.0 for Parking Areas</u> <u>20.0 for Loading Areas</u>
	Pedestrian Walkways	<u>1.0</u>	<u>1.0</u>
	Common Open Space Areas <u>or Outdoor Storage Areas</u>	<u>2.0</u>	<u>2.0</u>

Maximum Uniformity Ratio (Maximum to Minimum)		<u>N/A</u>	<u>10:1</u>
Maximum Lumen Rating for a Full Cutoff Luminaire Shielded from View of Adjacent Streets and Properties	Building Entries <u>and Stairways</u>	<u>1,800</u>	<u>1,800</u>
	Parking and Loading Areas	<u>8,500</u>	<u>14,000</u> <u>23,500 on 35' Pole Where Permitted</u>
	Pedestrian Walkways	<u>4,000</u>	<u>8,500</u>
	Common Open Space Areas	<u>4,000</u>	<u>8,500</u>
Maximum Lumen Rating for a Partially Shielded Fixture		<u>900</u>	<u>1,250</u>
Maximum Lumen Rating for an Unshielded Light Fixture		<u>900</u>	<u>900</u>
Controls		<u>Motion sensors required for all unshielded fixtures that emit greater than 20 footcandles at any given location on a site</u>	<u>Except for use as security lighting, all building and site lighting shall be extinguished 1 hr. after close of business and remain off until 1 hr. before business resumes</u> <u>Motion sensors required for all unshielded fixtures that emit greater than 20 footcandles at any given location on a site</u>
Dimming		<u>Lighting in all zoning districts shall be equipped with dimming capabilities</u>	
Maximum Allowable Pole Height (Includes Base, Pole, and Luminaire)		<u>16' max; 20' max streetlights at residential entries allowed</u>	<u>25' max, unless a greater height not to exceed 35' is approved by the Town; wall mount lighting shall not exceed the height of the building</u>
Bollard Lighting		<u>47" bollard-type lighting</u>	<u>32"-47" bollard-type lighting</u>

Sec. 16.16.40. Light style and prohibited lights.

- 1) Light style. The style of lights shall be consistent with the style and character of architecture proposed on the site. Light fixtures that illuminate signage shall be compatible with the architecture of the building on which they are placed.
- 2) Prohibited light types. No person shall install any of the following types of outdoor lighting fixtures:-
~~Mercury vapor lamps shall not be used.~~
 - a. Mercury vapor lamps;
 - b. Blinking, flashing, moving, revolving, flickering, changing intensity, and chase lighting, except lighting for temporary seasonal displays, lighting for public safety or required for air traffic safety;
 - c. Any light fixture that may be confused with or construed as a traffic control device;
 - d. Any upward oriented lighting except as otherwise provided for in this article;
 - e. Searchlights, beacons, and laser source light fixtures;

- f. Exposed linear lamps that include, without limitation, Light Emitting Diode (L.E.D.), and fluorescent lighting, primarily intended as an architectural highlight to attract attention or used as a means of identification or advertisement except as permitted by sign criteria of the land use code.
- g. Any lamp or bulb, except for seasonal displays and landscape ornamental lighting, which is visible beyond the property line on which it is located; and
- a.h. Any lamp or bulb with a correlated color temperature (CCT) that exceeds three thousand five hundred degrees Kelvin unless otherwise stated by this article.

~~Sec. 16.16.50. Concealed light source.~~

~~Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property. No lighting shall be used in any way that could interfere with the safe movement of vehicles or be confused with traffic control devices, emergency or warning signals. All lights shall be directed downward, and the light source shall be equipped with cut-off devices so as not to be visible from any adjacent property and to ensure that ambient skyward light is eliminated. Reflector lights are preferred. Accent and flagpole lighting may be permitted to be directed upward as long as the light source is shielded and not visible from any adjacent property. Globe lights shall not be permitted. Light fixtures installed under canopies, awnings, overhangs and the like shall be fully recessed.~~

~~Sec. 16.16.60. Hours of operation.~~

~~All parking lot lighting fixtures and exterior building lights, except those required for security purposes, shall be extinguished within one (1) hour after the end of business hours and remain extinguished until one (1) hour prior to the beginning of business hours. If a portion of a parking lot is used after dark, only that portion shall be lighted.~~

~~Sec. 16.16.70. Height standards.~~

- ~~(a) Residential zoning districts. Light fixtures shall be mounted on concrete, fiberglass or painted metal poles no higher than sixteen (16) feet from the ground, except that streetlights at entries to residential developments may be approved up to twenty (20) feet. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be no higher than forty seven (47) inches.~~
- ~~(b) Nonresidential zoning districts. Light fixtures shall be mounted on concrete, fiberglass or painted metal poles no higher than twenty-five (25) feet from the ground unless a greater height, not to exceed thirty-five (35) feet, is approved by the Town through a development application review process. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between thirty two (32) and forty seven (47) inches high.~~

Sec. 16.16.80. Exemptions for outdoor recreational uses.

- 1) Exceptions: The standards of this section shall not apply to the following types of exterior lighting:
 - a. Ornamental Lighting: Low voltage (twelve volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries.
 - b. Strings of Light: Strings of lights located on properties in all residential zoning districts or on properties that are used exclusively for residential uses shall be exempt from the requirements of this chapter.

- c. Aviation Lighting: Lighting used exclusively for aviation purposes. All heliport lighting, except lighting associated with emergency facilities, shall be turned off when the heliport is not in use.
- d. Right-of-Way Lighting: Public lighting that is located within the right-of-way.
- e. Seasonal Lighting Displays: Lighting commonly associated with outdoor displays celebrating holidays and seasons.
- a.f. Because of their limited hours of operation and unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses, both public and private, shall be exempt from the general provisions of this Article unless otherwise restricted by the Town Council. However, exterior lighting for such uses shall be extinguished no later than 11:00 p.m.

~~Sec. 16.16.90. Awnings.~~

~~Except as part of a creative sign, as permitted under Section 16.16.60, awnings shall not be internally illuminated. Lighting directed downward, which does not internally illuminate the awnings, is permitted.~~

Sec. 16.16.100. Resources.

Recommended references include the Illuminating Engineering Society of North America publications RP-8-00, RP-20-98 and RP-33-99.

Definitions:

Building Façade Lighting: The lighting of a building facade for architectural, aesthetic, or decorative purposes.

Footcandles: One lumen per square foot of site area. Primary measurement of illumination in the Town of Severance.

Fully-Shielded Fixture: A fully shielded (full cut-off) light fixture has a solid barrier (cap) at the top of the fixture in which the lamp (bulb) is located. The fixture is angled so the lamp is not visible below the barrier (no light visible below the horizontal angle).

Light Trespass: Light that illuminates surfaces or that is visible beyond the property line of any lot.

Lumen: Unit of light measurement. Used in the Town of Severance for lighting that does not illuminate a surface (i.e. light that is projected upwards towards the sky).

Maximum Uniformity Ratio: The ratio of maximum-to-minimum illumination levels. Calculated by dividing the maximum light level by the minimum light level.

Unshielded Lighting: Lighting that does not have a barrier preventing horizontal or vertical light trespass. Such lighting shall only be used in the Town of Severance for security purposes.

Lighting.

Sec. 16.16.10. Intent.

The intent of this article is to:

- 1) Provide adequate light for safety and security;
- 2) Promote efficient and cost-effective lighting to conserve energy;
- 3) Reduce light pollution, light trespass, glare and offensive light sources
- 4) Prevent inappropriate, poorly designed, or poorly installed outdoor lighting;
- 5) Encourage quality lighting design that is functional, aesthetically pleasing, and complementary to the architectural style of buildings; and
- 6) Require light fixture shielding, establish maximum uniformity ratios and establish maximum light levels within and on property lines.

Sec. 16.16.20. Evaluation of exterior lighting.

Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect adjacent properties or neighborhoods. The degree to which exterior night lighting affects a property owner or neighborhood will be examined considering the light source, level of illumination, hours of illumination and need for illumination in relation to the effects of the lighting on the adjacent property owners and the neighborhood. All development requiring a site plan or building permit application shall provide a photometric plan to illustrate conformance with Article 16.

- 1) **Lighting Plans Required:** A lighting plan shall be submitted with any site plan application or building permit application, whichever occurs first, in which outdoor lighting is proposed or required except for a single detached dwelling unit on an individual lot. The lighting plan shall meet all requirements specified in the Lighting Plan Requirements form as maintained by the Community Development Department.
- 2) **Final Inspection and Certification:** Prior to a building permit final inspection or the issuance of a certificate of occupancy, the applicant shall provide certification that the outdoor lighting as installed complies with the approved illumination plan and the requirements of this section unless waived or amended by the Town Manager in writing. The certification shall be submitted in a format prescribed by the Town Manager. The certification affidavit shall be completed by the owner, applicant, or their designee acknowledging the on-site lighting was installed and will be maintained subject to the approved lighting plan.

Sec. 16.16.30. Design standards for exterior lighting.

- 1) **LED Light Source Required:** Light-Emitting Diode (LED) Light sources shall be required for all site plan and building permit applications. Outdoor lighting shall be L.E.D “Dark Sky” compliant, per the International Dark Sky Association requirements for reducing light pollution and minimizing glare.
- 2) **Use of High-Pressure Sodium Lamps:** Use of High-Pressure Sodium Lamps is prohibited.
- 3) **Architectural Lighting of Building Facades:** The lighting of a building facade for architectural, aesthetic, or decorative purposes is permitted subject to the following restrictions:

-
- a. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs, or overhangs, and mounted as flush to a wall as possible.
 - b. Building facade lighting shall be fully shielded and mounted as flush to a wall as possible.
 - c. Building facade lighting shall not extend beyond the pinnacle height of any structure.
 - d. Building facade lighting that is measurable at the ground level shall be included in the maximum allowable light levels.
- 4) Unshielded lighting:
- a. Unshielded lighting that emits greater than 20 footcandles but less than 25 footcandles at any given location on a site is permitted provided that it is activated by a motion sensor for security purposes. All security lighting shall be aimed and located in such a manner as to prevent glare and light trespass. The light shall only go on when activated and go off within five minutes of activation. Motion sensor activated lighting shall not be triggered by any movement or activity located off the property on which the light is located.
 - b. All lamps and bulbs located in residential zones shall be within a fully shielded fixture or must be within a light fixture where the bulb or lamp are obscured from view by a material that diffuses the light. (i.e., frosted or milk-colored materials), except as otherwise permitted in this section. (See Figure XX of this section.)

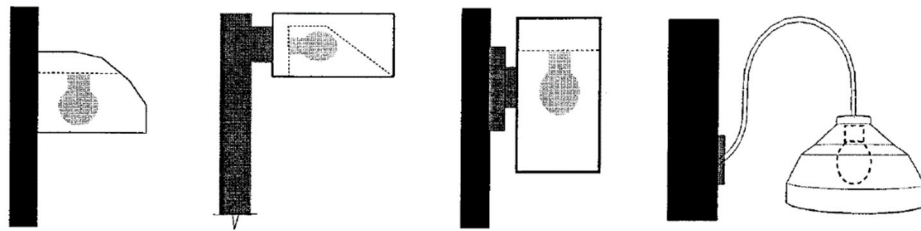


Figure 9-15: Fully Shielded Fixtures

- 5) Signs: All exterior signs shall be required to meet the standards for this section. In addition, all exterior signs are also subject to the requirements set forth in the sign code.
- 6) Standards for Lights Adjacent to Residential Zoning Districts, Residential Uses, or Public Rights of Way: Any light fixture located within ten feet of a property line of a residential zoning district, an existing residential use, or within ten feet of a public right-of-way, except as permitted in this article of this section shall be:
 - a. Oriented away from the property line, residential zone, residential use, and/or right-of-way; and
 - b. Shielded on the side closest to the property line, residential zone, residential use, or public right-of-way.
- 7) Canopy and Awning Lighting: Lighting fixtures mounted under canopies and awnings shall be aimed downward and installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy. A full cutoff light fixture may project below the underside of a canopy. All light emitted by an under-canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy. No lighting, except that permitted by the sign ordinance, shall be permitted on the top or sides of a canopy.
- 8) Flagpoles: A flagpole meeting the requirements of the Land Use Code may be illuminated by one upward aimed fully shielded spotlight light fixture which shall not exceed three thousand five hundred lumens. The light fixture shall be placed as close to the base of the flagpole as reasonably possible.

- 9) Strings of Lights: No person shall use a string of lights on property with nonresidential uses except as approved by the Town Manager.
- Strings of lights may only be used if they are approved by the Town Manager or as part of an outdoor lighting plan or landscape plan. The plan must comply with all standards of this Article. The purpose of such lighting is intended to create pleasing pedestrian spaces, such as outdoor dining or patio areas, utilizing low lighting levels.
 - Strings of lights permitted under this subsection shall be displayed in compliance with the following standards:
 - The string of lights contains only low wattage bulbs that are approved through the Community Development Department;
 - The string of lights shall be located within a pedestrian way, plaza, patio, outdoor dining area, or the primary entry into a building;
 - The string of lights is not placed in any required landscape setback adjacent to a street; and
 - The string of lights shall be maintained and not obstruct pedestrian pathways or be detrimental to the health, safety, and welfare of the Town.
- 10) Parking Lot Lights and Trees: Parking lot light fixtures and poles shall be located such that trees located within the parking lot do not obscure the operation of the light fixture.
- 11) Full Cutoff Fixtures: Full cutoff fixtures shall be installed and maintained in a horizontal position as designed.
- 12) Color Temperature: All exterior lighting shall not exceed a correlated color temperature (CCT) of three thousand five hundred degrees Kelvin.

Sec. 16.16.40. Light levels.

Maximum light levels at any point on a property line shall not exceed .1 footcandles within or adjacent to a residential zone or .2 footcandles within or adjacent to a nonresidential zone.

Maximum light levels shall not exceed the thresholds established in Table XX below:

		Rural Residential and Suburban Perimeter	Development Node and Town Core
Maximum Allowable Light Levels (Measured in Footcandles)	Building Entries	5.0	5.0
	Parking and Loading Areas	3.0 for Parking Areas 20.0 for Loading Areas	5.0 for Parking Areas 20.0 for Loading Areas
	Pedestrian Walkways	1.0	1.0
	Common Open Space Areas or Outdoor Storage Areas	2.0	2.0
Maximum Uniformity Ratio (Maximum to Minimum)		N/A	10:1
Maximum Lumen Rating for a Full Cutoff Luminaire Shielded from View of Adjacent	Building Entries and Stairways	1,800	1,800
	Parking and Loading Areas	8,500	14,000 23,500 on 35' Pole Where Permitted

Streets and Properties	Pedestrian Walkways	4,000	8,500
	Common Open Space Areas	4,000	8,500
Maximum Lumen Rating for a Partially Shielded Fixture		900	1,250
Maximum Lumen Rating for an Unshielded Light Fixture		900	900
Controls		Motion sensors required for all unshielded fixtures that emit greater than 20 footcandles at any given location on a site	Except for use as security lighting, all building and site lighting shall be extinguished 1 hr. after close of business and remain off until 1 hr. before business resumes Motion sensors required for all unshielded fixtures that emit greater than 20 footcandles at any given location on a site
Dimming		Lighting in all zoning districts shall be equipped with dimming capabilities	
Maximum Allowable Pole Height (Includes Base, Pole, and Luminaire)		16' max; 20' max streetlights at residential entries allowed	25' max, unless a greater height not to exceed 35' is approved by the Town; wall mount lighting shall not exceed the height of the building
Bollard Lighting		47" bollard-type lighting	32"-47" bollard-type lighting

Sec. 16.16.40. Light style and prohibited lights.

