Agenda for the
Regular Meeting of the
Englewood City Council
Monday, September 19, 2011
7:30 pm

Englewood Civic Center – Council Chambers
1000 Englewood Parkway
Englewood, CO 80110

1. Call to Order.

2. Invocation.

3. Pledge of Allegiance.

4. Roll Call.

5. Consideration of Minutes of Previous Session.
   a. Minutes from the Regular City Council Meeting of September 6, 2011.

6. Recognition of Scheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to five minutes.)

7. Recognition of Unscheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to three minutes. Time for unscheduled public comment may be limited to 45 minutes, and if limited, shall be continued to General Discussion.)

   Council Response to Public Comment.

8. Communications, Proclamations, and Appointments.
   a. A proclamation declaring October as Conflict Resolution Month.

Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.
9. Consent Agenda Items.
   a. Approval of Ordinances on First Reading.
      i. Council Bill No. 58 – Recommendation from the Finance and Administrative Services Department to adopt a bill for an ordinance updating the NonEmergency Employee Retirement Plan to comply with changes required by the IRS and to correct the Board name. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**
      ii. Council Bill No. 66 – Recommendation from the Finance and Administrative Services Department to adopt a bill for an ordinance adopting an amendment to the City of Englewood Police Officers Pension Plan Document. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**
      iii. Council Bill No. 67 – Recommendation from the Finance and Administrative Services Department to adopt a bill for an ordinance adopting an amendment to the Englewood Firefighters Pension Plan Document. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**
   b. Approval of Ordinances on Second Reading.
   c. Resolutions and Motions.

   a. A Public Hearing to gather input on Council Bill No. 54, amending sections of the Englewood Municipal Code pertaining to public notice required for Planned Unit Developments.

   **Please note:** The following six Public Hearings will be held simultaneously so input can be gathered on all proposed Code revisions.
   b. A Public Hearing to gather input on Council Bill No. 48, amending sections of the Englewood Municipal Code pertaining to sight lines.
   c. A Public Hearing to gather input on Council Bill No. 49, amending sections of the Englewood Municipal Code pertaining to properties without access to rear and side yards.
   e. A Public Hearing to gather input on Council Bill No. 51, amending sections of the Englewood Municipal Code pertaining to parking for recreational vehicles.
   f. A Public Hearing to gather input on Council Bill No. 52, amending sections of the Englewood Municipal Code pertaining to 72-hour parking.

Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.
11. Ordinances, Resolutions and Motions
   a. Approval of Ordinances on First Reading.
      i. Council Bill No. 55 - Recommendation from the Utilities Department to adopt a bill for an ordinance authorizing an agreement with the Colorado Water Conservation Board for design and construction of Union Avenue Boat Chutes Safety Improvements. **Staff Source: Stewart H. Fonda, Director of Utilities.**
      
      ii. Council Bill No. 56 - Recommendation from the Utilities Department to adopt a bill for an ordinance authorizing an access easement to Urban Drainage and Flood Control District for the Union Avenue Boat Chutes Safety Improvements. **Staff Source: Stewart H. Fonda, Director of Utilities.**
      
      iii. Council Bill No. 57 - Recommendation from the Utilities Department to adopt a bill for an ordinance relating to fee schedules for sewer connection and collection system fees. **Staff Source: Stewart H. Fonda, Director of Utilities.**
      
      iv. Council Bill No. 68 - Recommendation from the Utilities Department to adopt a bill for an ordinance relating to fee schedules for water connection service for the water customers of the City of Englewood, Colorado. **Staff Source: Stewart H. Fonda, Director of Utilities.**
   
   b. Approval of Ordinances on Second Reading.
   
   c. Resolutions and Motions.

12. General Discussion.
   a. Mayor’s Choice.
   
   b. Council Members’ Choice.
      i. Resolution supporting the 2011 Englewood School District’s Ballot Questions in the November Election.


15. Adjournment.
PROCLAMATION

WHEREAS, conflict resolution encompasses mediation, arbitration, facilitation, collaborative decision-making, restorative processes, and other responses to differences; and

WHEREAS, the conflict resolution processes empower individuals, families, communities, organizations, and businesses to foster communication and devise solutions that are acceptable to the needs and interests of all parties involved; and

WHEREAS, conflict resolution is taught and practiced by citizens in many school systems, universities, and graduate programs throughout Colorado and the world as a way of solving disputes; and

WHEREAS, community-based programs fairly and equitably resolve neighborhood and community conflicts, thereby strengthening local relationships; and

WHEREAS, professional associations of conflict mediators promote peaceful and creative resolutions to disputes;

NOW THEREFORE, I, James Woodward, Mayor of the City of Englewood, Colorado, hereby proclaim October 2011, as

CONFLICT RESOLUTION MONTH

in the City of Englewood, Colorado. I urge all of our residents to join together to support this effort.

GIVEN under my hand and seal this 19th day of September, 2011.

James K. Woodward, Mayor
COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Date</th>
<th>Agenda Item</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 19, 2011</td>
<td>9 a i</td>
<td>A bill for an ordinance updating the NonEmergency Employee Retirement Plan (NERP) to comply with changes required by IRS and making a correction regarding the Board name.</td>
</tr>
</tbody>
</table>

Initiated By
City of Englewood, Finance and Administrative Services Department

Staff Source
Frank Gryglewicz, Director

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The City Council discussed these issues at the September 6, 2011 Study Session.

RECOMMENDED ACTION

The NonEmergency Employee Retirement Plan Board recommends the City Council approve the attached bill for an ordinance making changes to NERP as required by the IRS, and to correct the Board name.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

This ordinance provides for NonEmergency Employees Retirement Plan changes required by the Internal Revenue Services that must be completed during 2011 to maintain the Plan’s qualified status. The following is the required language added to the end of Section 3-4-17-3B.2:

Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(b), subject to any applicable limits described in Code Section 408A(c).

The other change is a correction of the Board name in EMC 3-4-11-1.

Neither of these amendments will require any additional funding or plan benefit changes.

FINANCIAL IMPACT

These changes have no substantial impact on the funding of the Plan or the City’s overall financial condition.

LIST OF ATTACHMENTS

Proposed bill for an ordinance
BY AUTHORITY

ORDINANCE NO. _____ SERIES OF 2011
COUNCIL BILL NO. 58 INTRODUCED BY COUNCIL MEMBER ____________

A BILL FOR

AN ORDINANCE AMENDING TITLE 3, CHAPTER 4, OF THE ENGLEWOOD MUNICIPAL CODE 2000, ENTITLED "CITY OF ENGLEWOOD NONEMERGENCY EMPLOYEES RETIREMENT PLAN AND TRUST AS AMENDED AND RESTATED EFFECTIVE JANUARY 1, 2008".

WHEREAS, in order to maintain the Plan’s qualified status changes need to be made to the Plan during the year 2011, as required by the Internal Revenue Service; and

WHEREAS, the current Code language needs to be corrected to read "NonEmergency Employees Retirement Board of the City of Englewood"; and

WHEREAS, additional language at the end of 3-4-17-3(B)(2) EMC that an eligible retirement plan includes a Roth IRA;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 11, Subsection 1, "Retirement Board" of the Engiewood Municipal Code 2000 to read as follows:

3-4: CITY OF ENGLEWOOD NONEMERGENCY EMPLOYEES RETIREMENT PLAN AND TRUST AS AMENDED AND RESTATED EFFECTIVE JANUARY 1, 2008*

3-4-11: Administration of the Plan.

3-4-11-1: - Retirement Board.

There is hereby created a board to be known as the NonEmergency Employees Retirement Board of the City of Englewood ("Retirement Board") which shall be composed of seven (7) members. One (1) member shall be an elected member of the City Council who shall be selected by a majority of the members of City Council. One (1) member shall be the Director of Financial Services appointed by the City Manager. Two (2) members shall be employees of the City who are Members of the Plan, who shall be selected by a vote of all such Members in accordance with such procedures as the City Manager may adopt, from time to time. Three (3) members shall be taxpaying electors of the City who shall be selected by a majority of the members of the City Council. In addition, the City Manager, or his designee, shall serve in an advisory capacity, as an ex officio, nonvoting member.
Members of the Retirement Board shall be appointed for four (4) year terms, provided the said member continues to possess the qualifications provided herein during the member’s term and, further provided that:

A. The Council member shall serve during his term of office as a Council member; and

B. The Director of Financial Services shall serve during his tenure in office as such Director.

Should a vacancy occur in the membership of the Retirement Board, the same shall be filled for the duration of the unexpired term only, in the same manner as provided herein. Prior to entering upon the performance of the duties of a member of the Retirement Board, each member thereof shall take and subscribe an oath that he accepts the obligations imposed upon him by the provisions of this Plan and that he shall faithfully perform the duties of such office.

Five (5) members of the Retirement Board shall constitute a quorum. All actions taken by the Board shall be approved by a majority vote of a quorum of the Retirement Board members. All actions, decisions and determinations of the Board shall be recorded in the minutes of the Retirement Board and, unless inconsistent with the provisions of the Plan, shall be binding and conclusive upon all interested parties.

No member of the Board shall receive compensation for his service on the Board but a member may be reimbursed for reasonable expenses incurred in connection with his duties as a member of the Board.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 17, Subsection 3, “Direct Rollovers” of the Englewood Municipal Code 2000 to read as follows:

3-4-17-3: Direct Rollovers.

A. General. This section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution which exceeds $200.00 paid directly to an eligible retirement plan specified by the distributee in a direct rollover. If a distributee's direct rollover distribution is less than $500.00, the distributee may only elect to direct rollover 100 percent of the eligible rollover distribution.

B. Definitions:

1. Eligible Rollover Distribution. An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee’s designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); and the portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities). For distributions made after December 31, 2007, a
portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax Employee contributions which are not includible in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Code, or in a direct trustee-to-trustee transfer to a qualified trust described in Section 401(a) of the Code which is exempt from tax under Section 501(a) of the Code or to an annuity contract described in Section 403(b) of the Code, provided such trust or contract provides for separate accounting for amounts so transferred (and earnings thereon) including separate accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

2. **Eligible Retirement Plan.** An eligible retirement plan is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b), and annuity plan described in Code Section 403(a), or a qualified trust described in Code Section 401(a), that accepts the distributee’s eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity. Effective January 1, 2002, an eligible retirement plan shall also mean an annuity contract described in Code Section 403(b) and an eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in Code Section 414(p). Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(b), subject to any applicable limits described in Code Section 408A(c).

3. **Distributee.** A distributee includes an employee or former employee. In addition, the employee’s or former employee’s surviving spouse and the employee’s or former employee’s spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code Section 414(p), are distributees with regard to the interest of the spouse or former spouse.

4. **Direct Rollover.** A direct rollover is a payment by the plan to one eligible retirement plan specified by the distributee.

5. **Waiver of 30-Day Notice for Cashouts of $5,000.00 ($3,500.00 Prior to January 1, 1998) or Less.** If a distribution is one to which Code Sections 401(a)911 and 417 do not apply, such distribution may commence less than thirty (30) days after the notice required under treasury regulation Section 1.411(a)—11(c), is given, provided that:

   a. The Board clearly informs the member that the member has a right to a period of at least thirty (30) days after receiving the notice to consider the decision of whether or not to elect a distribution (and, if applicable, a particular distribution option), and

   b. The member, after receiving the notice, affirmatively elects a distribution.

C. **Distribution to IRA of Non-Spouse Beneficiary.** A Member’s non-spouse Beneficiary may elect to have any portion of an eligible Plan distribution paid in a direct trustee-to-trustee transfer to an individual retirement account or annuity described in Section
401(c)(8)(B)(i) or (ii) of the Code that is established to receive the Plan distribution on behalf of the Beneficiary. For purposes of this Subsection C, a trust maintained for the benefit of one (1) or more designated beneficiaries may be the Beneficiary to the extent provided in rules prescribed by the Secretary of Treasury. If the Member dies after the Member’s required beginning date as defined in Section 3-4-6-5 hereof, the required minimum distribution in the year of death may not be transferred according to this Subsection 3-4-17-3C. The requirements of Code Section 402(c)(11) apply to distributions under this Subsection 3-4-17-3C.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or it application to other persons or circumstances.

Section 4. Inconsistent Ordinances. 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 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 23rd day of September, 2011.
Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of September, 2011 for thirty (30) days.

________________________
James K. Woodward, Mayor

ATTEST:

________________________
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 19th day of September, 2011.

________________________
Loucrishia A. Ellis


<table>
<thead>
<tr>
<th>Date</th>
<th>Agenda Item</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 19, 2011</td>
<td>9 a ii</td>
<td>Bill for an Ordinance adopting amendments to the City of Englewood Police Officers Pension Plan Document (the Plan)</td>
</tr>
</tbody>
</table>

**Initiated By**
City of Englewood, Finance and Administrative Services Department

**Staff Source**
Frank Gryglewicz, Director

**COUNCIL GOAL AND PREVIOUS COUNCIL ACTION**


City Council discussed the proposed changes at the September 6, 2011 Study Session.

**RECOMMENDED ACTION**

Staff recommends the City Council approve the attached bill for an ordinance.

**BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED**

This bill for an ordinance does not substantially change the current level of pension benefits for the Police Officers Pension Plan participants. The bill for an ordinance makes changes required by the Internal Revenue Service (IRS) or Colorado State Statutes. The Plan document is amended to comply with federal or state requirements.

Add the following sentence to the end of Article XV, Section 2.b:

Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(b), subject to any applicable limits described in Code Section 408A(c).

**FINANCIAL IMPACT**

This change has no impact on the Plan’s funding or the City’s financial condition.

**LIST OF ATTACHMENTS**

Proposed bill for an ordinance.
BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO. 66
INTRODUCED BY COUNCIL
MEMBER ______________

A BILL FOR

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF ENGLEWOOD POLICE OFFICERS PENSION PLAN DOCUMENT (THE PLAN).

WHEREAS, the City of Englewood (the "Employer") established the City of Englewood Police Officers Pension Plan (the "Plan") effective as amended and restated January 1, 1999; and

WHEREAS, pursuant to Article XIII of the Plan, the Employer has the authority to amend the Plan to comply with State or Federal requirements and maintain the qualified status of the Plan; and

WHEREAS, Internal Revenue Service (IRS) or the Colorado State Statutes require an amendment for the plan to comply with federal or state requirements additional language at the end of Article XV, Section 2.b of the Plan that an eligible retirement plan includes a Roth IRA needs to be added;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby adopts the following language to be added to Article XV, Section 2.b of the City of Englewood Police Officers Pension Plan effective January 1, 2008, to read as follows:

Add to the end of Article XV, Section 2.b:

Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(c), subject to any applicable limits described in Code Section 408A(c).

Section 2. The Mayor and City Clerk are authorized to sign and attest the Amendment to the City of Englewood Police Pension Plan Document.
Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 23rd day of September, 2011.

Published as a Bill for an Ordinance on the City’s official website beginning on the 21st day of September, 2011 for thirty (30) days.

__________________________________________________________
James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 19th day of September, 2011.

__________________________________________________________
Loucrishia A. Ellis
COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Date</th>
<th>Agenda Item</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 19, 2011</td>
<td>9 a iii</td>
<td>Bill for and Ordinance adopting an amendment to the City of Englewood Firefighters Pension Plan Document (the Plan)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Initiated By</th>
<th>Staff Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Englewood, Finance and Administrative Services Department</td>
<td>Frank Gryglewicz, Director</td>
</tr>
</tbody>
</table>

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The City Council passed Ordinance 46, Series of 1999, adopting an amended City of Englewood Firefighters Pension Plan document.

City Council discussed the proposed changes at the September 6, 2011 Study Session.

RECOMMENDED ACTION

Staff recommends the City Council approve the attached bill for an ordinance.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

This bill for an ordinance does not substantially change the current level of pension benefits for the Firefighters Pension Plan participants. The bill for an ordinance makes changes required by the Internal Revenue Service (IRS). The Plan document is amended to comply with federal or state requirements.

Add the following sentence to the end of Article XV, Section 2.b:

Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(b), subject to any applicable limits described in Code Section 408A(c).

FINANCIAL IMPACT

This change has no impact on the Plan’s funding or the City’s financial condition.

LIST OF ATTACHMENTS

Proposed bill for an ordinance.
BY AUTHORITY

ORDINANCE NO. _____ SERIES OF 2011
COUNCIL BILL NO. 67 INTRODUCED BY COUNCIL MEMBER ____________

A BILL FOR

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF ENGLEWOOD FIREFIGHTERS PENSION PLAN DOCUMENT (THE PLAN).

WHEREAS, the City of Englewood (the "Employer") established the City of Englewood Firefighters Pension Plan (the "Plan") effective as amended and restated January 1, 1999; and

WHEREAS, pursuant to Article XIII of the Plan, the Employer has the authority to amend the Plan to comply with State or Federal requirements and maintain the qualified status of the Plan; and

WHEREAS, Internal Revenue Service (IRS) or the Colorado State Statutes require an amendment for the plan to comply with federal or state requirements additional language at the end of Article XV, Section 2.b of the Plan that an eligible retirement plan includes a Roth IRA needs to be added;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby adopts the following language to be added to Article XV, Section 2.b of the City of Englewood Firefighters Pension Plan effective January 1, 2008, to read as follows:

Add to the end of Article XV, Section 2.b:

Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Code Section 408A(b), subject to any applicable limits described in Code Section 408A(c).

Section 2. The Mayor and City Clerk are authorized to sign and attest the Amendment to the City of Englewood Police Pension Plan Document.
Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 23rd day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of September, 2011 for thirty (30) days.

________________________________________
James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 19th day of September, 2011.

________________________________________
Loucrishia A. Ellis
MEMORANDUM
COMMUNITY DEVELOPMENT

TO: Mayor and City Council
FROM: Alan White, Community Development Director
DATE: September 13, 2011
RE: Council Bill No. 54 – Mailed Public Notice
    Public Hearing

Council considered the proposed Title 16 amendments at First Reading on September 6, 2011 and reviewed the Planning and Zoning Commission recommendation to standardize the mailed notice radius at five hundred feet (500'). Council amended the Bill for an Ordinance to require a one thousand feet radius for all rezonings (including PUDs), major subdivisions, and telecommunication conditional uses and further amended the bill to include notification to occupants in addition to landowners of record. Council set a Public Hearing for September 19, 2011 to consider testimony on the matter.