- 1) Light style. The style of lights shall be consistent with the style and character of architecture proposed on the site. Light fixtures that illuminate signage shall be compatible with the architecture of the building on which they are placed.
- 2) Prohibited light types. No person shall install any of the following types of outdoor lighting fixtures:
 - a. Mercury vapor lamps;
 - b. Blinking, flashing, moving, revolving, flickering, changing intensity, and chase lighting, except lighting for temporary seasonal displays, lighting for public safety or required for air traffic safety;
 - c. Any light fixture that may be confused with or construed as a traffic control device;
 - d. Any upward oriented lighting except as otherwise provided for in this article;
 - e. Searchlights, beacons, and laser source light fixtures;
 - f. Exposed linear lamps that include, without limitation, Light Emitting Diode (L.E.D.), and fluorescent lighting, primarily intended as an architectural highlight to attract attention or used as a means of identification or advertisement except as permitted by sign criteria of the land use code.
 - g. Any lamp or bulb, except for seasonal displays and landscape ornamental lighting, which is visible beyond the property line on which it is located; and
 - h. Any lamp or bulb with a correlated color temperature (CCT) that exceeds three thousand five hundred degrees Kelvin unless otherwise stated by this article.

Sec. 16.16.80. Exemptions.

- 1) Exceptions: The standards of this section shall not apply to the following types of exterior lighting:
 - a. Ornamental Lighting: Low voltage (twelve volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries.
 - b. Strings of Light: Strings of lights located on properties in all residential zoning districts or on properties that are used exclusively for residential uses shall be exempt from the requirements of this chapter.
 - c. Aviation Lighting: Lighting used exclusively for aviation purposes. All heliport lighting, except lighting associated with emergency facilities, shall be turned off when the heliport is not in use.
 - d. Right-of-Way Lighting: Public lighting that is located within the right-of-way.
 - e. Seasonal Lighting Displays: Lighting commonly associated with outdoor displays celebrating holidays and seasons.
 - f. Because of their limited hours of operation and unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses, both public and private, shall be exempt from the general provisions of this Article unless otherwise restricted by the Town Council. However, exterior lighting for such uses shall be extinguished no later than 11:00 p.m.

Sec. 16.16.100. Resources.

Recommended references include the Illuminating Engineering Society of North America publications RP-8-00, RP-20-98 and RP-33-99.

Definitions:

Building Façade Lighting: The lighting of a building facade for architectural, aesthetic, or decorative purposes.

Footcandles: One lumen per square foot of site area. Primary measurement of illumination in the Town of Severance.

Fully-Shielded Fixture: A fully shielded (full cut-off) light fixture has a solid barrier (cap) at the top of the fixture in which the lamp (bulb) is located. The fixture is angled so the lamp is not visible below the barrier (no light visible below the horizontal angle).

Light Trespass: Light that illuminates surfaces or that is visible beyond the property line of any lot.

Lumen: Unit of light measurement. Used in the Town of Severance for lighting that does not illuminate a surface (i.e. light that is projected upwards towards the sky).

Maximum Uniformity Ratio: The ratio of maximum-to-minimum illumination levels. Calculated by dividing the maximum light level by the minimum light level.

Unshielded Lighting: Lighting that does not have a barrier preventing horizontal or vertical light trespass. Such lighting shall only be used in the Town of Severance for security purposes.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Ordinance 2022-23: Establishing a Special Purpose Fund to Be Known as the Fleet Fund and Adding a New Section 4-2-60 to the Severance Municipal Code	Nancy Mueller, Finance Director	Nancy Mueller, CPA
ACTION REQUESTED		
Finance and Management ask that the Town Council review and discuss Ordinance 2022-23 and take action. • Actions that may be taken: ○ Move to approve Ordinance 2022-23 ○ Take no action		<u>Ordinance</u> <u>Action Requested</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
As spoken about at the 2022 Town Council Retreat, Finance and Management would like to create a new budgeting fund for our fleet. This proposed "Fleet Fund" would be a part of the general fund and would be established through appropriating unrealized revenues from 2022. Moving forward, this fund would be used for the purchase of fleet vehicles and would be funded by amortizing each newly purchased vehicle over the lifespan of that vehicle.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Finance and Management recommend that the Town Council take action and move to approve Ordinance 2022-23.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Ord 2022-23 - Establishing a Fleet Fund		

**TOWN OF SEVERANCE
ORDINANCE NO. 2022-23**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, ESTABLISHING A SPECIAL PURPOSE FUND TO BE KNOWN AS THE
FLEET FUND AND ADDING A NEW SECTION 4-2-60 TO THE SEVERANCE
MUNICIPAL CODE**

WHEREAS, the Town of Severance (“Severance” or “Town”) is a home-rule municipality organized pursuant to Article XX, § 6 of the Constitution of the State of Colorado and the Town of Severance Home Rule Charter; and

WHEREAS, in accordance with Sections 8.06 and 8.07 of the Town’s Home Rule Charter, the Town has an established general fund, which is the Town’s primary operating fund to finance all general functions of the Town government, and the Town Council is authorized to establish by ordinance other funds, including special purpose funds to provide for monies to be held or used for special purposes, as deemed necessary and appropriate in accordance with generally accepted accounting principles; and

WHEREAS, the Town Council desires to adopt an ordinance establishing a new special purpose fund to be known as the Fleet Fund.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

Section 1. Article 2, “General and Special Funds,” of Chapter 4, “Revenue and Finance,” of the Severance Municipal Code is hereby amended by adding a new section 4-2-60 to read as follows:

Sec. 4-2-60. - Fleet Fund created.

There is hereby created a special purpose fund, to be known as the Fleet Fund, for the purpose of accepting transfers from the general fund or other revenues, and the funds therein shall be used for the purposes of purchasing, replacement, repair, and maintenance of fleet vehicles.

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or 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.

Section 4. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

Section 5. The provisions of this ordinance shall become effective 30 days after publication following final passage.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2022.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Resolution 2022-43R: A Resolution for the Town of Severance to Appropriate Unanticipated Revenues	Nancy Mueller, Finance Director	Nancy Mueller, CPA
ACTION REQUESTED		
Finance and Management ask that the Town Council review, discuss, and take action on Resolution 2022-43R: A Resolution for the Town of Severance to Appropriate Unanticipated Revenues. • Actions that may be taken: • Approve Resolution 2022-43R • Approve Resolution 2022-43R with Changes • Take No Action		<u>Resolution</u> <u>Attorney Approved</u> <u>Action Requested</u>
BRIEF SUMMARY		
Finance and Management are requesting that the Town Council review the proposed courses of action and discuss the following items: • Appropriate additional unanticipated revenue for the completion of a salary study • Appropriate additional unanticipated revenue for the completion of an impact study • Appropriate additional unanticipated revenue for the creation and establishment of a Fleet Fund		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Finance and Management recommend the Town Council approve Resolution 2022-43R.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Resolution 2022-43R Revenue Appropriation		

RESOLUTION NO. 2022-43R
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, PROVIDING OF ADDITIONAL APPROPRIATIONS IN THE
FISCAL YEAR 2022 FOR UNANTICIPATED REVENUES

WHEREAS, the Town has additional and unanticipated operating revenues for the 2022 fiscal year; and

WHEREAS, the Town anticipates additional operating expenses during the 2022 fiscal year that were not anticipated in the 2022 annual budget and appropriations; and

WHEREAS, the Town needs to appropriate additional revenue for the cost of completing a salary study; and

WHEREAS, the Town needs to appropriate additional revenue for the cost of completing an impact fee study; and

WHEREAS, the Town would like to create and establish a Fleet Fund; and

WHEREAS, in accordance with Section 8.10 of the Town of Severance Home Rule Charter, the Town Council may modify appropriations by resolution during the fiscal year for unanticipated budgetary issues, so long as such modified appropriations do not cause total expenditures within a fund to exceed the beginning fund balance or the funds available plus anticipated revenues and other sources of funds within the fund as estimated in the budget; and

WHEREAS, the Town Council desires to modify appropriations and authorize the expenditure of certain funds by enacting a supplemental budget appropriation to the 2022 Town budget.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. The following modifications to unencumbered appropriation balances for the Fiscal Year 2022, as set forth below, are hereby approved:

A. Appropriations of Additional Revenues from Mineral Leases:

Account	Account Title	2022 Budget	2022 Actual	Appropriation
10-33-5050	Mineral Lease	35,000	87,606	52,606

B. Appropriations of Additional Revenues from Severance Taxes:

Account	Account Title	2022 Budget	2022 Actual	Appropriation
10-31-8100	Severance Tax (Oil & Gas)	5,000	404,945	399,945

TOTAL FUNDS TO BE APPROPRIATED: \$452,551

Section 2. The following modifications to budget expenditures for the Fiscal Year 2022, as set forth below, are hereby approved:

Account	Account Title	2022 Budget	2022 Actual	Appropriation
10-44-2990	Other Professional Fees	-	-	40,000
10-44-2990	Other Professional Fees	-	-	20,000
41-34-2000	Fleet Replacement Revenue	-	-	392,551
	TOTAL			452,551

TOTAL EXPENDITURES: \$452,551

Section 3. The Town Manager is directed to affect the necessary transfers to comply with this resolution and to update beginning balances to actual balances for a more accurate statement of budget status.

RESOLVED AND PASSED THIS 11th DAY OF OCTOBER 2022

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, MMC, Town Clerk



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
2023 Proposed Operations Budget Discussion	Nancy Mueller, Finance Director	Nancy Mueller
ACTION REQUESTED		
Management and Finance ask that the Town Council review and discuss the attached proposed 2023 Operations Budget.		<u>Discussion</u>
BRIEF SUMMARY		
Management and the Finance Director are requesting that the Town Council review the proposed 2023 Operations Budget and discuss the following items: • General Fund • Water Fund • Wastewater Fund • Stormwater Fund		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
If there is a consensus among the Town Council, Management and the Finance Director will move forward with making any requested changes to the 2023 Town of Severance Operations Budget and present the 2023 Budget at the November 8th Council Meeting.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. DRAFT OPERATING SUMMARY 2. DRAFT OPERATING GF REVENUE 3. DRAFT OPERATING LEGISLATIVE 4. DRAFT OPERATING COURT 5. DRAFT OPERATING ADMINISTRATION 6. DRAFT OPERATING FINANCE 7. DRAFT OPERATING PUBLIC SAFETY 8. DRAFT OPERATING STREETS 9. DRAFT OPERATING SNOW REMOVAL 10. DRAFT OPERATING PW OH-FAC 11. DRAFT OPERATING PW PARKS		

12. DRAFT OPERATING CD
13. DRAFT FLEET FUND
14. DRAFT OPERATING WATER REV & UB
15. DRAFT OPERATING WATER OPERATIONS
16. DRAFT OPERATING WW REV & UB
17. DRAFT OPERATING WW OPERATIONS
18. DRAFT OPERATING STORMWATER - ALL
19. DRAFT GF NON-OPERATING REV & EXP

2023 OPERATING BUDGET SUMMARY		
	2022	2023
GENERAL FUND		
TOTAL GENERAL FUND OPERATING REVENUE	4,589,237	5,074,610
GENERAL FUND OPERATING EXPENSES		
LEGISLATIVE	228,952	300,503
COURT	55,042	92,791
ADMINISTRATION	471,716	702,360
FINANCE DEPARTMENT	232,722	320,219
PUBLIC SAFETY	1,668,721	1,920,160
STREET MAINTENANCE	602,690	538,650
SNOW REMOVAL		66,564
PUBLIC WORKS OVERHEAD - FACILITIES	144,528	77,100
PARKS MAINTENANCE	386,702	445,762
COMMUNITY DEVELOPMENT	466,422	555,873
CAPITAL PROJECT MANAGEMENT	52,559	-
GENERAL FUND OPERATING TOTAL	4,310,054	5,019,981
GENERAL FUND OPERATING REVENUES LESS EXPENSES	279,183	54,629
WATER FUND OPERATIONS		
TOTAL WATER OPERATING REVENUE	1,634,927	2,237,474
WATER FUND OPERATIONS EXPENSES		
UTILITY BILLING	50,127	75,808
WATER OPERATIONS	1,518,470	1,978,883
WATER FUND OPERATING TOTAL	1,568,597	2,054,691
WATER FUND OPERATING REVENUES LESS EXPENSES	66,330	182,783
WASTEWATER (SEWER) FUND OPERATIONS		
WASTEWATER TOTAL OPERATING REVENUE	1,050,261	1,211,247
WASTEWATER FUND OPERATIONS EXPENSES		
UTILITY BILLING	41,169	62,890
WASTEWATER OPERATIONS	783,045	882,975
WASTEWATER FUND OPERATING TOTAL	824,213	945,866
WASTEWATER FUND OPERATING REVENUES LESS EXPENSES	226,048	265,382
STORMWATER (DRAINAGE) FUND OPERATIONS		
STORMWATER TOTAL OPERATING REVENUES	158,750	199,260
STORMWATER FUND OPERATING EXPENSES		
UTILITY BILLING	14,959	12,018
STORMWATER OPERATIONS	136,453	184,564
STORMWATER OPERATIONS TOTAL	151,411	196,582
STORMWATER FUND OPERATING REVENUES LESS EXPENSES	7,339	2,678