Recommendation from the Community Development Department to consider testimony during Public Hearing on a Bill for an Ordinance authorizing amendments to Title 16: Unified Development Code regarding requirements for mailed public notices for development applications for rezonings, major subdivisions, and telecommunication conditional uses.

The proposed amendments for mailed public notices for a rezoning, major subdivision, or telecommunication conditional use will:

1. Standardize the required notification area based on radius from the subject property.
2. Increase the required notification area radius from 500 to 1,000 feet and include notification to landowners and occupants.
3. Standardize the minimum deadline by which a notice must be mailed to 10 days.
4. Require a mailed notice for the Planning and Zoning Commission public hearing for all rezonings (in addition to the pre-application neighborhood meeting).
5. Require a maximum of 180 days between a required neighborhood meeting and the Planning and Zoning Commission public hearing.
6. Require another neighborhood meeting if the time between the original neighborhood meeting and Commission public hearing exceeds 180 days.
7. Correct typos and use consistent language among subsections.

At first reading, staff was requested to provide a comparison of the mailing costs for the 500-foot radius versus the 1,000-foot radius. Costs will depend upon the number of landowners
and tenants in the notification area. The number of notifications mailed out will be a function of the size of the subject parcel, lot sizes in the notification area and land uses in the notification area. Applications in areas zoned industrial will typically require fewer notifications because lot sizes are generally larger, equating to fewer landowners. Applications in residential or business zone districts with adjacent residential zone districts will require more notices due to the larger number of lots (and corresponding number of landowners) in the notification area. If there is a multi-unit residential use within 1,000 feet of the subject property, the number of notifications required will increase because the occupants will be notified.

Staff selected two properties to illustrate the differences in notification requirements and subsequent costs: A parcel at 1210 W. Quincy and the property owned by the City at 3417 S. Broadway. Maps are attached illustrating the 500-foot and 1,000-foot notification areas for each of the properties. Mailing costs are shown below.

<table>
<thead>
<tr>
<th>Address</th>
<th># of Addresses 500’ Radius</th>
<th>Cost</th>
<th># of Addresses 1,000’ Radius</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1210 W. Quincy</td>
<td>.79</td>
<td>$34.76</td>
<td>228</td>
<td>$100.32</td>
</tr>
<tr>
<td>3417 S. Broadway</td>
<td>.501</td>
<td>$220.44</td>
<td>887</td>
<td>$390.28</td>
</tr>
</tbody>
</table>

Both of the notifications for the City property include occupants in the Simon Center and Orchard Place, and the various tenants at Englewood Market Place, Chase Bank building and the Wells Fargo Bank building.

The applicant is responsible for compiling the mailing list, mailing the notices, and all associated costs.
1210 West Quincy Circle: 500 Foot and 1000 Foot Notification Radius

500 Foot Radius = 79 Notification Letters
1000 Foot Radius = 228 Notification Letters

September 2011
3417 South Broadway: 500 Foot and 1000 Foot Notification Radius

500 Foot Radius = 501 Notification Letters
1000 Foot Radius = 887 Notification Letters

September 2011
BY AUTHORITY

ORDINANCE NO. ______ SERIES OF 2011
COUNCIL BILL NO. 54
INTRODUCED BY COUNCIL MEMBER _____________

A BILL FOR

AN ORDINANCE AMENDING TITLE 16, CHAPTER 2, SECTIONS 2, 3, AND 7, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO PUBLIC NOTICE REQUIRED FOR PLANNED UNIT DEVELOPMENTS.

WHEREAS, City Council wished to review the required notification area for Planned Unit Developments (PUDs) and the time between the required pre-application neighborhood meeting and the Englewood Planning and Zoning Commission public hearing; and

WHEREAS, the Englewood Planning and Zoning Commission reviewed the issues and made recommendations which shorten the notification date, clarify that the notice is to be sent to the owner of record but keep the current 500 feet notification radius at their August 2, 2011 meeting;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 2, of the Englewood Municipal Code 2000, to read as follows:

16-2-2: Summary Table of Administrative and Review Roles.

The following table summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of the procedures set forth in this Chapter. For purposes of this table, an "(Approval) Lapsing Period" refers to the total time from the application's approval that an applicant has to proceed with, and often complete, the approved action. Failure to take the required action within the specified "lapsing period" will automatically void the approval. See Section 16-2-3.L EMC, "Lapse of Approval," below.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Sectio n Ref.</th>
<th>Pre-App. Mtg. Req'd</th>
<th>Review (R) Decision-Making (D) or Appeal (A) Bodies</th>
<th>Notice Required</th>
<th>Lapsing Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adaptive Reuse of Designated Historical Buildings</td>
<td>16-5-3</td>
<td>✓</td>
<td>R R D</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Administrative Adjustments</td>
<td>16-2-17</td>
<td>✓</td>
<td>D A</td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>Administrative Land Review Permit</td>
<td>16-2-11</td>
<td>✓</td>
<td>D A</td>
<td></td>
<td>60 days to record</td>
</tr>
<tr>
<td>Amendments to the Text of this Title</td>
<td>16-2-6</td>
<td>✓</td>
<td>R R D</td>
<td>✓</td>
<td>None</td>
</tr>
<tr>
<td>Procedure</td>
<td>Section Ref.</td>
<td>Pre-App. Req’d</td>
<td>Review (R) Decision-Making (D) or Appeal (A) Bodies</td>
<td>Notice Required</td>
<td>Lapsing Period</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------</td>
<td>----------------</td>
<td>-----------------------------------------------------</td>
<td>-----------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Annexation Petitions</td>
<td>16-2-5</td>
<td>✓</td>
<td>R</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>Appeals to Board</td>
<td>16-2-18</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comprehensive Plan Amendments</td>
<td>16-2-4</td>
<td>R</td>
<td>R</td>
<td>D</td>
<td>✓</td>
</tr>
<tr>
<td>Conditional Use Permits</td>
<td>16-2-12</td>
<td>✓</td>
<td>R</td>
<td>D</td>
<td>✓</td>
</tr>
<tr>
<td>Conditional Use – Telecommunication</td>
<td>16-7</td>
<td>✓</td>
<td>R</td>
<td>D</td>
<td>✓</td>
</tr>
<tr>
<td>Development Agreements</td>
<td>16-2-15</td>
<td>R</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flood Plain Dev’t. Permit and Flood Plain Variances</td>
<td>See Chapter 16-4 for applicable procedures and standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historic Preservation</td>
<td>16-6-11</td>
<td>✓</td>
<td>R</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>Limited Review Use Permits</td>
<td>16-2-13</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Subdivisions</td>
<td>16-2-10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat</td>
<td>✓</td>
<td>R</td>
<td>R</td>
<td>D</td>
<td>✓</td>
</tr>
<tr>
<td>Final Plat</td>
<td>R</td>
<td>R</td>
<td>D</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Simultaneous Review Preliminary Plat/Final Plat Recorded Final Plat</td>
<td>✓</td>
<td>R</td>
<td>R</td>
<td>D</td>
<td>✓</td>
</tr>
<tr>
<td>Minor Subdivision</td>
<td>16-2-11</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat</td>
<td>✓</td>
<td>D</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Plat</td>
<td>D</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recorded Final Plat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Official Zoning Map Amendments (Rezonings)</td>
<td>16-2-7</td>
<td>✓</td>
<td>R</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>PUD and TSA Rezonings</td>
<td>16-2-7</td>
<td>✓</td>
<td>R</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>Temporary Use Permits</td>
<td>16-2-14</td>
<td>✓</td>
<td>D</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Unlisted Use Classifications</td>
<td>16-5-1 B</td>
<td>✓</td>
<td>D</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Zoning Site Plan</td>
<td>16-2-9</td>
<td>D</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning Variances</td>
<td>16-2-15</td>
<td>✓</td>
<td>R</td>
<td>D</td>
<td>✓</td>
</tr>
</tbody>
</table>
**TABLE 16-2.1: SUMMARY OF DEVELOPMENT REVIEW AND DECISION-MAKING PROCEDURES**

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Sectio n Ref.</th>
<th>Pre-App. Mtg. Reqd.</th>
<th>Decision-Making (D) or Appeal (A) Bodies</th>
<th>Notice Required¹</th>
<th>Lapsing Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>CM/D = City Manager or Designee (Including the Development Review Team)</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC = Planning and Zoning Commission</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CC = City Council</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BAA = Board of Adjustment and Appeals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹Notice Required: See Table 16-2-3.1 Summary of Mailed Notice Requirements

---

**Section 2.** The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2 Section 3, Subsection G, “Development Application Procedures” [No changes are being made to Subsections A through F nor Subsections H through K, these Subsections remain unchanged] of the Englewood Municipal Code 2000, to read as follows:

16-2-3: Development Application Procedures.

G. **Notice Requirements.**

1. Published Notice. Notice shall be by one publication on the City’s official website or in the newspaper designated by City Council as the City’s official newspaper at least ten (10) days before any hearing before the Council, the Commission, or the Board. The City shall be responsible for all required published notices, and for providing evidence of timely published notice at the time of the hearing or consideration.