GENERAL FUND				
GENERAL FUND OPERATING REVENUES				
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget
10-31-1000	General property Tax	1,316,698	1,795,000	1,864,462
10-31-3000	Sales Tax	1,883,815	1,800,000	1,680,000
10-31-8100	Severance Tax (Oil & Gas)	8,730	404,945	10,000
10-31-8200	Franchise	174,480	215,000	225,000
10-31-9000	Interest / Delinquent Tax	20,215	1,150	1,500
10-32-1000	Bus.License	3,575	2,000	2,000
10-32-1100	Liquor License	1,048	400	400
10-32-2000	Home Based Business Fees	1,500	1,000	1,000
10-32-2010	Street/Driveway Cut/Access			
10-32-2600	Animal Licenses	2,684	1,500	1,000
10-32-3100	Admin. Service Development Fee	99,000	52,000	48,900
10-32-3300	Annexation Fees			
10-32-3450	Developer Reimbursements			
10-32-3500	Board of Adjustment Fees			
10-32-4100	Other Licenses, Permits & Fees	12,675	8,000	7,500
10-32-4150	Solicitor Licenses	-	12,750	5,000
10-32-4200	Infrastructure Deposits			
10-32-4300	Gas and Oil Drilling			
10-33-5000	Highway Users	270,169	225,000	289,582
10-33-5050	Mineral Lease	57,334	87,606	50,000
10-33-5100	Motor Vehicle Fees	50,984	55,000	45,000
10-33-5200	County Road & Bridge	69,016	89,000	70,000
10-33-5300	Specific Ownership Tax	65,491	103,500	100,000
10-33-5600	Cigarette Tax	6,013	3,500	3,000
10-33-6000	Shared Revenue Windsor	-	265,000	150,000
10-34-1100	Court Costs	1,890	2,600	2,500
10-34-1200	Police Revenue	50,965	58,000	96,000
10-34-1400	Maps, Plans, Copies	234	3,500	2,000
10-34-4000	Tractor / Weed Cutting			
10-35-1000	Municipal Court Fines	36,940	52,000	60,000
10-35-1100	Surcharge	2,060	2,500	2,500
10-35-1200	Outstanding Judgement Warrants	90	-	-
10-35-1300	Restitution	100	35	-
10-36-1000	Return Check Charges	1,560	2,500	2,500
10-36-1500	Insurance Claim Payments	-		2,500
10-36-1600	Special Assessments	-	-	766
10-36-2000	Other Miscellaneous Revenue	31,144	75,000	5,000
10-36-2500	Scholarship Contribution	-		
10-36-3000	Rent	41,360	41,000	41,500
10-36-3500	Interest and Dividends	32,692	220,000	225,000
10-36-3550	Unrealized Gains (Losses)			
10-36-4000	Legal to be Billed			
10-36-4001	Engineering to be Billed			
10-36-4002	Planning Staff Billed to Dev			
10-36-4099	Other Devel. to be billed			
10-36-4500	Materials and Labor	12,100	9,000	10,000
10-36-5000	Special Event Revenue	42,085	67,648	60,000
10-36-5100	Special Event Revenue - In-Kind		13,131	15,000
10-36-5150	Interest on delinquent A/R acc			
10-36-6000	Capital Lease Proceeds			
10-36-6500	Reimbursements/Refunds	8	7,444	-
10-36-7250	Earnings Investments, Savings	-		
10-36-8000	Oil and Gas Lease			
10-36-8050	Oil and Gas Royalties	11,188	12,000	10,000
TOTAL GENERAL FUND OPERATING REVENUE		4,307,843	5,688,709	5,074,610

GENERAL FUND OPERATING EXPENSES					FTE
LEGISLATIVE					1.25
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
10-41-1100	Regular Staff Wages	68,229	78,000	96,946	
10-41-1101	Part-time Staff Wages	-	-	-	
10-41-1102	Overtime	296	-	-	
10-41-1104	Retirement 457	1,913	2,100	2,608	
10-41-1105	Board of Trustee Fees	11,190	11,150	13,000	
10-41-1130	FICA/Medicare	6,251	6,500	7,646	
10-41-1140	Workers Compensation	7,065	1,909	2,500	
10-41-1150	Unemployment	195	155	261	
10-41-1160	Health Insurance	13,000	11,340	18,714	
10-41-1161	Disability Insurance	932	1,380	1,515	
10-41-1162	Insurance Deductible Reimburse	1,000	1,000	-	
10-41-2100	Legal Fees	73,867	110,000	130,000	
10-41-3150	Telephone		840	1,200	
10-41-3180	Mileage	102	-	500	
10-41-3210	Insurance and Bonds	20,346	31,200	5,288	
10-41-3330	Publishing/Recording	953	1,200	1,000	
10-41-3350	Ordinance Codification	2,397	5,000	4,000	
10-41-3810	Dues/Memberships/Subscriptions	1,981	2,000	5,100	
10-41-3820	Continuing Education	2,747	5,000	9,250	
10-41-3825	Meeting/Meals	10,059	9,000	10,000	
10-41-3990	Miscellaneous	90	1,500	500	
10-41-4320	Computer Replacement/Audio Visual	-	5,000	6,000	
10-41-4330	Computer Support and Maint	3,141	18,500	38,825	
10-41-4810	Uniforms	874	1,200	2,275	
10-41-4990	Supplies	1,666	2,200	1,000	
10-41-5560	Tree Board	164	1,500	2,000	
10-42-3310	Weld County Election Costs		10,000	12,000.00	
10-42-3320	Printing	5,000	-	-	
10-42-3330	Publishing	-	-	-	
10-42-3980	Election Judges	1,700	-	-	
10-42-3990	Judge's Meals		-	-	
10-42-4340	Postage	1,500	-	-	
10-42-4990	Supplies	200		-	
10-41-8200	Allocation to Water Fund	(22,405)	(24,000)	(31,221)	
10-41-8300	Allocation to Wastewater Fund	21,619	(23,500)	(29,844)	
10-41-8400	Allocation to Stormwater Fund	(9,434)	(7,750)	(10,560)	
LEGISLATIVE TOTAL		226,638	325,424	300,503	

GENERAL FUND OPERATING EXPENSES					FTE
COURT					0.75
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
10-43-1100	Regular Staff Wages	10,309	25,850	45,733	
10-43-1102	Overtime	55	-	-	
10-43-1104	Retirement 457	297	656	1,372	
10-43-1130	FICA/Medicare	781	1,603	3,499	
10-43-1140	Workers Compensation	19	955	1,500	
10-43-1150	Unemployment	29	52	137	
10-43-1160	Health Insurance	3,330	7,600	12,952	
10-43-1161	Disability Insurance	199	480	825	
10-43-1162	Insurance Deductible Reimburse	250	500	-	
10-43-2100	Legal Fees	6,636	12,000	13,000	
10-43-2110	Municipal Judge	5,650	6,850	8,000	
10-43-3150	Telephone	-	160	250	
10-43-3210	Insurance and Bonds			3,173	
10-43-3820	Education			250	
10-43-3830	Translator/Juror Fees	1,088	1,000	1,500	
10-43-4310	Court Supplies	-	600	600	
10-43-4330	Computer Support and Maint	785	-	-	
COURT TOTAL		29,450	58,306	92,791	

GENERAL FUND OPERATING EXPENSES					FTE
ADMINISTRATION					4.45
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
10-44-1100	Regular Staff Wages	170,206	206,000	342,292	
10-44-1101	Part-time Staff Wages	7,613	-	-	
10-44-1102	Overtime	-	700	-	
10-44-1104	Retirement	6,098	6,000	10,251	
10-44-1130	FICA/Medicare	15,087	14,900	23,508	
10-44-1140	Workers Compensation	228	5,800	8,900	
10-44-1150	Unemployment	719	417	922	
10-44-1160	Health & Life Insurance	38,826	42,290	74,858	
10-44-1161	Disability Insurance	3,124	4,122	4,842	
10-44-1162	Insurance Deductible Reimburse	1,250	2,000	-	
10-44-2100	Legal Fees	-	500	-	
10-44-2150	HR Services	-	10,000	45,000	
10-44-3110	Utilities	7,565	10,500	18,000	
10-44-3150	Telephone	5,292	3,800	5,000	
10-44-3175	Building Repairs & Maintenance	37,673	15,000	20,000	
10-44-3177	Vehicle Repairs & Maintenance	507	4,000	500	
10-44-3210	Insurance and Bonds	21,967	35,422	18,827	
10-44-3220	CIRSA Deductibles	-	500	6,000	
10-44-3330	Publishing	-	-	3,500	
10-44-3810	Dues/Memberships/Subscriptions	3,252	2,000	2,000	
10-44-3820	Continuing Education	6,988	7,500	10,000	
10-44-3825	Meals/Miscellaneous	2,174	2,000	3,000	
10-44-3990	Miscellaneous Services/Copier	2,524	4,500	4,500	
10-44-3992	Special Events	119,320	150,000	160,000	
10-44-4000	Advertising		800	-	
10-44-4310	Office Supplies	9,466	5,000	6,000	
10-44-4320	Computer Replacement/Audio Visual	28,299	15,000	10,000	
10-44-4330	Computer Support and Maint	7,114	34,000	35,550	
10-44-4340	Postage	3,235	4,800	6,000	
10-44-4350	Safety	1,760	-	-	
10-44-4360	Wellness	119	-	-	
10-44-4390	Other Office Expense	5,280	2,000	3,000	
10-44-4520	Vehicle Fuel	343	4,500	5,000	
10-44-4810	Uniforms	1,976	1,100	1,500	
10-44-4850	Unanticipated Expenses/Contingency			40,000	
10-44-4990	Miscellaneous Supplies	2,387	1,800	3,000	
10-44-8000	Lease Payment	884	884	1,000	
10-70-3992	Special Events - Clean Up Day	25,330		5,000	
10-44-8000	Lease Payment		900	-	
10-44-8200	Allocation to Water Fund	(40,231)	57,000	(76,539)	
10-44-8300	Allocation to Wastewater Fund	(38,819)	(48,500)	(73,162)	
10-44-8400	Allocation to Stormwater Fund	(16,940)	(15,500)	(25,888)	
ADMINISTRATION TOTAL		441,780	591,735	702,360	

GENERAL FUND OPERATING EXPENSES					FTE
FINANCE DEPARTMENT					2.70
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	-
10-45-1100	Regular Staff Wages	142,673	180,000	238,576	
10-45-1101	Part-time Staff Wages	-			
10-45-1102	Overtime	50	100	100	
10-45-1104	Retirement 457	4,137	5,100	6,857	
10-45-1130	FICA/Medicare	111,684	13,320	17,486	
10-45-1140	Workers Compensation	163	3,095	5,400	
10-45-1150	Unemployment	407	266	686	
10-45-1160	Health Insurance	26,101	29,300	49,642	
10-45-1161	Disability Insurance	2,533	3,100	3,753	
10-45-1162	Insurance Deductible Reimburse	700	2,000	-	
10-45-2200	Audit & Accounting Fees	13,000	20,750	25,000	
10-45-3150	Telephone	-	750	800	
10-45-3210	Insurance and Bonds	-	-	11,423	
10-45-3315	Weld County Treasurer Fee	15,337	19,000	21,000	
10-45-3340	Bank Charges	-	1,000	1,000	
10-45-3810	Dues/Memberships/Subscriptions	500	-	1,000	
10-45-3820	Continuing Education	1,419	4,000	5,700	
10-45-3825	Meals/Miscellaneous		100	500	
10-45-4310	Office Supplies	1,352	1,200	1,500	
10-45-4320	Computer Replacement/Audio Visual			9,000	
10-45-4330	Computer Support and Maint	5,026	500	-	
10-45-4810	Uniforms	273	700	850	
10-45-8200	Allocation to Water Fund	(19,438)	(25,000)	(34,896)	
10-45-8300	Allocation to Wastewater Fund	(18,757)	(24,000)	(33,356)	
10-45-8400	Allocation to Stormwater Fund	8,184	(8,000)	(11,803)	
FINANCE TOTAL		295,344	227,281	320,219	

GENERAL FUND OPERATING EXPENSES					FTE
PUBLIC SAFETY					13.00
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
10-51-1100	Regular Staff Wages	583,549	830,000	1,077,744	
10-51-1101	Part-time Staff Wages				
10-51-1102	Overtime	46,648	40,000	32,000	
10-51-1104	Retirement	3,457	3,000	3,165	
10-51-1107	Contracted Security Services			15,000	
10-51-1130	FICA/Medicare	16,434	17,000	20,646	
10-51-1140	Workers Compensation	19,813	23,000	26,000	
10-51-1150	Unemployment	1,815	2,200	2,918	
10-51-1155	Police Pension	34,271		82,387	
10-51-1160	Health Insurance	163,536	194,000	234,270	
10-51-1161	Disability Insurance	22,764	32,000	39,829	
10-51-1162	Insurance Deductible Reimburse	3,000	3,000	-	
10-51-2100	Legal Fees	238	-	-	
10-51-2300	Medical	2,090	1,000	1,800	
10-51-2310	Psychological	2,400	1,000	2,000	
10-51-2900	Contract Police Services	-	750	18,000	
10-51-2990	Other Professional Fees	33,703	30,000	15,650	
10-51-3110	Utilities	4,245	4,800	6,000	
10-51-3150	Telephone/Cell Phones	11,314	11,803	20,000	
10-51-3170	Repairs & Maintenance	531	2,000	-	
10-51-3175	Building Repairs & Maintenance		2,200	7,000	
10-51-3177	Vehicle Repairs & Maintenance	27,104	28,000	20,000	
10-51-3180	Mileage	28	51	100	
10-51-3210	Insurance and Bonds	32,374	49,603	55,000	
10-51-3220	CIRSA Deductibles	-	-	-	
10-51-3320	Printing/Forms	2,076	4,800	5,000	
10-51-3610	Dispatch Communications	5,085	5,000	42,000	
10-51-3630	Mental Health CO-Responder	-	-	15,000	
10-51-3640	Drug Task Force	-	1,000	1,000	
10-51-3650	Dog Tags/Impound Fees	1,865	-	1,000	

10-51-3740	Radio Maintenance	357	1,200	1,500	
10-51-3810	Dues/Memberships/Subscriptions	600	775	2,000	
10-51-3820	Continuing Education & Train	6,743	13,000	13,000	
10-51-3825	Meals/Miscellaneous	1,154	750	1,000	
10-51-3840	Confinement Fees	-	-	-	
10-51-3850	Lab Testing Fees	346	250	1,000	
10-51-3990	Miscellaneous Services	1,852	700	2,000	
10-51-4300	Office Furniture	1,055	1,000	1,000	
10-51-4310	Office Supplies	3,416	2,700	3,000	
10-51-4330	Computer Support and Maint	41,874	32,000	43,850	
10-51-4340	Postage	28	25	100	
10-51-4520	Vehicle Fuel	24,393	33,000	35,000	
10-51-4530	Vehicle & Equipt Amortization			17,700	
10-51-4720	Equipment for Patrol	9,438	4,479	3,000	
10-51-4730	Equipment for Training	2,787	4,200	3,500	
10-51-4740	Equipment for Investigation/Evidence	3,649	2,600	2,000	
10-51-4810	Uniforms	18,528	18,500	20,000	
10-51-4850	Unanticipated Expenses/Contingency			20,000	
10-51-4990	Miscellaneous Supplies	4,721	4,500	7,000	
10-51-7550	Vehicles	40,117	159,179	-	
10-51-7990	Other Small Equipment	1,316	2,000	-	
PUBLIC SAFETY TOTAL		1,180,714	1,567,065	1,920,160	

GENERAL FUND OPERATING EXPENSES					FTE
STREET MAINTENANCE					2.30
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
10-61-1100	Regular Staff Wages	123,565	125,000	150,442	
10-61-1101	Part-time Staff Wages	-	-	30,000	
10-61-1102	Overtime	4,691	2,500	2,000	
10-61-1104	Retirement	3,763	3,500	3,913	
10-61-1130	FICA/Medicare	9,717	8,000	11,509	
10-61-1140	Workers Compensation	3,661	4,600	4,600	
10-61-1150	Unemployment	364	255	391	
10-61-1160	Health & Life Insurance	33,971	30,500	39,656	
10-61-1161	Disability Insurance	2,416	3,450	2,418	
10-61-1162	Insurance Deductible Reimburse	300	-	-	
10-61-2990	Other Professional Fees	475	-	1,000	
10-61-3150	Telephone	988	1,075	1,500	
10-61-3161	Street Lighting	78,340	74,000	80,000	
10-61-3172	Repairs & Maintenance - Street	109,783	115,000	125,000	
10-61-3173	Repairs & Maintenance - Equipm	22,875	33,000	7,610	
10-61-3175	Building Repairs & Maintenance	1,899	1,200	1,500	
10-61-3177	Vehicle Repairs & Maintenance	10,185	9,000	4,800	
10-61-3210	Insurance and Bonds	-	1,200	9,731	
10-61-3810	Dues/Memberships/Subscriptions	-		500	
10-61-3820	Continuing Education	800	1,400	1,375	
10-61-3825	Meal, Meeting, Travel Expense			250	
10-61-3990	Miscellaneous Services	-	600	2,500	
10-61-4311	Street Supplies	4,684	2,500	5,000	
10-61-4330	Computer Support & Maintenance	7,539	4,700	11,130	
10-61-4520	Vehicle Fuel	8,130	10,500	11,000	
10-61-4810	Uniforms	105	500	825	
10-61-4850	Unanticipated Expenses/Contingency			10,000	
10-61-4990	Miscellaneous Supplies	1,455	2,500	5,000	
10-61-5000	Street Signs	19,497	15,600	15,000	
10-61-5001	Snow and Ice Removal	33,342	40,000	-	
10-61-8000	Lease Payment	37,783			
STREETS MAINTENANCE TOTAL		520,328	490,580	538,650	

GENERAL FUND OPERATING EXPENSES					FTE
SNOW REMOVAL					-
		2021 Actual	2022 Projected	2023 Budget	
10-63-1100	Regular Staff Wages				
10-63-1102	Overtime			12,000	
10-63-1104	Retirement			360	
10-63-1130	FICA/Medicare			918	
10-63-1140	Workers Compensation				
10-63-1150	Unemployment			36	
10-63-3173	Repair & Maintenance Equipment			3,000	
10-63-3825	Meals			250	
10-63-4110	Supplies			50,000	
10-63-7990	Other Small Equipment				
SNOW REMOVAL TOTAL				66,564	

GENERAL FUND OPERATING EXPENSES					FTE
PUBLIC WORKS OVERHEAD - FACILITIES					-
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
10-64-1100	Regular Staff Wages	18,052	13,200	-	
10-64-1101	Part-Time Staff Wages			-	
10-64-1102	Overtime	530	500	-	
10-64-1104	Retirement	550	405	-	
10-64-1130	FICA/Medicare	1,414	1,050	-	
10-64-1140	Workers Compensation	304	590	-	
10-64-1150	Unemployment	53	30	-	
10-64-1160	Health & Life Insurance	4,513	4,075	-	
10-64-1161	Disability Insurance	273	320	-	
10-64-1162	Insurance Deductible Reimburse	100	-	-	
10-64-3110	Utilities	21,838	20,000	20,000	
10-64-3150	Telephones & Internet	1,107	790	800	
10-64-3175	Building Repairs & Maintenance	13,961	10,500	15,000	
10-64-3177	Vehicle Repairs & Maintenance	6,959	500	-	
10-64-3210	Insurance and Bonds	28,840	42,061	-	
10-64-3820	Continuing Education	70	500	-	
10-64-3825	Meals, Meetings and Travel	412	500	600	
10-64-3990	Miscellaneous Services	2,294	1,800	2,000	
10-64-4310	Office Supplies	1,080	800	1,000	
10-64-4330	Computer Support & Maintenance	942	6,300	-	
10-64-4520	Vehicle Fuel	856	950	1,200	
10-64-4810	Uniforms	1,402	400	-	
10-64-4990	Misc Supplies	4,391	4,000	4,000	
10-51-5001	Tornado Sirens	2,420	-	2,500	
10-51-3690	Mosquito Control	21,107	21,951	30,000	
10-64-7990	Other Small Equipment	-	-	-	
PUBLIC WORKS OH - FACILITIES TOTAL		133,468	131,222	77,100	

GENERAL FUND OPERATING EXPENSES					FTE
PARKS MAINTENANCE					3.20
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
10-65-1100	Regular Staff Wages	137,431	105,500	190,606	
10-65-1101	Part-time Staff Wages	5,687	21,033	30,000	
10-65-1102	Overtime	4,873	3,000	2,000	
10-65-1104	Retirement	4,060	3,025	5,118	
10-65-1130	FICA/Medicare	11,235	10,500	15,346	
10-65-1140	Workers Compensation	4,578	5,720	6,400	
10-65-1150	Unemployment	421	295	512	
10-65-1160	Health & Life Insurance	45,369	26,800	49,434	
10-65-1161	Disability Insurance	2,867	1,960	3,222	
10-65-1162	Insurance Deductible Reimburse	100	-	-	
10-65-2990	Other Professional Fees	673	800		
10-65-3110	Utilities	19,591	20,500	21,000	
10-65-3150	Telephone/pagers	1,750	1,800	2,000	
10-65-3171	Vandalism		8,000	8,000	
10-65-3172	Tree & Landscape Maintenance	2,371	3,000	4,000	
10-65-3173	Repair & Maintenance Equipment	11,799	13,000	10,660	
10-65-3175	Building Repairs & Maintenance	1,574	1,200	1,200	
10-65-3176	Grounds Maintenance	10,018	16,000	14,000	
10-65-3177	Vehicle Repairs & Maintenance	6,395	8,000	4,700	
10-65-3210	Insurance and Bonds	-	3,000	13,538	
10-65-3810	Dues/Memberships/Subscriptions	-	267	-	
10-65-3820	Continuing Education	1,305	900	1,375	
10-65-3850	Unanticipated Expenses/Contingency			10,000	
10-65-3990	Services			2,500	
10-65-4330	Computer Support & Maintenance	9,423	4,600	11,125	
10-65-4520	Vehicle Fuel	9,094	9,020	9,000	
10-65-4810	Uniforms	234	600	825	
10-65-4990	Supplies	9,640	16,500	8,000	
10-65-4995	Equipment for Parks and Recreation	-	10,000	-	
10-65-6000	Tree City USA	7,227	19,000	21,200	
10-65-6010	Tree Board Expense	402			
10-65-7990	Other Small Equipment		7,450		
10-65-8000	Lease Payment	6,148	-	-	
PARKS MAINTENANCE TOTAL		314,265	321,470	445,762	

GENERAL FUND OPERATING EXPENSES					FTE
COMMUNITY DEVELOPMENT (PLANNING DEPARTMENT)					3.55
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
10-70-1100	Regular Staff Wages	188,317	180,000	305,021	
10-70-1104	Retirement	6,506	6,000	10,183	
10-70-1130	FICA/Medicare	14,367	13,500	23,334	
10-70-1140	Workers Compensation	259	6,800	7,100	
10-70-1150	Unemployment	534	357	915	
10-70-1160	Health & Life Insurance	29,099	30,500	50,041	
10-70-1161	Disability Insurance	3,002	3,365	3,810	
10-70-1162	Insurance Deductible Reimburse	1,250	-	-	
10-70-2500	Engineering	39,594	35,000	40,000	
10-70-2600	Planning Services	15,221	25,000	40,000	
10-70-2990	Other Professional Fees	675	375	2,500	
10-70-3110	Utilities	4,705	2,500	1,000	
10-70-3150	Telephone	2,380	1,200	2,500	
10-70-3173	R & M Vehicles Equipment	342	3,664	500	
10-70-3175	Building Repairs & Maintenance	1,364	85	-	
10-70-3210	Insurance and Bonds			15,019	
10-70-3330	Publishing/Communications	1,107	300	2,000	
10-70-3810	Dues & Memberships	2,672	3,490	4,500	
10-70-3820	Continuing Education	389	3,000	2,000	
10-70-3825	Meals/Miscellaneous/Travel	96	-	200	
10-70-4310	Office Supplies	203	951	1,000	
10-70-4320	Computer Replace/Audio Visual	-	260	-	
10-70-4330	Computer Support	10,742	31,500	-	
10-70-4520	Vehicle Fuel	2,764	3,000	3,500	
10-70-4810	Uniforms	150	600	750	
10-70-4987	Economic Development	19,500	21,000	25,000	
10-70-4989	Trail Development	25,000	10,000	15,000	
COMMUNITY DEVELOPMENT TOTAL		352,538	382,447	555,873	

**FLEET FUND
VEHICLE REPLACEMENT**

FLEET FUND			
FLEET FUND REVENUES			
Account Number	Account Title	2023 Budget	2023 Comments
41-34-2000	Fleet Replacement Revenue	17,700	2 PD Vehicles
FLEET REPLACEMENT REVENUE		17,700	
FLEET FUND EXPENSES			
Account Number	Account Title	2023 Budget	
41-60-7550	Vehicles	-	
41-60-7580	Equipment	-	
FLEET EXPENSE TOTAL		-	

WATER FUND
OPERATING REVENUE
UTILITY BILLING EXPENSES

WATER FUND OPERATIONS					
OPERATING REVENUE					
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
51-34-1000	Water Sales- Water Bills	1,558,208	1,793,728	2,152,474	
51-36-2000	Water Pit/Meter Set Fee	184,081	92,000	85,000	
51-36-3000	Water Rental			-	
51-36-9900	Other Revenues	2,128	1,676		
WATER OPERATING REVENUES		1,744,417	1,887,404	2,237,474	
WATER FUND EXPENSES					FTE
UTILITY BILLING OPERATING					0.40
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
51-81-1100	Regular Staff Wages	14,329	19,000	20,355	
51-81-1101	Part-time Staff Wages		-		
51-81-1102	Overtime	25	200	200	
51-81-1103	Comp. Time earned		-		
51-81-1104	Retirement	425	525	611	
51-81-1110	Retention Plan				
51-81-1130	FICA/Medicare	1,098	1,433	1,557	
51-81-1140	Workers Compensation	65	432	800	
51-81-1150	Unemployment	41	38	61	
51-81-1160	Health & Life Insurance	3,326	4,549	8,056	
51-81-1161	Disability Insurance	302	414	408	
51-81-1162	Insurance Deductible Reimburse	-	-	-	
51-81-2100	Legal Fees				
51-81-2200	Audit & Accounting Fees				
51-81-3110	Utilities				
51-81-3150	Telephone	397			
51-81-3160	Email Hosting				
51-81-3162	CC Fees	12,883	16,137	18,000	
51-81-3170	Repairs & Maintenance				
51-81-3175	Building Repairs & Maintenance	952			
51-81-3180	Mileage				
51-81-3210	Insurance and Bonds				
51-81-3810	Dues/Memberships/Subscriptions				
51-81-3820	Continuing Education	242	-	-	
51-81-4330	Computer Support and Maint	8,952	4,629	13,060	
51-81-4340	Postage				
51-81-4345	Mailing Service	5,852	7,500	12,700	
51-81-4810	Uniforms				
UTILITY BILLING TOTAL		48,889	54,857	75,808	

WATER FUND
WATER OPERATIONS

WATER FUND OPERATIONS					FTE
WATER OPERATIONS					2.75
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
51-82-1100	Regular Staff Wages	174,048	201,625	250,348	
51-82-1101	Part-time Staff Wages			-	
51-82-1102	Overtime	4,719	7,500	10,000	
51-82-1104	Retirement	6,416	7,131	7,793	
51-82-1130	FICA/Medicare	13,868	17,843	17,239	
51-82-1140	Workers Compensation	3,737	5,603	6,000	
51-82-1150	Unemployment	515	457	676	
51-82-1160	Health & Life Insurance	41,472	41,021	52,229	
51-82-1161	Disability Insurance	3,120	3,468	3,877	
51-82-1162	Insurance Deductible Reimburse	550	500	-	
51-82-2100	Legal Fees	-	16,000	20,000	
51-82-2400	Engineering	-	-	2,000	
51-82-2410	Water System Improve. Permit	490	500	500	
51-82-2900	Other Professional Fees	7,500	9,085	12,000	
51-82-3110	Utilities	17,858	12,730	15,000	
51-82-3150	Telephone	875	1,600	2,000	
51-82-3170	Repairs & Maintenance	8,000			
51-82-3173	Repairs & Maintenance - Equipm	10,164	18,000	5,010	
51-82-3175	Building Repairs & Maintenance	1,391	1,500	2,000	
51-82-3177	Vehicle Repairs & Maintenance	3,726	4,500	3,220	
51-82-3178	System repair & maintenance	26,271	12,000	30,000	
51-82-3200	Sampling/Testing	123	6,000	5,000	
51-82-3210	Insurance and Bonds		1,500	14,385	
51-82-3810	Dues/Memberships/Subscriptions	613	800	1,500	-
51-82-3820	Continuing Education	1,622	1,500	2,450	-
51-82-3825	Meeting/Meals/Travel		50	-	-
51-82-3850	Unanticipated Expenses/Contingency			20,000	
51-82-3990	Other Services	7,126	8,500	17,000	
51-82-4120	Water System Supplies	1,448	1,000	15,000	
51-82-4130	Meter Set Supplies	215,720	90,207	85,000	
51-82-4520	Vehicle Fuel	8,381	12,500	13,000	
51-82-4810	Uniforms	152	150	500	
51-82-4990	Miscellaneous Supplies	6,659	8,000	1,000	
51-82-4991	Other Water Fees	257			
51-82-4995	Water Treatment & Distribution	663,390	950,000	1,100,000	
51-82-4996	Augmentation Pumping Fee	-	-	1,500	
51-82-4997	Water Share Assessments	89,115	100,000	120,000	
51-82-7990	Other Small Equipment		7,450		
51-82-8000	Lease Payment	6,148	-	-	
51-82-8200	Admin Overhead Allocation	82,075	112,405	142,656	
51-82-8300	PW Overhead Allocation				
51-83-2100	Legal Fees				
WATER OPERATIONS TOTAL		1,407,549	1,661,125	1,978,883	