2. Posted Notice. The property shall be advertised by posting for not less than ten (10) consecutive days prior to a hearing before the Council, the Commission, or the Board; provided, however, that where the case does not involve a specific property, no posted notice shall be required. A posted notice shall consist of a sign not less than twenty-two inches (22") by twenty-eight inches (28") in size, located not less than four feet (4') above ground level in a conspicuous place, with letters not less than one inch (1") in height in black paint, which letters can be read from the adjoining street right-of-way. The applicant shall be responsible for complying with posted notice provisions and for providing evidence of timely posted notice at the time of the hearing or consideration. All required posted notices shall remain in place until after the date of the hearing or consideration, and shall be removed by the applicant within seven (7) days after the hearing or consideration.

3. Mailed Notice.

   a. **Mailed Notice to Applicant.** The City shall give written notice of the date, time, and place of any scheduled hearing to the applicant in person or by first class mail.

   b. **Summary of Mailed Notice Requirements.** Table 16-2-3.1 below summarizes the mailed notice requirements of this subsection, and includes requirements for: Responsible party for mailing notice, the minimum deadline by which notice must be mailed, the
intended recipients and the geographic scope of mailed notice, whether the applicant must provide a mailing list and receipt, and the type of mail service required.

c. **Mailed Notice of Neighborhood Meeting and Certain Public Hearings.** Whenever this Title requires a neighborhood meeting a mailed notice is required by Table 16-2-3.1, the applicant shall mail written notification of the neighborhood meeting or hearing at least ten (10) days prior to the meeting or hearing to occupants and property owners within five hundred feet (500') one thousand feet (1,000') of the perimeter of the proposed development. Notification shall be sent to property owners of record from data available within thirty (30) days before the required mailing date from the Arapahoe County Clerk and Recorder's office.

d. **Mailed Notice for Conditional Use Telecommunications Towers and Antenna(s).** At least fifteen (15) ten (10) days prior to the first public hearing on any request for a conditional use permit for a telecommunications tower or antenna(s), the applicant shall provide written notice to all occupants and property owners within five hundred feet (500') one thousand feet (1,000') of the property boundary of the site upon which the tower or antenna(s) are proposed to be located. Notification shall be sent to property owners of record at the Arapahoe County Clerk and Recorder’s Office from data available within sixty (60) days before mailing from data available within thirty (30) days before the required mailing date from the Arapahoe County Clerk and Recorder’s office.

e. **Proof of Mailing Required.** Whenever mailed notice is required according to this subsection, the applicant shall provide a mailing list to staff and certify that letters were mailed via the U.S. Postal Service to the listed addresses within the time frame specified in Table 16-2-3.1 below prior to the meeting or hearing. A USPS receipt shall be attached to the certification.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Notice Mailed by</th>
<th>When Mailing Must Occur - # of Calendar Days Prior to Meeting or Hearing:</th>
<th>Notice Shall be Mailed to</th>
<th>Notification Area for Receipt of Mailed Notice</th>
<th>Mailing List and Mailing Receipt Required</th>
<th>Type of Mailing</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUD, TSA, other Rezoning Neighborhood Meeting</td>
<td>Applicant</td>
<td>10 (prior to neighborhood meeting and Planning and Zoning Commission hearing)</td>
<td>Property Owners of Record [1]</td>
<td>1000 feet radius measured from boundary lines of subject parcel</td>
<td>Yes</td>
<td>1st Class Mail</td>
</tr>
</tbody>
</table>

### TABLE 16-2-3.1: SUMMARY OF MAILED NOTICE REQUIREMENTS
<table>
<thead>
<tr>
<th>Major Subdivision</th>
<th>Applicant</th>
<th>10 (prior to Planning and Zoning Commission hearing)</th>
<th>Property owners of record [1]</th>
<th>Abutting properties, including properties separated only by a street or public lands 1000 feet radius measured from boundary lines of subject parcel</th>
<th>Yes</th>
<th>1st Class Mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional Use for Tele-communication Facility</td>
<td>Applicant</td>
<td>15 10 prior to Planning and Zoning Commission hearing</td>
<td>Property owners of record [1]</td>
<td>1000 feet radius measured from boundary lines of subject parcel</td>
<td>Yes</td>
<td>1st Class Mail</td>
</tr>
</tbody>
</table>

**Notes to Table:** [1] Property owners of record at the Arapahoe County Clerk and Recorder’s office from data available within thirty (30) days (30) before the required mailing date.

4. Contents. Unless otherwise stated above, each required published, posted, or mailed notice shall contain:

   a. The name of the applicant;

   b. The date, time and location of the public hearing or consideration; or alternately, the date of the proposed decision by the City Manager or designee;

   c. A brief summary of the proposed action;

   d. A statement as to where the application and accompanying material may be reviewed;

   e. Any other information required pursuant to this Title for a specific type of application; and

   f. To assist in reaching any non-literate or non-English speaking populations, all posted and mailed notices shall include a prominent question mark symbol followed by the telephone number of the City.

5. Errors in Notice. If there has been a failure to comply with any applicable notice requirement, the public hearing or consideration may be continued and/or action on the application may be postponed until such time as the notice requirements are fulfilled.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2 Section 7, Subsection C, “Official Zoning Map Amendments (Rezonings)” [No changes are being made to Subsections A through B nor Subsections D through I, these Subsections remain unchanged] of the Englewood Municipal Code 2000, to read as follows:

**16-2-7: Official Zoning Map Amendments (Rezonings).**
C. Pre-Application Review and Neighborhood Meeting.

1. Pre-Application Conference. All applicants for rezoning shall be required to participate in a pre-application conference pursuant to Section 16-2-3.F EMC.

2. Pre-Application Neighborhood Meeting Rezonings. Following the pre-application conference, each applicant for a rezoning shall hold a neighborhood meeting in accordance with City procedures to describe their proposal before an application for rezoning can be accepted by the City. The neighborhood meeting is an opportunity for the applicant to describe the proposal as well as for area residents and property owners to offer input about the proposal at an early stage. The applicant shall hold the meeting at a time and location accessible and convenient for the public. The City shall be represented at the meeting. The City representative shall prepare a written report of the neighborhood meeting and make copies available to the City staff, the applicant, and the public.

3. The maximum time between a required neighborhood meeting and a public hearing before the Commission shall not be more than one hundred eight (180) days. In the event the public hearing is not held within 180 days, the applicant shall be required to hold another neighborhood meeting.

D. Notice. The City Manager or designee shall require that notice of required public hearings be given in accordance with Section 16-2-3.G EMC.

Section 4. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 6. Inconsistent Ordinances. 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 7. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 8. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.
Introduced, read in full, and passed on first reading as amended on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City’s official website beginning on the 7th day of September, 2011 for thirty (30) days.

________________________________________
James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 6th day of September, 2011.

________________________________________
Loucrishia A. Ellis
11-6-1: - Parking/Storage Regulations in All Districts.

A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer recreational vehicle or truck with an empty weight in excess of seven ten thousand (7,000 10,000) pounds (70-G.W.T.) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.

B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.

C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.

D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours within any one week, within any consecutive fourteen (14) day period.

E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.

F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.

G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.

H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.
I. The owner of an inoperable motor vehicle, off-road vehicle, recreational vehicle or trailer, as well as the occupant and owner of the property where such a vehicle or any trailer is stored, shall be responsible for compliance with this Chapter.

11-6-2: Parking/Storage Regulations for Residential Districts.

A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more recreational vehicles, motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week within any consecutive fourteen (14) day period while being expeditiously loaded or unloaded unless a permit is obtained under C(5)(b).

B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of seven ten thousand (7,000 10,000) pounds (G.W.T.). This limitation shall not apply to recreational vehicles.

2. A road tractor, truck tractor or semi-trailer.

3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.

4. A tow truck or automobile wrecker.

5. A church bus or school bus not used for school or church purposes.

C. No person shall park or store any vehicle on private property in violation of the following restrictions:

1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.

2. No vehicle shall be parked in the front yard of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust-free surface.

concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2⅛") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1” screen and less than 10% passing through a ½” screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.
3. In no case shall more than one commercial vehicle or recreational vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven ten thousand (7,000 10,000) pounds (70 C.W.T.).

4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.

5. No person shall occupy any vehicle in violation of the following:

   a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;

   b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent bordering public right-of-way on which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, recreational vehicle, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

15-1-2: Definitions

Hard Surface: A surface as defined in 16-11-2 (B) EMC.

of concrete or asphalt of sufficient thickness to support the weight of parked vehicles: brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (109% passing through a 1” screen and less than 10% passing through a ½” screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

Recreational Vehicle

A vehicular-type, portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.
15-9-2: Vehicles: Recreational Vehicles, Off-Road (ORV) and Trailers.

A. Recreational Vehicles, Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

1. No Recreational Vehicle, ORV or any type of trailer shall be stored within the front yard.

2. No person shall store or work on any Recreational Vehicle, ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.

3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.