WASTEWATER (SEWER) FUND
OPERATING REVENUE
UTILITY BILLING EXPENSES

WASTEWATER (SEWER) OPERATIONS				
WASTEWATER REVENUE				
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget
52-34-1000	Sewer Treatment Fees	1,011,885	1,153,569	1,211,247
WASTEWATER OPERATING REVENUE		1,011,885	1,153,569	1,211,247
WASTEWATER (SEWER) OPERATIONS				
UTILITY BILLING				
				FTE
				0.25
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget
52-81-1100	Regular Staff Wages	14,329	12,604	12,722
52-81-1101	Part-time Staff Wages			
52-81-1102	Overtime	25	125	125
52-81-1104	Retirement	425	367	382
52-81-1110	Retention Plan			
52-81-1130	FICA/Medicare	1,098	990	973
52-81-1140	Workers Compensation	19	573	500
52-81-1150	Unemployment	41	27	38
52-81-1160	Health & Life Insurance	3,326	2,844	5,035
52-81-1161	Disability Insurance	302	239	255
52-81-3162	CC Fees	12,883	14,937	18,000
52-81-3820	Continuing Education	242		
52-81-4330	Computer Support and Maint	8,638	4,649	13,060
52-81-4340	Postage			
52-81-4345	Mailing Service	7,672	6,500	11,800
52-81-4810	Uniforms	-		
52-81-5500	Bad Debts		92	-
UTILITY BILLING TOTAL		49,030	43,947	62,890

WASTEWATER (SEWER) FUND
WASTEWATER OPERATIONS

WASTEWATER (SEWER) OPERATIONS					FTE
WASTEWATER OPERATIONS					3.00
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	
52-82-1100	Regular Staff Wages	172,603	204,625	250,348	
52-82-1101	Part-time Staff Wages		-	-	
52-82-1102	Overtime		7,500	1,000	
52-82-1104	Retirement	6,416	7,130	7,793	
52-82-1130	FICA/Medicare	13,867	17,843	17,239	
52-82-1140	Workers Compensation	3,737	5,155	6,000	
52-82-1150	Unemployment	515	457	676	
52-82-1160	Health & Life Insurance	49,693	40,365	53,300	
52-82-1161	Disability Insurance	3,120	3,468	3,877	
52-82-1162	Insurance Deductible Reimburse	500	250	-	
52-82-2100	Legal			20,000	
52-82-2400	Engineering	-	-	5,000	
52-82-2410	Discharge Permit Fees	976	976	1,500	
52-82-2900	Other Professional Fees	10,590	9,085	9,000	
52-82-3110	Utilities	50,816	43,781	48,000	
52-82-3150	Telephone	1,164	1,824	2,400	
52-82-3170	Repairs & Maint				
52-82-3173	Repairs & Maintenance - Equipm	8,176	20,958	5,010	
52-82-3175	Building Repairs & Maintenance	228	1,500		
52-82-3177	Vehicle Repairs & Maintenance	194	1,000	3,220	
52-82-3178	System repair & maintenance	52,072	36,251	50,000	
52-82-3179	Land maintenance				
52-82-3180	Mileage				
52-82-3181	Line Cleaning				
52-82-3200	Sampling/Testing	7,344	6,000	8,000	
52-82-3210	Insurance and Bonds	-	-	13,750	
52-82-3290	Other Treatment Costs	135,909	166,296	180,000	
52-82-3330	Publishing				
52-82-3800	Maintenance Bldg Lease/Rent				
52-82-3810	Dues/Memberships/Subscriptions	-	1,000	1,000	
52-82-3820	Continuing Education	317	250	1,000	
52-82-3825	Meals/Miscellaneous/Travel				
52-82-3990	Other Services	1,701	5,000	8,000	
52-82-4120	System Supplies	14,552	11,070	15,000	
52-82-4310	Office Supplies				
52-82-4330	Computer Support & Maintenance			-	
52-82-4340	Postage				
52-82-4390	Other Office Expense				
52-82-4520	Vehicle Fuel	6,800	11,997	13,000	
52-82-4710	Maintenance Supplies				
52-82-4810	Uniforms	152	334		
52-82-4850	Unanticipated Expenses/Contingency			15,000	
52-82-4989	Weed Control		-	-	
52-82-4990	Miscellaneous Supplies	4,922	5,789	7,500	
52-82-8200	Admin Overhead Allocation	79,195	107,650	136,363	
52-82-8300	PW Overhead Allocation			-	
TOTAL OPERATIONS		625,559	717,554	882,975	

STORMWATER FUND
REVENUE, UTILITY BILLING, OPERATING EXPENSES

STORMWATER (DRAINAGE) OPERATIONS					
STORMWATER REVENUES					
Account Number	Account Title	2021 Actuals	2022 Projected	2023 Budget	
53-34-1000	Stormwater Maintenance Fees	151,250	185,595	199,260	
53-36-2000	Miscellaneous Revenue	6,500	-	-	
PROPOSED STORMWATER REVENUES		157,750	185,595	199,260	
					FTE
STORMWATER UTILITY BILLING					
					0.15
Account Number	Account Title	2021 Actuals	2022 Projected	2023 Budget	
53-81-1100	Regular Staff Wages	14,882	7,997	7,633	
53-81-1101	Part-time Staff Wages				
53-81-1102	Overtime	17	75	75	
53-81-1104	Retirement	283	226	229	
53-81-1130	FICA/Medicare	732	612	584	
53-81-1140	Workers Compensation	8	382	300	
53-81-1150	Unemployment	27	16	23	
53-81-1160	Health & Life Insurance	2,217	1,706	3,021	
53-81-1161	Disability Insurance	201	155	153	
53-81-3820	Continuing Education	161	-	-	
53-81-4330	Computer Support & Maintenance	3,769	4,849	-	
STORMWATER BILLING TOTAL		22,297	16,018	12,018	
STORMWATER (DRAINAGE) OPERATIONS					
					FTE
STORMWATER OPERATIONS					
					1.00
Account Number	Account Title	2021 Actuals	2022 Projected	2023 Budget	
53-82-1100	Regular Staff Wages	40,446	48,042	89,213	
53-82-1101	Part-time Staff Wages	-	-	-	
53-82-1102	Overtime	923	1,363	500	
53-82-1104	Retirement	1,203	1,459	2,226	
53-82-1130	FICA/Medicare	3,189	4,092	5,677	
53-82-1140	Workers Compensation	1,068	1,528	2,000	
53-82-1150	Unemployment	117	111	223	
53-82-1160	Health & Life Insurance	9,535	13,166	18,581	
53-82-1161	Disability Insurance	830	1,030	1,257	
53-82-1162	Insurance Deductible Reimburse	200	250	-	
53-82-3150	Telephone	392	317	500	
53-82-3173	Repairs & Maintenance - Equipm			5,860	
53-82-3177	Vehicle Repairs & Maintenance			1,060	
53-82-3178	System repair & maintenance	686	-	1,000	
53-82-3210	Insurance and Bonds	-	-	4,865	
53-82-3820	Continuing Education	180	-	-	
53-82-3990	Other Services	6,500	350	1,350	
53-82-4330	Computer Support & Maintenance	-	-	-	
53-82-4520	Vehicle Fuel	1,723	1,814	2,000	
53-82-4810	Uniforms	4	10	-	
53-82-8200	Admin Overhead Allocation	31,339	36,446	48,251	
STORMWATER OPERATIONS TOTAL		98,335	109,977	184,564	

**GENERAL FUND
NON-OPERATING REVENUES EXPENSES**

GENERAL FUND NON-OPERATING ACTIVITY					
GENERAL FUND NON-OPERATING REVENUES					
Account Number	Account Title	2021 Actual	2022 Projected	2023 Budget	COMMENTS
10-31-4000	Use Tax Building Materials	1,924,992	1,232,683	1,088,822	Use tax for home remodel,roofs, new homes, etc.
10-32-2100	Building Permit	1,090,920	669,090	450,000	Permits for home remodel, roofs, new homes, etc.
10-32-3400	Administration Fees	332,573	217,373	150,000	Licenses and permits
TOTAL GENERAL FUND NON-OP REVENUES		3,348,485	2,119,146	1,688,822	
GENERAL FUND NON-OPERATING EXPENSES					
10-70-2980	Building Inspections & License	724,882	423,425	300,000	Dependent on Building Permit Revenue & Activity
10-41-7000	Capital Outlay			15,000	Council Chambers Sound System
10-61-7000	Capital Outlay			8,500	Power Washer
10-45-7000	Capital Outlay			50,000	Accounting Software Implementation Costs
10-44-XXXX	Conservation			10,000	Conservation Plan
10-61-2400	Engineering			65,000	Road Assessment
10-61-7000	Capital Outlay			8,400	Snow Plow
10-64-7000	Capital Outlay			17,500	Walker Mower
10-65-7000	Capital Outlay			18,100	Well Update
10-61-7000	Capital Outlay			25,000	Sidewalk Addition
10-64-7000	Capital Outlay			30,000	PW Building Hydro-seeding
TOTAL GENERAL FUND NON- OP EXPENSES		724,882	423,425	547,500	



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
2023 Proposed Water/Wastewater/Stormwater Fees	Nicholas Wharton, Town Manager	Nicholas J. Wharton and Nancy Mueller
ACTION REQUESTED		
Management and Finance ask that the Town Council review and discuss the following information regarding proposed 2023 increases in water, wastewater, and stormwater rates.		<u>Presentation Discussion</u>
BRIEF SUMMARY		
This discussion item is intended to discuss proposed water, wastewater, and stormwater rates for 2023. Included in this packet is a proposed water rate fee increase of 20% with examples of a 15%, 20%, or 25% increase, a proposed wastewater rate fee structure with a 5% increase, and a proposed \$0.25 increase in stormwater rate fees.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Management and Finance recommend that the Town Council consider a minimum of a 20% increase to the 2023 water rates to offset increases in town operation costs, inflation costs, materials costs, and a proposed increase in water treatment costs by the North Weld County Water District. Management and Finance recommend that the Town Council consider a minimum of a 5% increase to the 2023 wastewater rates to offset increases in town operation costs, inflation costs, and materials costs. Lastly, Management and Finance recommend that the Town Council consider a minimum of a \$0.25 increase to the monthly Stormwater Fee to offset increases in town operation costs, inflation costs, and materials costs.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet:		
2023 Water Rate Projections (15%) 2023 Water Rate Projections (20%) 2023 Water Rate Projections (25%) 2023 Proposed Water Rates 2023 Wastewater Rate Projections 2023 Proposed Wastewater Rates 2023 Water Restrictions		

Rate Increase Percent:	15%
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Base Monthly Water Fees: Base water fee is \$ 25.38 and then \$ 5.90 per 1,000 Gal (Kgal) used

A surcharge will be assessed when an account's year-to-date usage exceeds the Water Allotment. See Rates Below.

	Residential Monthly Rate	
Usage Classification	Base	Per Kgal
3/4" Tap (100%)	\$25.38	\$5.90
3/4" Tap w/Dual System (33%)	\$25.38	\$5.90
3/4" Tap w/Dual System (30%)	\$25.38	\$5.90

Annual Rate Structure per Kgal		
61,500 (30%)	68,333 (33.3%)	205000 (100%)
\$5.90		
\$5.90		
\$5.90		

Yearly plus full Allotment					
Base (12 Months)	Used All Allotment (No Overage)	Total Bill (Yearly)	Total Bill (Average Monthly)	Bill Increase (Yearly from 2022)	Bill Increase (Monthly from 2022)
\$304.57	\$1,209.40	\$ 1,513.96	\$ 126.16	\$ 197.47	\$ 16.46
\$304.57	\$403.13	\$ 707.70	\$ 58.97	\$ 92.31	\$ 7.69
\$304.57	\$362.82	\$ 667.39	\$ 55.62	\$ 87.05	\$ 7.25

	Commercial Monthly Rate	
Usage Classification	Base	Per Kgal
3/4" Tap	\$25.38	\$5.90
1" Tap	\$55.15	\$5.90
1 1/2" Tap	\$126.86	\$5.90
2" Tap	\$202.94	\$5.90
3" Tap	\$405.89	\$5.90
4" Tap	\$759.40	\$5.90

Annual Rate Structure per Kgal	
Allotment	
205,000 gallons per year	
515,500 gallons per year	
1,025,000 gallons per year	
1,640,000 gallons per year	
3,280,000 gallons per year	
6,150,000 gallons per year	

Yearly plus full Allotment					
Base (12 Months)	Used All Allotment (No Overage)	Total Bill (Yearly)	Total Bill (Average Monthly)	Bill Increase (Yearly from 2022)	Bill Increase (Monthly from 2022)
\$304.57	\$1,209.40	\$1,513.96	\$ 126.16	\$ 197.47	\$ 16.46
\$661.80	\$3,041.19	\$3,702.99	\$ 308.58	\$ 396.68	\$ 33.06
\$1,522.28	\$6,046.99	\$7,569.27	\$ 630.77	\$ 987.30	\$ 82.27
\$2,435.29	\$9,675.18	\$12,110.47	\$ 1,009.21	\$ 1,579.63	\$ 131.64
\$4,870.71	\$19,350.36	\$24,221.07	\$ 2,018.42	\$ 3,159.27	\$ 263.27
\$9,112.83	\$36,281.93	\$45,394.76	\$ 3,782.90	\$ 5,921.06	\$ 493.42

Water Service Year: The water service year is from the November billing period to the October billing period of the following year.

Allotment: The water allotment for a standard tap is 205,000 gallons per. The allotment on your account may vary due to the usage classification of your property. Please

Water Surcharge: A water surcharge will be assessed when an account's year-to-date usage exceeds the annual water allotment. Currently, the surcharge is **\$3.96** per Kgal in addition to the standard monthly usage fee. This fee is to recover the Town's cost to obtain additional water rights.

Plant Investment Surcharge: A plant investment surcharge will be assessed when an account's year-to-date usage exceeds the plant investment allotment. Currently, the surcharge is **\$3.96** per Kgal in addition to the standard monthly usage fee. This fee is to recover the Town's cost to treat and service the additional water.

Rate Increase Percent:	20%
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Base Monthly Water Fees: Base water fee is \$ 26.48 and then \$ 6.16 per 1,000 Gal (Kgal) used

A surcharge will be assessed when an account's year-to-date usage exceeds the Water Allotment. See Rates Below.

	Residential Monthly Rate	
Usage Classification	Base	Per Kgal
3/4" Tap (100%)	\$26.48	\$6.16
3/4" Tap w/Dual System (33%)	\$26.48	\$6.16
3/4" Tap w/Dual System (30%)	\$26.48	\$6.16

Annual Rate Structure per Kgal		
61,500 (30%)	68,333 (33.3%)	205000 (100%)
\$6.16		
\$6.16		
\$6.16		

Yearly plus full Allotment					
Base (12 Months)	Used All Allotment (No Overage)	Total Bill (Yearly)	Total Bill (Average Monthly)	Bill Increase (Yearly from 2022)	Bill Increase (Monthly from 2022)
\$317.81	\$1,261.98	\$ 1,579.79	\$ 131.65	\$ 263.30	\$ 21.94
\$317.81	\$420.66	\$ 738.47	\$ 61.54	\$ 123.08	\$ 10.26
\$317.81	\$378.59	\$ 696.40	\$ 58.03	\$ 116.07	\$ 9.67

	Commercial Monthly Rate	
Usage Classification	Base	Per Kgal
3/4" Tap	\$26.48	\$6.16
1" Tap	\$55.15	\$6.16
1 1/2" Tap	\$132.37	\$6.16
2" Tap	\$211.76	\$6.16
3" Tap	\$423.54	\$6.16
4" Tap	\$792.42	\$6.16

Annual Rate Structure per Kgal	
Allotment	
205,000 gallons per year	
515,500 gallons per year	
1,025,000 gallons per year	
1,640,000 gallons per year	
3,280,000 gallons per year	
6,150,000 gallons per year	

Yearly plus full Allotment					
Base (12 Months)	Used All Allotment (No Overage)	Total Bill (Yearly)	Total Bill (Average Monthly)	Bill Increase (Yearly from 2022)	Bill Increase (Monthly from 2022)
\$317.81	\$1,261.98	\$1,579.79	\$ 131.65	\$ 263.30	\$ 21.94
\$661.80	\$3,173.42	\$3,835.22	\$ 319.60	\$ 528.90	\$ 44.08
\$1,588.46	\$6,309.90	\$7,898.36	\$ 658.20	\$ 1,316.39	\$ 109.70
\$2,541.17	\$10,095.84	\$12,637.01	\$ 1,053.08	\$ 2,106.17	\$ 175.51
\$5,082.48	\$20,191.68	\$25,274.16	\$ 2,106.18	\$ 4,212.36	\$ 351.03
\$9,509.04	\$37,859.40	\$47,368.44	\$ 3,947.37	\$ 7,894.74	\$ 657.90

Water Service Year: The water service year is from the November billing period to the October billing period of the following year.

Allotment: The water allotment for a standard tap is 205,000 gallons per. The allotment on your account may vary due to the usage classification of your property. Please

Water Surcharge: A water surcharge will be assessed when an account's year-to-date usage exceeds the annual water allotment. Currently, the surcharge is **\$3.96** per Kgal in addition to the standard monthly usage fee. This fee is to recover the Town's cost to obtain additional water rights.

Plant Investment Surcharge: A plant investment surcharge will be assessed when an account's year-to-date usage exceeds the plant investment allotment. Currently, the surcharge is **\$3.96** per Kgal in addition to the standard monthly usage fee. This fee is to recover the Town's cost to treat and service the additional water.

Rate Increase Percent:	25%
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Base Monthly Water Fees: Base water fee is \$ 27.59 and then \$ 6.41 per 1,000 Gal (Kgal) used

A surcharge will be assessed when an account's year-to-date usage exceeds the Water Allotment. See Rates Below.

	Residential Monthly Rate	
Usage Classification	Base	Per Kgal
3/4" Tap (100%)	\$27.59	\$6.41
3/4" Tap w/Dual System (33%)	\$27.59	\$6.41
3/4" Tap w/Dual System (30%)	\$27.59	\$6.41

Annual Rate Structure per Kgal		
61,500 (30%)	68,333 (33.3%)	205000 (100%)
\$6.41		
\$6.41		
\$6.41		

Yearly plus full Allotment					
Base (12 Months)	Used All Allotment (No Overage)	Total Bill (Yearly)	Total Bill (Average Monthly)	Bill Increase (Yearly from 2022)	Bill Increase (Monthly from 2022)
\$331.05	\$1,314.56	\$ 1,645.61	\$ 137.13	\$ 329.12	\$ 27.43
\$331.05	\$438.19	\$ 769.24	\$ 64.10	\$ 153.85	\$ 12.82
\$331.05	\$394.37	\$ 725.42	\$ 60.45	\$ 145.08	\$ 12.09

	Commercial Monthly Rate	
Usage Classification	Base	Per Kgal
3/4" Tap	\$27.59	\$6.41
1" Tap	\$55.15	\$6.41
1 1/2" Tap	\$137.89	\$6.41
2" Tap	\$220.59	\$6.41
3" Tap	\$441.19	\$6.41
4" Tap	\$825.44	\$6.41

Annual Rate Structure per Kgal	
Allotment	
205,000 gallons per year	
515,500 gallons per year	
1,025,000 gallons per year	
1,640,000 gallons per year	
3,280,000 gallons per year	
6,150,000 gallons per year	

Yearly plus full Allotment					
Base (12 Months)	Used All Allotment (No Overage)	Total Bill (Yearly)	Total Bill (Average Monthly)	Bill Increase (Yearly from 2022)	Bill Increase (Monthly from 2022)
\$331.05	\$1,314.56	\$1,645.61	\$ 137.13	\$ 329.12	\$ 27.43
\$661.80	\$3,305.64	\$3,967.44	\$ 330.62	\$ 661.13	\$ 55.09
\$1,654.65	\$6,572.81	\$8,227.46	\$ 685.62	\$ 1,645.49	\$ 137.12
\$2,647.05	\$10,516.50	\$13,163.55	\$ 1,096.96	\$ 2,632.71	\$ 219.39
\$5,294.25	\$21,033.00	\$26,327.25	\$ 2,193.94	\$ 5,265.45	\$ 438.79
\$9,905.25	\$39,436.88	\$49,342.13	\$ 4,111.84	\$ 9,868.43	\$ 822.37

Water Service Year: The water service year is from the November billing period to the October billing period of the following year.

Allotment: The water allotment for a standard tap is 205,000 gallons per. The allotment on your account may vary due to the usage classification of your property. Please

Water Surcharge: A water surcharge will be assessed when an account's year-to-date usage exceeds the annual water allotment. Currently, the surcharge is **\$3.96** per Kgal in addition to the standard monthly usage fee. This fee is to recover the Town's cost to obtain additional water rights.

Plant Investment Surcharge: A plant investment surcharge will be assessed when an account's year-to-date usage exceeds the plant investment allotment. Currently, the surcharge is **\$3.96** per Kgal in addition to the standard monthly usage fee. This fee is to recover the Town's cost to treat and service the additional water.

2023 Water Rates

Monthly and Annually on Usage Classification of Meter

Base Monthly Water Fees: The base water fee is \$26.48 and then \$6.16 per 1,000 Gal (Kgal) used

A surcharge will be assessed when an account's year-to-date usage exceeds the Water Allotment. See Rates Below.

	Residential Monthly Rate	
Usage Classification	Base	Per Kgal
3/4" Tap	\$26.48	\$6.16 per Kgal
3/4" Tap w/Dual System	\$26.48	\$6.16 per Kgal
3/4" Tap w/Dual System (Tailholt)	\$26.48	\$6.16 per Kgal

Annual Rate Structure per Kgal			
61,500 (Tailholt)	68,333 (Dual System)	205,000	Exceeds Allotment
\$6.16			\$14.08 (\$6.16 + \$3.96 + \$3.96)
\$6.16		\$14.08 (\$6.16 + \$3.96 + \$3.96)	
\$6.16	\$14.08 (\$6.16 + \$3.96 + \$3.96)		

	Commercial Monthly Rate	
Usage Classification	Base	Per Kgal
3/4" Tap	\$26.48	\$6.16 per Kgal
1" Tap	\$55.15	\$6.16 per Kgal
1 1/2" Tap	\$132.37	\$6.16 per Kgal
2" Tap	\$211.76	\$6.16 per Kgal
3" Tap	\$423.54	\$6.16 per Kgal
4" Tap	\$792.42	\$6.16 per Kgal

Annual Rate Structure per Kgal	
Allotment	Exceeds Allotment
205,000 gallons per year	\$14.08 (\$6.16 + \$3.96 + \$3.96)
515,500 gallons per year	\$14.08 (\$6.16 + \$3.96 + \$3.96)
1,025,000 gallons per year	\$14.08 (\$6.16 + \$3.96 + \$3.96)
1,640,000 gallons per year	\$14.08 (\$6.16 + \$3.96 + \$3.96)
3,280,000 gallons per year	\$14.08 (\$6.16 + \$3.96 + \$3.96)
6,150,000 gallons per year	\$14.08 (\$6.16 + \$3.96 + \$3.96)

Water Service Year:

The water service year is from the November billing period to the October billing period of the following year.

Allotment:

The water allotment for a standard tap is 205,000 gallons per. The allotment on your account may vary due to the usage classification of your property. Please contact Town Hall to discuss your individual account.

Water Surcharge:

A water surcharge will be assessed when an account's year-to-date usage exceeds the annual water allotment. Currently, the surcharge is \$3.96 per Kgal in addition to the standard monthly usage fee. This fee is to recover the Town's cost to obtain additional water rights.

Plant Investment Surcharge:

A plant investment surcharge will be assessed when an account's year-to-date usage exceeds the plant investment allotment. Currently, the surcharge is \$3.96 per Kgal in addition to the standard monthly usage fee. This fee is to recover the Town's cost to treat and service the additional water.

Rate Increase Percent: 5%

Base Monthly Wastewater Fees: Base wastewater fee is \$ 30.21 for the first 5000 gallons and then \$ 3.36 per every 1,000 Gal (Kgal) used after 5000 gallons.

A surcharge will be assessed when an account's year-to-date usage exceeds the Water Allotment. See Rates Below.

Usage Classification	Monthly Rate		Yearly	
	Base (0-5000 Gallons)	Per Kgal (5000+)	Base (12 Months)	Bill Increase (Yearly from 2022)
Per Wastewater Tap	\$30.21	\$3.36	\$362.50	\$17.26

Usage Classification	Monthly Rate per 1000 over 5000		Yearly	
	Base		Base (12 Months)	Bill Increase (Monthly from 2022)
Per Wastewater Tap @6000	\$33.57		\$402.82	\$19.18
Per Wastewater Tap @7000	\$36.93		\$443.14	\$21.10
Per Wastewater Tap @8000	\$40.29		\$483.46	\$23.02
Per Wastewater Tap @9000	\$43.65		\$523.78	\$24.94
Per Wastewater Tap @10000	\$47.01		\$564.10	\$26.86

Wastewater Service Year: The wastewater service year is based on the average monthly water usage used during December, January, and February. Each year, starting with the March bill, monthly rates will reflect and be charged the three months average each month until the next assessment year.

Allotment: The base allotment for a standard wastewater tap is 5,000 gallons per month.

Water Surcharge: A wastewater surcharge will be assessed when an account's usage exceeds the three month average allotment of 5,000 gallons per month. Currently, the surcharge is \$3.20 per Kgal in addition to the standard monthly base fee.

2023 Sewer Rates
Monthly on Usage Classification

Base Monthly Sewer Fees: Base sewer fee is \$30.20 for the first 5000 gallons and then \$3.36 per every 1,000 Gal (Kgal) used after 5000 gallons

Usage Classification	Monthly Rate	
	Base (0-5000 Gallons)	Per Kgal (5000+)
Per Sewer Tap	\$30.20	\$3.36 per Kgal

Monthly Rate Structure per Kgal	
5000 Gallons per month Base	Per Kgal over 5000 Gallon Base
\$30.20	\$3.36 per Kgal

- Sewer Service Year: The sewer service year is based on the average monthly water usage used during Decemeber, January, and February. Each year, starting with the March sewer bill, monthly rates will reflect and be charged the three month average each month until the next assessment year.
- Allotment: The base allotment for a standard sewer tap is 5,000 gallons per month.
- Sewer Surcharge: A sewer surcharge will be assessed when an account's usage exceeds the three-month average allotment of 5,000 gallons per month. Currently, the surcharge is \$3.36 per Kgal in addition to the standard monthly base fee.

Water Rates Restrictions and Development Fees

Residential Restrictions

Normal Tap	Single-Family Residential Units Detached or Attached
Dual Tap	Single-Family Residential Units Detached or Attached or Multi-Family Apartment Units (<800 sq. ft.) with a Dual Water System (Non-Potable Irrigation System with limited outdoor faucets)
Multi-Family	Strictly Multi-Family Apartment Units (>800 sq. ft. with 1 Bathroom) with a Dual Water System (Non-Potable Irrigation System with no outdoor faucets)

Commercial/Industrial Restrictions

All commercial and industrial water rates will be accessed on an individual basis based on water usage at the time of permit issuance

Basic Monthly Water Fee

The base water fee is \$26.48 and then \$6.16 per 1,000 Gal (Kgal) used

Additional Water Surcharge

\$3.96 per Kgal for those accounts that exceed the residential and commercial water restriction allotment

Additional Plant Investment Surcharge

\$3.96 per Kgal for those accounts that exceed the residential and commercial plant investment restriction allotment

Dedication of Water

Normal Tap	1 Unit of CBT (Equivalent to 1 Housing Unit) or 1 North Poudre Share (Equivalent to 3.5 Housing Units)
Dual Tap	1 Unit of CBT (Equivalent to 1.5 Housing Units) or 1 North Poudre Share (Equivalent to 7 Housing Units)
Multi-Family	1 Unit of CBT (Equivalent to 2 Housing Units) or 1 North Poudre Share (Equivalent to 10.5 Housing Units)

***All New Subdivisions are required to bring 100% of the required water**

***Other sources of water will be consider for dedication (i.e. Water Supply & Storage)**

***Individual Vacant Lots in completed subdivisions may be allowed Cash-in-Lieu. This pricing is based on current market price of CBT and may vary on a month-to-month basis**



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
2023 Fee Schedule	Nicholas Wharton, Town Manager	Nicholas J. Wharton and Nancy Mueller
ACTION REQUESTED		
Management and Finance ask that the Town Council review and discuss the proposed 2023 Town of Severance Fee Schedule.		<u>Discussion</u>
BRIEF SUMMARY		
Management and Finance are recommending the following changes to the Fee Schedule for 2023: • Water Rates (Proposed 20% Rate Increase) • Sewer Rates (Proposed 3% Rate Increase) • Stormwater Rates (Proposed \$.25 monthly Rate Increase) • Water & Wastewater Finance Fee (Proposed Increase to 3%) • Water & Wastewater Red Tag Fee (Proposed New Fee of \$30.00) • Water & Wastewater Late Charge Fee (Proposed Decrease to \$15.00)		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Management and Finance recommend that the Town Council consider accepting all proposed changes to the 2023 Fee Schedule allowing staff to take this as an action item in November.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. 2023 Fee Schedule Draft v1		