4. No ORV or trailer may block visibility of pedestrians or other vehicles on a public street or alley. All ORVs and trailers must comply with an approved site distance triangle.
   a. The City Traffic Engineer shall determine compliance with sight distance triangle standards in connection with this Title and shall be authorized to vary these standards depending on site conditions.
   b. No parked ORV or trailer over three feet (3') in height above the grade of the adjacent street, alley or driveway shall be parked in a manner that obstructs the view of pedestrians on the sidewalk or obstructs the traffic vision at the intersections of streets, alleys or driveway.
   c. Figure 15-9-2 should be used as a guide to determine sight distance requirements at streets/driveways access (Typical). ORVs and trailers should be parked/stored at least ten feet (10') from back edge of the sidewalk or fifteen feet (15') from the curb where there is no sidewalk. For properties where there is no sidewalk or curb, vehicles should be parked/stored fifteen feet (15') from the travel way. All other instances shall be determined by the City Traffic Engineer.
d. The reasonableness of the Traffic Engineer's decision is appealable to the Board of Adjustment and Appeals as provided in 16-2-1(C) EMC.
5. An exception to the requirement that these items located above must be stored in the rear or side yard may be made for those properties where there is no reasonable access, as defined, from public property to the rear yard.

   a. For purposes of this Title, a lack of reasonable access shall be determined by the City Manager or designee on a case by case basis as to whether the obstruction which prevents access to the rear yard makes it physically impossible to access the rear yard without extensive construction or site modification.

   (1) by way of example but not limitation, a solid privacy or chain link fence, small trees; small shrubs; flowers, etc. which are removable will not be considered a lack of “reasonable access” to the rear or side yard. Masonry walls; large trees or permanent structures may be considered an obstruction to “reasonable access.”

   (a) Small trees shall be defined as deciduous or evergreen trees with a caliper measurement of six inches (6") or less. The caliper shall be measured at a point four feet (4’) above the grade.

   b. The reasonableness of the City Manager or designee’s decision is appealable to the Board of Adjustment and Appeals as provided in 16-2-1(C) EMC.

   c. The property must have a legal curb cut and driveway from the public street.

6. The exception listed in paragraph 5 above shall not apply to properties located in the Arapahoe Acres or Hampden Hills subdivisions.

B. Recreational Vehicles, Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).

   1. No Recreational Vehicle, off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.

   2. The provisions of this Section shall not apply to permitted and/or licensed Recreational Vehicle, ORV and trailer uses.

16-2-1: Administrative and Review Roles.

The following entities comprise the review and decision-making bodies with respect to administering this Title. The roles and functions of these bodies are described in this Section and summarized in the table contained in Section 16-2-2 EMC below.

C. Board of Adjustment and Appeals.

   1. Administrative and Review Roles Under this Title. The Board of Adjustment and Appeals ("Board") shall have the following responsibilities in administering this Title:

      a. Appeals from Building Permit Denials. The Board shall have power to hear and determine appeals from refusal of building permits.
b. *Administrative Appeals.* In addition to such other jurisdiction as authorized by law, the Board shall have the jurisdiction and power:

(1) To hear and decide appeals from and to review any order, requirement, decision, or determination by the Chief Building Official or any employee in the enforcement of this Title; similar Uniform Codes adopted by the City, except the Model Traffic Code; or by the City Manager, designee or Traffic Engineer under 15-9-2 (A)(4) EMC and to hear and decide all matters referred to it, or upon which it is required to pass under this Title or any amendment hereto.

(2) In deciding upon appeals, the Board may reverse or affirm, wholly or partly, or modify any notice, order, requirement, decision, or determination of any employee of the City in the enforcement of this Title, and to make such order, requirement, decision or determination as in its opinion ought to be made and, to that end, shall have all the powers of the enforcing agent.

c. *Zoning Variances.* The Board shall have the jurisdiction and power in specific cases to make specific exceptions to the terms, or modify the strict application of the provisions of this Title, according to the procedures within and consistent with the general purpose of this Title.

**16-2-9: Zoning Site Plan Review.**

A. Applicability. No land shall be used, occupied, or developed for any use without complying with the Zoning Site Plan requirements and procedures provided in this Section, as applicable. A Zoning Site Plan shall be required for:

1. The commencement of all development, improvement, or construction requiring a building permit, except for interior remodel and tenant finish.

2. The construction or expansion of fences, walls, and accessory structures (e.g., garages, carports, storage sheds, decks) in all zone districts, including decks less than thirty inches (30") in height and accessory structures containing less than one hundred twenty (120) square feet in floor area that do not otherwise require a building permit.

3. The construction, re-installation, expansion, alteration, surfacing, or resurfacing of a residential driveway. An Accessory Permit shall also be required.

4. Accessory uses, not including home occupations, marked as “A” in the applicable table cell in Table 16-5-1.1, “Table of Allowed Uses”.

5. The construction, re-installation, expansion, alteration, surfacing, or resurfacing of a parking area. An Accessory Permit shall also be required.

Title 16, Chapter 5, Section 4, Subsection C, Paragraph 2, Subparagraph a

**16-5-4: Accessory Uses.**

2. Parking Area, Surface.
a. Parking Area, Surface (R-2-B District Only). When an R-2-B district abuts or is adjacent to a MU-B-2 district, the portion of the lot adjacent to the business district may be used as a parking area by any commercial establishment to a depth of twenty-five feet (25') if the following conditions are met:

(1) The parking area must be screened from the residential portion of the lot by a six foot (6') opaque fence. Side yard fences must also be provided to screen adjacent property. These fences shall also be six feet (6') in height except that, within ten feet (10') of the rear property line, the fences cannot exceed thirty inches (30") in height or be less than fifty percent (50%) open.

(2) The paved parking area must be of hard surface to prevent the movement of dirt and debris from the parking area onto the public right-of-way.

(3) Parking stops or other devices allowing snowfall maintenance must be placed in the parking area to prevent damage to the fence by vehicles.

(4) Provisions must be made for the collection of trash as per City ordinance.

(5) The final design of the parking area must be approved by the City Manager or designee.

(6) No storage of vehicles is permitted and the lot is to be used solely for the parking of employees or customers.

(7) No vehicles in excess of seven ten thousand (7,000 10,000) pounds may be parked in the parking area.

(8) The minimum width of the parking area shall be fifty feet (50').

(9) The City Manager or designee may deny the use of any lot as a parking area if the above provisions are not met or if conditions are unsafe. The ruling may be appealed to the Board.

Title 16, Chapter 5, Section 4, Subsection D

D. Prohibited Accessory Uses.

1. Prohibited in All Zoning Districts. The following activities shall not be regarded as accessory to a principal use on any site and are prohibited in all zoning districts:

   a. Use of Travel Trailer or Recreational Vehicle (RV) as a Residence. The use of a travel trailer as a residence, permanent or temporary, with the exception of a trailer approved as a temporary use for security under Section 16-5-5 EMC, shall be prohibited in all zoning districts.

   b. Use of Motor Vehicle or Trailer for Sales, Service, Storage, or Other Business. The use of any motor vehicle, trailer, mini-mobile storage container, or shipping container as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted, shall be prohibited in all zoning districts. However, this subsection shall not prohibit the following:
(1) The sale of goods or merchandise at a City-approved or sponsored event; or

(2) Use of a motor vehicle, trailer, or shipping or storage container in connection with an approved recycling operation; or

(3) Use of a trailer or shipping or storage container in conjunction with construction authorized by a valid building permit; or

(4) Use of a trailer, shipping, or storage container for the temporary loading and unloading of goods, provided that no individual trailer or container is in place longer than forty-eight (48) hours.

2. Prohibited in Residential Zoning Districts. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in all residential (R) districts:

a. Automotive Repair. Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.

b. Outdoor Storage of Inoperative Vehicles. The outdoor storage of inoperative vehicles shall comply with Title 15 EMC.

c. Parking of Commercial Vehicles:

(1) In no event shall more than one (1) commercial vehicle be stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space, or in an open space area. The size of such commercial vehicles shall not exceed vehicle weight of six—ten thousand (6,000 10,000) pounds (60 C.W.T).

(2) For the purpose of this Section, a road tractor or truck tractor shall not be deemed a commercial vehicle, and no road tractor or truck tractor shall be parked or stored in any residential zone district.

(3) No commercial vehicle shall be stored on public property or in the public right-of-way.

16-6-4: Off-Street Parking Loading Requirements.

O. Surface Cover. Off-street parking and loading spaces shall be of a hard surface, either paved with asphalt, concrete or brick pavers, except that the City may approve the use of alternate dust-free surfacing materials (e.g., chip seal surfacing) to serve a principal permitted residential use.

of concrete or asphalt of sufficient thickness to support the weight of parked vehicles: brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼”) or crushed hard rock of a minimum depth of three and a half inches (3½”) placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾”) (100% passing through a 1” screen and less than 10% passing through a ½” screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.
16-6-10: Design Standards and Guidelines.

5. Front Lot Coverage/Residential Driveway and Parking Pad Standards.

   d. Standards for Residential Driveways and Parking Pads within the Front Yard or Setback Area.

   (1) Relationship to and Conflict with Similar Provisions. The general residential driveway standards in Section 16-6-3 EMC, above shall apply to residential development, except that if this subsection's residential driveway standards conflict with the standards in Section 16-6-3 EMC, this subsection's standards shall control and apply.

   (2) Zoning Site Plan Review Required. All new construction, surfacing or resurfacing, alteration, expansion, or re-installation of a residential driveway or parking pad shall require Zoning Site Plan review (see Section 16-2-9 EMC) prior to the start of work.

   (3) The Use of Parking Pads in Conjunction with Driveways. The use of parking pads in conjunction with driveways is discouraged but not prohibited. However, in no case shall the total width of any combination of parking pad and driveway exceed twenty feet (20').