2023 Fee Schedule

GENERAL FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	WATER RATES		
	\$26.48 monthly base fee, plus \$6.16 per 1000 gallons used. Additional water surcharges and plant investment fees will be accessed for accounts that exceed usage classification. All commercial and industrial water rates will be accessed on an individual basis at the time of permit issuance.		
	Finance Charge		3% per month
	Reconnect Fee	\$50.00	
	Red Tag Fee	\$30.00	
	Late Charge Fee	\$15.00	
	Hydrant Usage	\$18.00	Per 1000 gallons
	Hydrant Meter	\$3,500.00	Refundable Deposit
	WASTEWATER RATES		
	\$30.20 monthly base fee for the first 5,000 gallons, plus \$3.36 per 1000 gallons used after 5,000 gallons. The wastewater service year is based on the average monthly water usage used during December, January, and February. Each year, starting with the March sewer bill, monthly rates will reflect and be charged the three-month average each month until the next assessment year.		
	Finance Charge		3% per month
	Reconnect Fee	\$50.00	
	Red Tag Fee	\$30.00	
	Late Charge Fee	\$15.00	
	STORMWATER RATES		
	\$5.00 monthly stormwater fee collected on the Town of Severance's Utility Bill collectively provides for the operation and maintenance of the stormwater service. The stormwater system is the collection of pipes, ditches, detention ponds, and other conveyances that carry outdoor water runoff untreated into local waterways.		
	HOA/SERVICE GROUP/NON-PROFIT FACILITY RATES		
Resolution 2014-07R	Open & Close Fee	\$15.00	
Resolution 2014-07R	Meeting Room	\$25.00	Per 2 Hour Block
Resolution 2014-07R	Meeting Room w/Kitchen	\$75.00	Per 2 Hour Block
Resolution 2014-07R	Cleaning Deposit	\$150.00	Refundable Deposit
	RECEPTION/PARTY/EVENT FACILITY RATES		
Resolution 2014-07R	Open & Close Fee	\$15.00	
Resolution 2014-07R	Meeting Room	\$100.00	Per 2 Hour Block
Resolution 2014-07R	Meeting Room w/Kitchen	\$200.00	Per 2 Hour Block
Resolution 2014-07R	Cleaning Deposit	\$150.00	Refundable Deposit
	ADDITIONAL EQUIPMENT FOR FACILITY RATES		
Resolution 2014-07R	Audio/Video Staff Services	\$50.00	Per Hour
Resolution 2014-07R	Laptop Use for Presentations		\$500.00 Refundable Deposit
Resolution 2014-07R	Tables & Chairs	Included	Fee accessed if damaged

	LICENSES AND PERMITS		
	Sales Tax License	\$10.00	Annual fee (January 1st)
	Business License	\$25.00	Annual fee (January 1st)
Ordinance 2022-06	Contractor License	\$75.00	Every 3 Years (January 1st)
	Solicitors/Salespersons Registration	\$500.00	Annual fee (January 1st)
	Special Event Permit (Full Street Closure)	\$50.00	Safety Signage & Barricades Provided
	STREET CUT/ROW CONSTRUCTION/ACCESS PERMIT		
	Temporary	\$250.00	Additional deposit may be required
	Permanent	\$500.00	Additional deposit may be required
	SINGLE TRIP & ANNUAL TRANSPORT PERMITS		
Resolution 2022-21R	Single Oversize Trip	\$15.00	Only Permitted Between Sunrise & Sunset
Resolution 2022-21R	Single Overweight Trip	\$15.00	Plus \$5.00 Per Axle
Resolution 2022-21R	Annual Oversize Permit	\$400.00	Per Vehicle
Resolution 2022-21R	Annual Overweight Permit	\$250.00	Per Vehicle
Resolution 2022-21R	Annual Oversize & Overweight Permit	\$400.00	Per Vehicle
Resolution 2022-21R	Annual Fleet Permit	\$1,500.00	
Resolution 2022-21R	Oil & Gas Rig	\$1,000.00	Per Move
	OIL & GAS ROAD ACCESS & ROW PERMIT		
	Drilling Road Access (Horizontal Well)	\$10,000.00	Per Well
	Drilling Road Access (Vertical Well)	\$3,500.00	Per Well
	Oil/Gas ROW Permit	\$1,000.00	Additional deposit may be required
	ANIMAL LICENSE		
	Altered Dog or Cat (Spayed or Neutered)	\$15.00	20 Year License
	Un-Altered Dog or Cat	\$20.00	20 Year License
	Tag Replacement	\$4.00	
	Postage Fee for Mailing Tags	\$2.00	
	Impound Fee		Actual Cost
	Quarantine Fee		Actual Cost
	BACKYARD CHICKEN PERMIT		
Ordinance 2014-02	Six (6) Hens	\$25.00	Annual fee (January 1st)
	MISCELLANEOUS FEES		
	Mowing/Trimming	Current Market Price +20%	
	Trash Cleaning		
	Street Sweeping		
	Road Grading		
	Town Reinspection Fee	\$100.00	Per Additional Inspection

ADMINISTRATIVE SERVICES FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	COPIER CHARGES		
	8 1/2 x 11	\$0.50	Per Page
	11 x 14	\$0.75	Per Page
	11 x 17	\$1.00	Per Page
	Plat		Cost + 20% Administrative Fee
	Municipal Code	\$100.00	

	Land Use Code	\$15.00	
	Budget	\$25.00	
	Comprehensive Plan	\$15.00	

CREDIT CARD PROCESSING FEES			
	Utility Bills		No Additional Charge
	Dog & Cat Tags		
	Court Fines		3% Service Fee
	Development Deposit		
	Building Permit Fees		3% Service Fee
	Water Dedication (Cash in Lieu)		
	EFT Return	\$30.00	Plus Credit Card Service Fees
	Returned Check	\$30.00	Plus Bank Fees
CORA REQUEST			
	CORA Request/Research Fee	\$30.00	\$30.00 per hour (After the first hour)
	Paper Copies		See Copier Charges
	Digital Copies	\$5.00 Per every 100 MB	Cost + USB Drive Cost
MISCELANEOUS FEES			
	Property Liens	Actual Cost or \$250.00 min.	For collection on water, sewer or any other miscellaneous unpaid bills

COURT FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
COURT FEES			
	Fee Schedule Set by Court		See Attached

POLICE DEPARTMENT FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
COPIER CHARGES			
	8 1/2 x 11	\$0.50	Per Page
	11 x 14	\$0.75	Per Page
	11 x 17	\$1.00	Per Page
CREDIT CARD PROCESSING FEES			
	Court Fines		3% Service Fee
	EFT Return	\$30.00	Plus Credit Card Service Fees
	Returned Check	\$30.00	Plus Bank Fees
RECORDS REQUEST			
	Police Research Fee	\$30.00 p/hr.	\$30.00 p/hour plus \$2.00 for Reports & \$0.25 per page
	Report Fee	\$2.00	\$2.00 for Reports plus \$0.25 per page
	Certification Letter	\$5.00	\$5.00 plus cost of report

	Digital & Video Copies	\$5.00 Per every 100 MB	Cost + USB Drive Cost
	MISCELANEOUS FEES		
	VIN Verification	No Charge	Resident
	VIN Verification	\$15.00	Non-Residents (Per Vehicle)
	Sex Offender Registration	\$50.00	First time \$50.00 & Re-Register \$25.00
	Liquor License Finger Prints	\$38.50	Per Person

PLANNING FEE			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	DEVELOPMENTS		
	Major Development Deposit	\$10,000.00	Annex, subdivide, develop, or site plan review of residential, commercial or industrial tracts of 5 acres or more.
	Minor Development Deposit	\$5,000.00	Subdivide, develop, or site plan review of residential, commercial or industrial tracts of 5 acres or less.
	Administrative/Staff Review	\$1,000.00	Lot mergers, Lot adjustments, etc.. not requiring Planning Commission review or Public Hearings
	Applicant must sign Agreement for Payment of Land Use Application Fees. Applicant shall be billed at cost for all legal, engineering and planning fees. Upon depletion of funds below 10% of deposit the Applicant shall put forth another deposit.		
	APPLICATION FEES		
	Annexation	\$2,000.00	
	Annexation Amendment	\$2,000.00	
	Site Plan	\$2,000.00	
	Master Plan	\$2,000.00	
	Concept Plan	\$2,000.00	
	Preliminary Plat	\$2,000.00	
	Final Plat	\$2,000.00	
	CONDITIONAL USE REVIEW		
	Review for Oil and Gas	\$1,000.00	
	Site Plan/Final Administrative	\$250.00	
	Temporary Sign Permit	\$100.00	
	Request to Vacate	\$350.00	Vacation of easement, ROW, or other portion of public property.
	Board of Adjustments	\$350.00	Variance appeal
	Rezoning Application	\$250.00	
	Home Occupation Permit	\$250.00	
	Recording or Publication		Cost + 20% Administrative Fee
	Special Commission/Committee Meeting	\$375.00	\$300.00 to Commission/Committee; \$75.00 Administrative Fee
	Special Council Meeting	\$650.00	\$525.00 to Trustees; \$125.00 Administrative Fee

TRANSPORTATION FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	RESIDENTIAL FEE		
	Single Family	\$2,522.80	Single Family Dwelling Unit
	Multi-Family (Per Unit)	\$1,956.22	Multi-Family Dwelling Unit
	RETAIL/COMMERCIAL PERMIT FEE		
	Commercial	\$7,566.49	Per 1000 sq./ft.
	Office	\$2,602.77	Per 1000 sq./ft.
	Industrial	\$1,325.21	Per 1000 sq./ft.

PARK, TRAIL AND RECREATION FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	Residential	\$1,600.00	Per Single Family Dwelling Unit
	Timber Ridge, First Filling	\$383.60	
	Timber Ridge, Second Filling	\$114.00	
	Soaring Eagle	\$500.00	Per Single Family Dwelling Unit
	Tailholt Subdivision	70% Fee	

PUBLIC INFRASTRUCTURE FEE			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	Public Facilities Impact Fee	\$1,000.00	Per Single Family Dwelling Unit

PUBLIC SAFETY FEE			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	Public Safety Impact Fee	\$500.00	Per Single Family Dwelling Unit

BUILDING PERMIT FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	Use Tax		60% of total value of improvement as determined by SafeBuilt times 3%
	Office Administration Fee		30% of the total of the inspection fees or \$30.00 (whichever is greater)
	Planning Administration Fee	\$300.00	

UTILITY FEE			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	WASTEWATER		
	Wastewater Impact Fee	\$6,500.00	Finance, purchase, and install infrastructure
	WATER		
Resolution 2022-13R	Water Infrastructure Impact Fee	\$21,850.00	Finance, Purchase and Installation of Infrastructure

	Meter Set (Residential)	Cost + 20%	
Resolution 2002-07	Raw Water Rights – Full Tap		C-BT or North Poudre Water (Additional water sources negotiable)
	Raw Water Acquisition Fee	Market Price	Cash in lieu of Water (Call for Price)
	STORMWATER		
	Residential	\$1,000.00	Minimum fee. For lots with serious drainage requirements, remediation may be required, or fees may be increased up to 100%.
	Commercial	\$1,000.00	\$1000.00 base, plus \$.02/sq. ft. for each sq. ft. of lot area exceeding 10,000 sf. No fee for open space or grass water detention areas
	Consult, Test & Inspection	Cost + 20%	

SCHOOL FEES			
RES./ORD./CODE	DESCRIPTION	FEE	INFORMATION
	WINDSOR		
	Single Family Unit (Detached)	\$2,916.00	
	Single Family Unit (Attached)	\$1,213.00	
	Multi-Family Unit	\$1,304.00	
	Soaring Eagle Subdivision Unit	\$607.00	
	EATON		
	Single Family Detached Unit	\$2,253.00	
	Single Family Attached Unit	\$1,149.00	
	Multi-Family Unit	\$612.00	
	AULT		
	Single Family Unit	\$1,099.00	

LOCAL LIQUOR LICENSE FEES			
RES./ORD./CODE	DESCRIPTION	LOCAL FEE	STATE FEE
	NEW/TRANSFER LICENSE FEES		
	New License	\$1,000.00	Please refer to Colorado Department of Revenue Liquor Enforcement Division Fee Schedule
	New License with Concurrent Review	\$1,000.00	
	Transfer of Ownership	\$750.00	
	Transfer of Location	\$750.00	
	Art License	\$41.25	
	Beer & Wine	\$48.75	
	Brew Pub	\$75.00	
	Club	\$41.25	
	Hotel & Restaurant	\$75.00	
	Liquor Licensed Drug Store	\$22.50	
	Retail Liquor Store	\$22.50	
	RELATED FEES AND PERMITS		
	Annual Renewal	\$100.00	
	Bed & Breakfast	\$25.00	

	Branch Warehouse	\$0.00	Please refer to Colorado Department of Revenue Liquor Enforcement Division Fee Schedule
	Change of Location	\$750.00	
	Change of Trade Name	\$0.00	
	Corp/LLC Change (Per Person)	\$100.00	
	Duplicate License	\$0.00	
	Expansion to Hotel/Restaurant	\$0.00	
	Hotel/Tavern Manager's Registration	\$75.00	
	Late Renewal	\$500.00	
	Mini Bar Permit	\$325.00	
	Modification of Premises	\$0.00	
	Retail Warehouse Storage	\$0.00	
	Special Events Permit (Liquor)	\$100.00	
	Special Events Permit (3.2%)	\$100.00	
	Temporary Permit	\$100.00	
	3.2% BEER LICENSE FEES		
	Retail 3.2% On Premises	\$3.75	Please refer to Colorado Department of Revenue Liquor Enforcement Division Fee Schedule
	Retail 3.2% Off Premises	\$3.75	
	Retail 3.2% On/Off Premises	\$3.75	

Dear, Town of Severance Mayor and Board members,

I am here today to convey my outrage for the disrespectful, maliciously dishonest, and intentional slanderous display of behavior Councilmen Frank Baszler displayed at the Severance Town Board meeting on 9/27/2022. This behavior should not be tolerated as an elected official to the Town of Severance and the Board Liaison to the Clearview Library District.

Frank Baszler slanderously attacked community members by claiming they were identified by the library staff as pedophiles and removed by the police. Mr. Baszler's recount of the event on March 4th, 2022, was completely fabricated. There were three people in attendance at the Library sponsored GLOW event that Mr. Baszler referred and were not remove by the police. The police asked them to leave and stated they could file a civil suit. This GLOW event was led by Kimberly Chamber, who allegedly was grooming children in these events and other local events at Poudre School District, with sexual ideologies. The three taxpaying citizens are parents and grandparents of this community and attended the GLOW event to exercise parental rights to preview content before allowing a child to attend the library sponsored event Please see the attached letter that I sent to the Clearview Library Board for the recount of the incident. Mr. Baszler also received a copy of this letter, as a Library board member.

Mr. Baszler then referred to community members who attended a library meeting to defend parental rights as "fools" including his fellow counsel women, Michelle Duda. He claimed that people came "to defend their Constitutional Right to play with other people's children". Baszler also implied that people who defend their parental rights are pedophiles. I personally have no interest in "playing with other people's children", and will defend my right as a parent to be the first educator and protector of my own children. Parents have a right to know what content is being taught to their child in a public, and taxpayer funded library. Parents who stand up for this right should not be bullied and called "fools" and "pedophiles" by a disgruntled councilmen, because he did not make the "All Star library team."

Mr. Frank Baszler's unethical, unprofessional, and slanderous behavior against his fellow board member, citizens and parents defending parental rights can be a chargeable crime for slander and defamation of character. As an elected official is not acceptable and I would like to make the following requests of the Town of Severance Board:

1. Review the Town of Severance Code of Conduct and Ethics, investigate to determine that Mr. Baszler is in violation.
2. Immediate removal/resignation of Mr. Frank Baszler from his elected position on the Town of Severance Board, as well as the Clearview Library Board District
3. Mr. Baszler to issue a public statement of apology to all the parties involved for his slanderous, unethical and maliciously dishonest comments and behavior.
4. I would like to request that this letter and the attached letter to the Clearview library board be read by a board member so that it included in the meeting minutes.
5. The Town of Severance Board to make a public statement that they are not in agreement with Mr. Frank Baszler's statements at the 9/27/2022 meeting.

Please respond within one week via email of how the Town of Severance Board has decided to handle the unethical behavior of a Board member.

Sincerely,

Heather Kenney

Hnk118@gmail.com

Attachments/Addendum

1. 4/25/2022 Letter to the Clearview Library Board from Heather Kenney, regarding an incident on March 4th library sponsored GLOW event.
2. Screenshot of letter sent to the Clearview Library District. Please note, Mr. Baszler's email is included.



Dear Windsor-Severance Clearview Library Board,

I have been a citizen in Windsor since 1998 and am writing to convey my concern of regarding parental rights violations and potential sexual child grooming that is occurring at the Windsor-Severance Clearview Library. On March 4, 2022, I signed up to attend/preview a 12-18 year old Glow event (Windsor-Severance Clearview Library staff described it as an "LGBTQ+ and whoever" group) at Windsor-Severance Clearview Library, as a parent of a 17 year old. I received a confirmation email to attend but was denied access to observe the GLOW event by the Windsor-Severance Clearview Library event by the staff/Director. I was told that a parent present was creating a "unsafe space" for the minors attending the event, and was asked to leave. I was respectful and peaceful with my communication to library staff members. When I refused to leave because I am a taxpaying citizen attending a public event that includes minors, at a taxpayer funded building. I was told that if I did not leave they would call the police. When the police arrived, I was told that I had to leave, but could file a civil suit for discrimination.

Below is an outline of my concerns around this incident of which I would like the Windsor- Severance Library Board to respond.

Discrimination and Denial of Access to public event

1. Denied access of taxpaying community member and parent to preview Windsor-Severance Clearview Library event for 12-18 year olds.

Dear, Town of Severance Mayor and Board members,

I am writing to convey my outrage for the disrespectful, maliciously dishonest, and intentional slanderous display of behavior Councilmen Frank Baszler displayed at the Severance Town Board meeting on 9/27/2022.

This disrespectful, dishonest, and slanderous behavior should not be tolerated as an elected official to the Town of Severance and the Board Liaison to the Clearview Library District.

First, Frank Baszler was egregiously disrespectful to his fellow counsel women, Michelle Duda, in making claims that “she voted him out” of his Library position. This position is an application position with 11 people who applied for the position and a panel of respected local elected officials selected the best candidate for the 3 open positions. Frank Baszler was not selected, and he admittedly expressed his anger at the 9/27/2022 Town of Severance Board meeting.

Second, Frank Baszler slanderously attacked two community members by claiming they were identified by the library staff as pedophiles and removed by the police. There were three people in attendance at the Library sponsored GLOW event on March 4th, 2022, that Mr. Baszler referred. This GLOW event was led by Kimberly Chamber, who allegedly was grooming children in these events and other local events at Poudre School District, with sexual ideologies. The three taxpaying citizens are parents and grandparents of this community and attended the GLOW event to exercise parental rights to preview content before allowing a child to attend the library sponsored event. Mr. Baszler’s recount of the event on March 4th, 2022, was completely fabricated. Please see the attached letter that was sent to the Clearview Library Board for the recount of the incident. Mr. Baszler also received a copy of this letter – see below. (Kendra Adams, Board Chair of the Clearwater Library District notified me at a later date that Ms. Kimberly Chambers is no longer employed by the library.)

As of March 4th, 2022, the library did not have a policy in place to restrict parents from accessing and previewing content of their programs. The Library Director, Ann Kling, drafted a policy to restrict parental viewing of content that was presented for teen programs and specifically the GLOW program.

The community was made aware that this policy was being read at the April 28, 2022 Clearview Library board meeting and attended to state their concern not only for the library hosting a program that allows child grooming, but for the denial of parental rights to view content of the library programs. (The YouTube recording of the April 28, 2022 meeting is not posted on the Clearview library website, as are other meetings, otherwise, I would encourage you to listen.) In the Sept 27, 2022 Severance Board meeting, Mr. Baszler referred to “fools” including his fellow counsel women, Michelle Duda, who were present at the Library meeting “to defend their Constitutional Right to play with other people’s children”. Baszler also implied that the people who defend their parental rights are pedophiles, and this was a staged political move. I personally have no interest in “playing with other people’s children”, and will defend my right as a parent to be the first educator and protector of my own children. Parents have a right to know what content is being taught to their child in a public, and taxpayer funded library. Parents who stand up for this right should not be bullied and called “fools” and “pedophiles” by a disgruntled councilmen, because he did not make the “All Star library team.”

Mr. Frank Baszler’s unethical, unprofessional, and slanderous behavior against his fellow board member, citizens and parents defending parental rights can be a chargeable crime for slander and defamation of

character. As an elected official is not acceptable and I would like to make the following requests of the Town of Severance Board:

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3. Mr. Baszler to issue a public statement of apology to all the parties involved for his slanderous, unethical and maliciously dishonest comments and behavior.
4. I would like to request that this letter and the attached letter to the Clearview library board be read by a board member so that it included in the meeting minutes.
5. The Town of Severance Board to make a public statement that they are not in agreement with Mr. Frank Baszler's statements at the 9/27/2022 meeting.

Please respond within one week of receipt of this email as to how the Town of Severance Board has decided to handle the unethical behavior of a Board member.

Sincerely,

Heather Kenney

Attachments/Addendum

1. 4/25/2022 Letter to the Clearview Library Board from Heather Kenney, regarding an incident on March 4th library sponsored GLOW event.
2. Screenshot of letter sent to the Clearview Library District. Please note, Mr. Baszler's email is included.



Heather <hnk118@gmail.com>

4/25/2022 8:07 AM

To: kendra.adams@clearviewlibrary.org; rochelle.brotsky@clearviewlibrary.org; ronald.dunworth@clearviewlibrary.org; jeromey.Balderrama@clearviewlibrary.org; frank.baszler@clearviewlibrary.org; cole.gerstner@clearviewlibrary.org; Aaron Smith; scharpentier@windsorgov.com



Letter to library board...
25.13 KB

Dear Windsor-Severance Clearview Library Board,

I have been a citizen in Windsor since 1998 and am writing to convey my concern of regarding parental rights violations and potential sexual child grooming that is occurring at the Windsor-Severance Clearview Library. On March 4, 2022, I signed up to attend/preview a 12-18 year old Glow event (Windsor-Severance Clearview Library staff described it as an "LGBTQ+ and whoever" group) at Windsor-Severance Clearview Library, as a parent of a 17 year old. I received a confirmation email to attend but was denied access to observe the GLOW event by the Windsor-Severance Clearview Library event by the staff/Director. I was told that a parent present was creating a "unsafe space" for the minors attending the event, and was asked to leave. I was respectful and peaceful with my communication to library staff members. When I refused to leave because I am a taxpaying citizen attending a public event that includes minors, at a taxpayer funded building. I was told that if I did not leave they would call the police. When the police arrived, I was told that I had to leave, but could file a civil suit for discrimination. Below is an outline of my concerns around this incident of which I would like the Windsor- Severance Library Board to respond.

Discrimination and Denial of Access to public event

1. Denied access of taxpaying community member and parent to preview Windsor-Severance Clearview Library event for 12-18 year olds.

Attachment/Addendum 4/25/2022 Letter sent to the Clearview Library District Board from Heather Kenney

Dear Windsor-Severance Clearview Library Board,

I have been a citizen in Windsor since 1998 and am writing to convey my concern of regarding parental rights violations and potential sexual child grooming that is occurring at the Windsor-Severance Clearview Library.

On March 4, 2022, I signed up to attend/preview a 12-18 year old Glow event (Windsor-Severance Clearview Library staff described it as an "LGBTQ+ and whoever" group) at Windsor-Severance Clearview Library, as a parent of a 17 year old. I received a confirmation email to attend but was denied access to observe the GLOW event by the Windsor-Severance Clearview Library event by the staff/Director. I was told that a parent present was creating a "unsafe space" for the minors attending the event, and was asked to leave. I was respectful and peaceful with my communication to library staff members. When I refused to leave because I am a taxpaying citizen attending a public event that includes minors, at a taxpayer funded building. I was told that if I did not leave they would call the police. When the police arrived, I was told that I had to leave, but could file a civil suit for discrimination.

Below is an outline of my concerns around this incident of which I would like the Windsor- Severance Library Board to respond.

Discrimination and Denial of Access to public event

1. Denied access of taxpaying community member and parent to preview Windsor-Severance Clearview Library event for 12-18 year olds.
2. Denied access/admittance to a publicly advertised community event at the Windsor-Severance Clearview Library (a tax payer funded building) of which no room rental fees are paid by an exclusive group (It is my understanding that the Windsor-Severance Clearview Library is not charging fees to rent space.)
3. Denial of Parental Rights - Multiple Windsor-Severance Clearview Library staff stating that a parent present at the GLOW event at the Windsor-Severance Clearview Library creates an "unsafe" environment, implying that parents are unsafe.
4. Inconsistent application of when parents can attend an event and when they cannot attend. When asked if I could attend an event for different age groups, the Windsor-Severance Clearview Library Staff said that was ok, I just could not attend this particular event for 12-18yo)
5. No written Windsor-Severance Clearview Library policy that states parents are not allowed to attend events – I asked the Windsor-Severance Clearview Library Director, Ann Kling, if there was a policy. She was unaware of a policy and asked another Windsor-Severance Clearview Library staff, who said the

policy is stated in the advertisement of the event (for ages 12-18 yo). I also could not find a written policy the library website. Why is there an inconsistency of parents being allowed to attend some events and not others? It is very concerning and a red flag that parents are not allowed to attend and observe.

Potential for luring, trafficking, sexual exploitation, and predator crimes against children

7. This GLOW event is NOT for minors only. The Windsor-Severance Clearview Library is allowing select adults to be present; which is a concern for luring, trafficking, sexual exploitation, and predator crimes against children.

8. Kimberly Chambers, GLOW instructor, has been banned from Poudre School District schools – CORA

Documented example of how Kimberly Chambers lured a minor in PSD to an event. Kimberley Chambers is invited into public school classrooms and tells the kids she is hosting an “art club”. She gives them her personal business card. When the kids are in the “art club”, while doing arts and crafts she talk to the minors about their sexual preferences and suicidal tendencies of those with certain sexual preferences. She instructs them to lie to parents, describing heterosexual, monogamous parents as intolerant & not normal, and tells them parents are unsafe. She provides inappropriate sexual identification swag and graphics. (There are public video recordings of Kimberly Chambers admitting to these behaviors.)

9. Kimberly Chambers, the instructor of GLOW, engages and talks with minors about their sexuality, gender identity and suicide without the knowledge and consent of parents at Windsor-Severance Clearview Library and their staff is aware and supports.

10. Kimberly Chambers gives minors her personal business card and asks them to connect with her on social media platforms to secretly communicate locations to meet, without parental knowledge. Intentional instructions from Kimberly to minor children to not tell their parents. These are actions of a sexual predator. What policy is in place with communication boundaries? Does the Windsor-Severance Clearview Library provide a phone and email for this event that SPLASH employees?

11. Windsor-Severance Clearview Library allows Kimberly Chambers to host an event that includes minors without parental consent, notification or permission to attend.

Questions to the Windsor-Severance Clearview Library Board. Please respond in writing within 7 days of receipt.

1. Is there identification or age verification of those in attendance of GLOW events? If the Windsor-Severance Clearview Library does not retain this information or check it, so in the instance that something were to occur; how will the Windsor-Severance Clearview Library identify the victim and suspect?
2. There is no parental consent required for this event, with topics of sex and suicide and yet a parent cannot attend; therefore is SPLASH or Windsor-Severance Clearview Libraries liable?
3. What is the Windsor-Severance Clearview Library policy for parents attending/observing Windsor-Severance Clearview Library events that include minor children?
4. Are there background checks for Windsor-Severance Clearview Library staff and people running events that include minors at the Windsor-Severance Clearview Library?
5. How do parents learn about the teachings of this revolving GLOW event, at the Windsor-Severance Clearview Library? I was unable to find a parent information brochure or meeting?
6. What are the qualifications of Kimberly Chambers to teach in this closed door environment about sexual preferences and suicide? Teachings held in public spaces that are closed door are nearly non-existent in all aspects of education with minors.
7. What vetting and background checks have been required for this sensitive teaching in the public Windsor-Severance Clearview Library?
8. Is there Windsor-Severance Clearview Library staff present in the "closed door environment"?
9. What is the protocol if a minor does not feel safe?

For the above reasons, I would like to request the immediate removal of Kimberly Chambers and the SPLASH/GLOW events from the Windsor/Severance Clearview Windsor-Severance Clearview Library, as she is an immediate danger to the emotional

and physical well-being of our youth community by discussing topics that are inappropriate for minors without parental consent.

I would like to propose that alternative program offerings be provided. There are several current and retired community educators and leaders who would like to work with the Windsor-Severance Clearview Library to develop this programming. We would be happy to meet with you to discuss alternative programming to positively work to meet the social and emotional needs of our community youth.

Thank you

Heather Kenney

Hnk118@gmail.com