   (4) Permitted Driveway and Parking Pad Paving Materials. Residential driveways and parking pad shall be improved with a durable hard surface approved by the City. Surfacing materials that may be used include concrete, exposed aggregate, and asphalt, concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2\(\frac{1}{4}\)"") or crushed hard rock of a minimum depth of three and a half inches (3\(\frac{1}{2}\)"") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (\(\frac{3}{4}\)"") (100% passing through a 1" screen and less than 10% passing through a 1/2" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

   Prohibited materials include dirt, gravel, crushed concrete and Grasscrete. Zoning Site Plan review (see Section 16-2-9) is required prior to the start of any residential driveway or parking pad surfacing.
16-11-2: Definition of Words, Terms and Phrases.

Hard Surface: As related to driveways, parking, and loading areas, "hard surface" means a durable surface of concrete, asphalt, exposed aggregate, brick pavers, or similar alternate materials approved by the City.

Concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1" screen and less than 10% passing through a ½" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

Recreational Vehicle

A vehicular-type, portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

The following grandfather clause is proposed for hard surfaces in C.B. 53.

Grandfather Clause  A gravel driveway or parking pad existing prior to ______________ shall be allowed to remain unless or until a site plan is required under 16-2-9(A) EMC which affects the driveway or parking area. Maintenance of a grandfathered driveway or parking area is specifically allowed and shall not be considered as an “alternative” or “resurfacing” under 16-2-9(A)(3) EMC.
BY AUTHORITY

ORDINANCE NO. ___ SERIES OF 2011

COUNCIL BILL NO. 48 INTRODUCED BY COUNCIL MEMBER ____________

A BILL FOR

AN ORDINANCE AMENDING TITLE 15, CHAPTER 9, SECTION 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO SITE TRIANGLE.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, the CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments to Title 16;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 9, Section 2, Subsection A, of the Englewood Municipal Code 2000, to read as follows:

15-9-2: - Vehicles: Off-Road (ORV) and Trailers.

A. Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

1. No ORV or any type of trailer shall be stored within the front yard.

2. No person shall store or work on any ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.

3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.

4. No ORV or trailer may block visibility of pedestrians or other vehicles on a public street or alley. All ORVs and trailers must comply with an approved site distance triangle.
a. The City Traffic Engineer shall determine compliance with sight distance triangle standards in connection with this Title and shall be authorized to vary these standards depending on site conditions.

b. No parked ORV or trailer over three feet (3') in height above the grade of the adjacent street, alley or driveway shall be parked in a manner that obstructs the view of pedestrians on the sidewalk or obstructs the traffic vision at the intersections of streets, alleys or driveway.

c. Figure 15-9-2 should be used as a guide to determine sight distance requirements at streets/driveways access (Typical). ORVs and trailers should be parked/stored at least ten feet (10’) from back edge of the sidewalk or fifteen feet (15’) from the curb where there is no sidewalk. For properties where there is no sidewalk or curb, vehicles should be parked/stored fifteen feet (15’) from the travel way. All other instances shall be determined by the City Traffic Engineer.

d. The reasonableness of the Traffic Engineer's decision is appealable to the Board of Adjustment and Appeals as provided in 16-2-1(C) EMC.
Figure 15-9-2

Driveway/Street Sight Distance
(Typical)

STREET

No Parking beyond this line

10'

10'

Back of Walk

Required Minimum Sight Distance Area
Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or it application to other persons or circumstances.

Section 4. Inconsistent Ordinances. 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 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading as amended on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 7th day of September, 2011 for thirty (30) days.

ATTEST:

James K. Woodward, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 6th day of September, 2011.

Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. ______ SERIES OF 2011
COUNCIL BILL NO. 49 INTRODUCED BY COUNCIL
MEMBER __________

A BILL FOR

AN ORDINANCE AMENDING TITLE 15, CHAPTER 9, SECTION 2 AND TITLE 16, CHAPTER 2, SECTION 1, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO PROPERTIES WITHOUT ACCESS TO REAR AND SIDE YARDS.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments to Title 16;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 9, Section 2, of the Englewood Municipal Code 2000, to read as follows:

15-9-2: - Vehicles: Off-Road (ORV) and Trailers.

A. Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

1. No ORV or any type of trailer shall be stored within the front yard.

2. No person shall store or work on any ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.

3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.

4. Reserved for Sight Triangle.
5. An exception to the requirement that these items located above must be stored in the rear or side yard may be made for those properties where there is no reasonable access, as defined, from public property to the rear yard.

   a. For purposes of this Title, a lack of reasonable access shall be determined by the City Manager or designee on a case by case basis as to whether the obstruction which prevents access to the rear yard makes it physically impossible to access the rear yard without extensive construction or site modification.

      (1) by way of example but not limitation, a solid privacy or chain link fence, small trees: small shrubs: flowers, etc. which are removable will not be considered a lack of “reasonable access” to the rear or side yard. Masonry walls; large trees or permanent structures may be considered an obstruction to “reasonable access.”

      (a) Small trees shall be defined as deciduous or evergreen trees with a caliper measurement of six inches (6’’) or less. The caliper shall be measured at a point four feet (4’) above the grade.

   b. The reasonableness of the City Manager or designee’s decision is appealable to the Board of Adjustment and Appeals as provided in 16-2-1(C) EMC.

   c. The property must have a legal curb cut and driveway from the public street.

6. The exception listed in paragraph 5 above shall not apply to properties located in the Arapahoe Acres or Hampden Hills subdivisions.

B. Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).

   1. No off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.

   2. The provisions of this Section shall not apply to permitted and/or licensed ORV and trailer uses.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 1, Subsection C, Paragraph 1, of the Englewood Municipal Code 2000, to read as follows:

16-2-1: Administrative and Review Roles.

The following entities comprise the review and decision-making bodies with respect to administering this Title. The roles and functions of these bodies are described in this Section and summarized in the table contained in Section 16-2-2 EMC below.

C. Board of Adjustment and Appeals.

   1. Administrative and Review Roles Under this Title. The Board of Adjustment and Appeals ("Board") shall have the following responsibilities in administering this Title:
a. Appeals from Building Permit Denials. The Board shall have power to hear and determine appeals from refusal of building permits.

b. Administrative Appeals. In addition to such other jurisdiction as authorized by law, the Board shall have the jurisdiction and power:

(1) To hear and decide appeals from and to review any order, requirement, decision, or determination by the Chief Building Official or any employee in the enforcement of this Title; similar Uniform Codes adopted by the City, except the Model Traffic Code; or by the City Manager, designee or Traffic Engineer under 15-9-2 (A)(4) EMC and to hear and decide all matters referred to it, or upon which it is required to pass under this Title or any amendment hereto.

(2) In deciding upon appeals, the Board may reverse or affirm, wholly or partly, or modify any notice, order, requirement, decision, or determination of any employee of the City in the enforcement of this Title, and to make such order, requirement, decision or determination as in its opinion ought to be made and, to that end, shall have all the powers of the enforcing agent.

c. Zoning Variances. The Board shall have the jurisdiction and power in specific cases to make specific exceptions to the terms, or modify the strict application of the provisions of this Title, according to the procedures within and consistent with the general purpose of this Title.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. 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 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.
Section 7. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City’s official website beginning on the 7th day of September, 2011 for thirty (30) days.

______________________________
James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 6th day of September, 2011.

______________________________
Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. _____ SERIES OF 2011

COUNCIL BILL NO. 50
INTRODUCED BY COUNCIL MEMBER ____________

A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2, AND TITLE 16, CHAPTER 5, SECTION 4, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO VEHICLE WEIGHT LIMITATIONS.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments to Title 16; and

WHEREAS, P&Z reviewed these amendments at a Public Hearing held on August 16, 2011 and made recommendations to City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 1, of the Englewood Municipal Code 2000, to read as follows:

11-6-1: - Parking/Storage Regulations in All Districts.

A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer or truck with an empty weight in excess of seven ten thousand (7,000) 10,000 pounds (70 C.W.T.) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.

B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether
loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.

C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.

D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours within any one week.

E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.

F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.

G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.

H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

11-6-2: - Parking/Storage Regulations for Residential Districts.

A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of seven ten thousand (7,000 10,000) pounds (70-G.W.T.). This limitation shall not apply to recreational vehicles.

2. A road tractor, truck tractor or semi-trailer.

3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
4. A tow truck or automobile wrecker.

5. A church bus or school bus not used for school or church purposes.

C. No person shall park or store any vehicle on private property in violation of the following restrictions:

1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.

2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.

3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven ten thousand (7,000 10,000) pounds (70 C.W.T.).

4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.

5. No person shall occupy any vehicle in violation of the following:

a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;

b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 4, Subsection C, Paragraph 2, Subparagraph a, of the Englewood Municipal Code 2000, to read as follows:

16-5-4: Accessory Uses.

2. Parking Area, Surface.

a. Parking Area, Surface (R-2-B District Only). When an R-2-B district abuts or is adjacent to a MU-B-2 district, the portion of the lot adjacent to the business district
may be used as a parking area by any commercial establishment to a depth of twenty-five feet (25') if the following conditions are met:

(1) The parking area must be screened from the residential portion of the lot by a six foot (6') opaque fence. Side yard fences must also be provided to screen adjacent property. These fences shall also be six feet (6') in height except that, within ten feet (10') of the rear property line, the fences cannot exceed thirty inches (30") in height or be less than fifty percent (50%) open.

(2) The paved parking area must be of hard surface to prevent the movement of dirt and debris from the parking area onto the public right-of-way.

(3) Parking stops or other devices allowing snowfall maintenance must be placed in the parking area to prevent damage to the fence by vehicles.

(4) Provisions must be made for the collection of trash as per City ordinance.

(5) The final design of the parking area must be approved by the City Manager or designee.

(6) No storage of vehicles is permitted and the lot is to be used solely for the parking of employees or customers.

(7) No vehicles in excess of seven ten thousand (7,000 10,000) pounds may be parked in the parking area.

(8) The minimum width of the parking area shall be fifty feet (50').

(9) The City Manager or designee may deny the use of any lot as a parking area if the above provisions are not met or if conditions are unsafe. The ruling may be appealed to the Board.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 4, Subsection D, of the Englewood Municipal Code 2000, to read as follows:

D. Prohibited Accessory Uses.

1. Prohibited in All Zoning Districts. The following activities shall not be regarded as accessory to a principal use on any site and are prohibited in all zoning districts:

a. Use of Travel Trailer or Recreational Vehicle (RV) as a Residence. The use of a travel trailer as a residence, permanent or temporary, with the exception of a trailer approved as a temporary use for security under Section 16-5-5 EMC, shall be prohibited in all zoning districts.

b. Use of Motor Vehicle or Trailer for Sales, Service, Storage, or Other Business. The use of any motor vehicle, trailer, mini-mobile storage container, or shipping container as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted, shall be prohibited in all zoning districts. However, this subsection shall not prohibit the following:
(1) The sale of goods or merchandise at a City-approved or sponsored event; or

(2) Use of a motor vehicle, trailer, or shipping or storage container in connection with an approved recycling operation; or

(3) Use of a trailer or shipping or storage container in conjunction with construction authorized by a valid building permit; or

(4) Use of a trailer, shipping, or storage container for the temporary loading and unloading of goods, provided that no individual trailer or container is in place longer than forty-eight (48) hours.

2. Prohibited in Residential Zoning Districts. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in all residential (R) districts:

a. *Automotive Repair.* Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.

b. *Outdoor Storage of Inoperative Vehicles.* The outdoor storage of inoperative vehicles shall comply with Title 15 EMC.


(1) In no event shall more than one (1) commercial vehicle be stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space, or in an open space area. The size of such commercial vehicles shall not exceed vehicle weight of six -ten thousand (6,000-10,000) pounds (60-C.W.T).

(2) For the purpose of this Section, a road tractor or truck tractor shall not be deemed a commercial vehicle, and no road tractor or truck tractor shall be parked or stored in any residential zone district.

(3) No commercial vehicle shall be stored on public property or in the public right-of-way.

Section 5. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or it application to other persons or circumstances.
Section 7. Inconsistent Ordinances. 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 8. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 9. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 7th day of September, 2011 for thirty (30) days.

______________________________
James K. Woodward, Mayor

ATTEST:

______________________________
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 6th day of September, 2011.

______________________________
Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. ____ SERIES OF 2011
COUNCIL BILL NO. 51 INTRODUCED BY COUNCIL MEMBER ________

A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2; TITLE 15, CHAPTER 1, SECTION 2; AND TITLE 16, CHAPTER 11, SECTION 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO PARKING FOR RECREATIONAL VEHICLES.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments to Title 16;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 1, Section 2, and Title 16, Chapter 11, Section 2(B), of the Englewood Municipal Code 2000, by inserting in alphabetical order to read as follows:

15-1-2: Definitions.

and

16-11-2: Definition of Words, Terms, and Phrases.

B. Definition of words, Terms, and Phrases.

Recreational Vehicle

A vehicular-type, portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 1, of the Englewood Municipal Code 2000, to read as follows:

11-6-1: - Parking/Storage Regulations in All Districts.

A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer, recreational vehicle
or truck with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.

B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.

C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.

D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours within any one week.

E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.

F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.

G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.

H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.

I. The owner of an incapable motor vehicle, off-road vehicle, recreational vehicle or trailer, as well as the occupant and owner of the property where such a vehicle or any trailer is stored, shall be responsible for compliance with this Chapter.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

11-6-2: - Parking/Storage Regulations for Residential Districts.
A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more recreational vehicles, motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way. The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.) excluding recreational vehicles.

2. A road tractor, truck tractor or semi-trailer.

3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.

4. A tow truck or automobile wrecker.

5. A church bus or school bus not used for school or church purposes.

C. No person shall park or store any vehicle on private property in violation of the following restrictions:

1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.

2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.

3. In no case shall more than one commercial vehicle or recreational vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).

4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.

5. No person shall occupy any vehicle in violation of the following:

a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection (b) below;

b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping
purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, recreational vehicle, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 9, Section 2, of the Englewood Municipal Code 2000, to read as follows:

15-9-2: - Vehicles: Recreational Vehicles, Off-Road (ORV) and Trailers.

A. Recreational Vehicles, Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

1. No Recreational Vehicle, ORV or any type of trailer shall be stored within the front yard.

2. No person shall store or work on any Recreational Vehicle, ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.

3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.

B. Recreational Vehicles, Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).

1. No Recreational Vehicle, off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.

2. The provisions of this Section shall not apply to permitted and/or licensed Recreational Vehicle, ORV and trailer uses.

Section 5. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or it application to other persons or circumstances.
Section 7. Inconsistent Ordinances. 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 8. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 9. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City’s official website beginning on the 7th day of September, 2011 for thirty (30) days.

__________________________
James K. Woodward, Mayor

ATTEST:

__________________________
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 6th day of September, 2011.

__________________________
Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. ______ SERIES OF 2011
COUNCIL BILL NO. 52
INTRODUCED BY COUNCIL MEMBER ________________

A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO 72 HOUR PARKING.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 1, of the Englewood Municipal Code 2000, to read as follows:

11-6-1: - Parking/Storage Regulations in All Districts.

A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer or truck with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.

B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.
C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.

D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours within any one week within any consecutive fourteen (14) day period.

E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.

F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.

G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.

H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

11-6-2: - Parking/Storage Regulations for Residential Districts.

A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way. The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week within any consecutive fourteen (14) day period while being expeditiously loaded or unloaded unless a permit is obtained under C(5)(b).

B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.).
2. A road tractor, truck tractor or semi-trailer.
3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
4. A tow truck or automobile wrecker.
5. A church bus or school bus not used for school or church purposes.
C. No person shall park or store any vehicle on private property in violation of the following restrictions:

1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.

2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.

3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).

4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6) in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.

5. No person shall occupy any vehicle in violation of the following:
   a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection (b) below;
   
   b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent bordering public right-of-way on which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or it application to other persons or circumstances.
Section 5. Inconsistent Ordinances. 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 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City’s official website beginning on the 7th day of September, 2011 for thirty (30) days.

_____________________________
James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 6th day of September, 2011.

_____________________________
Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. ____ SERIES OF 2011 COUNCIL BILL NO. 53
INTRODUCED BY COUNCIL MEMBER ____________

A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTION 2(C); TITLE 15, CHAPTER 1, SECTION 2; TITLE 16, CHAPTER 6, SECTIONS 4 AND 10, AND TITLE 16, CHAPTER 11, SECTION 2 OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO HARD SURFACES.

WHEREAS, in July of 2010 this issue was referred to the Code Enforcement Advisory Committee (CEAC) for recommendations; and

WHEREAS, on July 25, 2011, CEAC met with City Council and discussed their recommendations; and

WHEREAS, these ordinance amendments were sent to Planning and Zoning Commission (P&Z) for review of the amendments to Title 16; and

WHEREAS, P&Z reviewed these amendments at a Public Hearing held on August 16, 2011 and made recommendations to City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

11-6-2: - Parking/Storage Regulations for Residential Districts.

A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.).
2. A road tractor, truck tractor or semi-trailer.
3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
4. A tow truck or automobile wrecker.
5. A church bus or school bus not used for school or church purposes.

C. No person shall park or store any vehicle on private property in violation of the following restrictions:

1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
2. No vehicle shall be parked in the front yard of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust-free surface. Concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2½") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1” screen and less than 10% passing through a ½” screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.
3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).
4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.
5. No person shall occupy any vehicle in violation of the following:
   a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;
   b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.
Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 1, Section 2, “Definitions” of the Englewood Municipal Code 2000, to read as follows, with unchanged definitions:

15-1-2: Definitions

Hard Surface: A surface as defined in 16-11-2 (B) EMC.

of concrete or asphalt of sufficient thickness to support the weight of parked vehicles: brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼”) or crushed hard rock of a minimum depth of three and a half inches (3½”) placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾”) (100% passing through a 1” screen and less than 10% passing through a ¼” screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 9, “Zoning Site Plan Review” of the Englewood Municipal Code 2000, to read as follows:

16-2-9: Zoning Site Plan Review.

A. Applicability. No land shall be used, occupied, or developed for any use without complying with the Zoning Site Plan requirements and procedures provided in this Section, as applicable. A Zoning Site Plan shall be required for:

1. The commencement of all development, improvement, or construction requiring a building permit, except for interior remodel and tenant finish.

2. The construction or expansion of fences, walls, and accessory structures (e.g., garages, carports, storage sheds, decks) in all zone districts, including decks less than thirty inches (30”) in height and accessory structures containing less than one hundred twenty (120) square feet in floor area that do not otherwise require a building permit.

3. The construction, re-installation, expansion, alteration, surfacing, or resurfacing of a residential driveway. An Accessory Permit shall also be required.

4. Accessory uses, not including home occupations, marked as “A” in the applicable table cell in Table 16-5-1.1, “Table of Allowed Uses”.

5. The construction, re-installation, expansion, alteration, surfacing, or resurfacing of a parking area. An Accessory Permit shall also be required.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 4, Subsection O, of the Englewood Municipal Code 2000, to read as follows:
16-6-4: Off-Street Parking Loading Requirements.

O. Surface Cover. Off-street parking and loading spaces shall be of a hard surface, either paved with asphalt, concrete or brick pavers, except that the City may approve the use of alternate dust-free surfacing materials (e.g., chip seal surfacing) to serve a principal permitted residential use.

of concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2 1/4") or crushed hard rock of a minimum depth of three and a half inches (3 1/2") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (3/4") (100% passing through a 1" screen and less than 10% passing through a 3/4" screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

Section 5: The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 10, Subsection B, Paragraph 5, Letter d, Number 4, of the Englewood Municipal Code 2000, to read as follows:

16-6-10: Design Standards and Guidelines.

5. Front Lot Coverage/Residential Driveway and Parking Pad Standards.

d. Standards for Residential Driveways and Parking Pads within the Front Yard or Setback Area.

(1) Relationship to and Conflict with Similar Provisions. The general residential driveway standards in Section 16-6-3 EMC, above shall apply to residential development, except that if this subsection's residential driveway standards conflict with the standards in Section 16-6-3 EMC, this subsection's standards shall control and apply.

(2) Zoning Site Plan Review Required. All new construction, surfacing or resurfacing, alteration, expansion, or re-installation of a residential driveway or parking pad shall require Zoning Site Plan review (see Section 16-2-9 EMC) prior to the start of work.

(3) The Use of Parking Pads in Conjunction with Driveways. The use of parking pads in conjunction with driveways is discouraged but not prohibited. However, in no case shall the total width of any combination of parking pad and driveway exceed twenty feet (20').

(4) Permitted Driveway and Parking Pad Paving Materials. Residential driveways and parking pad shall be improved with a durable hard surface approved by the City. Surfacing materials that may be used include concrete, exposed aggregate, and asphalt. concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches.
(2½") or crushed hard rock of a minimum depth of three and a half inches (3½"") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1” screen and less than 10% passing through a ¾” screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

Prohibited materials include dirt, gravel, crushed concrete and Grasscrete. Zoning Site Plan review (see Section 16-2-9) is required prior to the start of any residential driveway or parking pad surfacing.

[EDITORS NOTE: The remainder of 16-6-10, contains no changes and is therefore not included here]

Section 6. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter II, Section 2, of the Englewood Municipal code 2000, to read as follows:

16-11-2: Definition of Words, Terms and Phrases.

*Hard Surface:* As related to driveways, parking, and loading areas, "hard surface" means a durable surface of concrete, asphalt, exposed aggregate, brick pavers, or similar alternate materials approved by the City.

Concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼") or crushed hard rock of a minimum depth of three and a half inches (3½") placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾") (100% passing through a 1” screen and less than 10% passing through a ¾” screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

Section 7. Grandfather Clause. A gravel driveway or parking pad existing prior to shall be allowed to remain unless or until a site plan is required under 16-2-9(A) EMC which affects the driveway or parking area. Maintenance of a grandfathered driveway or parking area is specifically allowed and shall not be considered as an “alternative” or “resurfacing” under 16-2-9(A)(3) EMC.

Section 8. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 9. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or it application to other persons or circumstances.
Section 10. Inconsistent Ordinances. 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 11. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 12. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading as amended on the 6th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 9th day of September, 2011.

Published as a Bill for an Ordinance on the City’s official website beginning on the 7th day of September, 2011 for thirty (30) days.

__________________________________________
James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 6th day of September, 2011.

__________________________________________
Loucrishia A. Ellis
COUNCIL COMMUNICATION

Date  Agenda Item  Subject
September 19, 2011  11 a i  West Union Ave/Platte River Boat Chute Modifications – Agreement

INITIATED BY  STAFF SOURCE
Utilities Department  Stewart H. Fonda, Director of Utilities

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

None.

RECOMMENDED ACTION

The Englewood Water and Sewer Board, at their February 9, 2010 meeting, recommended Council to approve the License Agreement from the Colorado Water Conservation Board for river access to design and build the boat chute improvements on the South Platte River and Union Avenue.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The proposed project is 250’ north of the Union Avenue Bridge on the South Platte River in Englewood, near the raw water intake and pump station. The Colorado Water Conservation Board was contacted by the South Suburban Parks Foundation with concerns about public safety. The project will improve egress from the downstream pool, reduce eddy velocities, improve line-of-sight to the pool and site signage. The Colorado Water Conservation Board owns the kayak boat chutes, but Englewood supports these improvements and recommends approving an access and license agreement.

The proposed Boat Chute Agreement allows the Colorado Water Conservation Board to modify the intake structure by cutting an existing wall off to reduce the eddies in the river flow. Englewood agreed to let them modify the intake structure per their engineer’s recommendation, as part of their planned safety improvements.

The agreement was passed at the February 9, 2010 meeting but was delayed due to the Corps wanting to review the project further. Two rounds of comments were submitted from the Corps of Engineers to McLaughlin Engineers on March 11, 2010 and September 16, 2010. Delays were also due to weather. The project could not begin in winter because of weather conditions and the project had to wait until spring runoff was over. The 404 Permit has been obtained and a contractor has been retained and ready to proceed.

FINANCIAL IMPACT

All design and construction costs are the responsibility of the Colorado Water Conservation Board.

LIST OF ATTACHMENTS

Excerpt from February 9, 2010 Minutes from the Water & Sewer Board meeting
Ordinance
WATER AND SEWER BOARD
MINUTES

February 9, 2010

The meeting was called to order at 5:05 p.m.

Members present: Clark, Olson, Cassidy, Wiggins, Woodward, Mc Caslin, Habenicht

Members absent: Burns, Higday

Also present: Stewart Fonda, Director of Utilities
Bill McCormick, Operations Supt.
John Bock, Manager of Administration

1. MINUTES OF THE JANUARY 12, 2010 MEETING.

The Englewood Water and Sewer Board received the minutes of the January 12, 2010 meeting.

Mr. Wiggins moved;

Mr. Habenicht seconded: To approve the minutes of the January 12, 2010 meeting as written.

Ayes: Clark, Olson, Cassidy, Wiggins, Woodward, McCaslin, Habenicht

Nays: None

Members absent: Burns, Higday,

Motion carried.
Absent: Burns, Higday

Motion carried.

4. S. PLATTE RIVER/UNION AVE. BOAT CHUTE.

The Colorado Water Conservation Board (CWCB) was contacted by the South Suburban Parks Foundation regarding concerns about public safety in the South Platte River. The area is located 250’ north of the Union Avenue Bridge on the South Platte River in Englewood, near Englewood’s raw water intake and pump station. The project will improve egress from the downstream pool, reduce eddy velocities, improve line-of-sight to the pool and site signage. The CWCB owns the kayak boat chutes. Englewood staff supports these improvements and recommends approving an access and license agreement.

The Boat Chute Agreement allows the CWCB to modify the intake structure by cutting an existing wall to reduce the eddies in the river flow. With the Agreement Regarding Design and Construction of Union Avenue Boat Chutes, Englewood allows the CWCB to modify the intake structure per their engineer’s recommendation. The Access Agreement allows the CWCB permission to cross Englewood’s river pump station property to gain access for construction.

Mr. Cassidy moved;

Mr. Habenicht seconded: To recommend Council approval of the Grant of Access Easement and the Agreement Regarding Design and Construction of Union Avenue Boat Chutes Safety Improvements Including a Part of the City of Englewood’s Water Intake Structure, subject to the City Attorney’s final approval.

Ayes: Clark, Olson, Cassidy, Wiggins, Woodward, McCaslin, Habenicht

Nays: None

Absent: Burns, Higday

Motion carried.
BY AUTHORITY

ORDINANCE NO. ____ SERIES OF 2011
COUNCIL BILL NO. 55
INTRODUCED BY COUNCIL
MEMBER ____________

A BILL FOR

AN ORDINANCE AUTHORIZING AN "AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF UNION AVENUE BOAT CHUTES SAFETY IMPROVEMENTS" BETWEEN THE COLORADO WATER CONSERVATION BOARD, A DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF COLORADO AND THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, there exists structures on the South Platte River known as the Union Avenue Boat Chutes; and

WHEREAS, the Colorado Water Conservation Board wishes to make improvements in those structures; and

WHEREAS, these improvements will require modifications to the discharge portion of the City's existing raw water intake structure; and

WHEREAS, the Englewood Water and Sewer Board recommended approval of this Agreement at their February 9, 2010 meeting;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes an "Agreement Regarding Design and Construction of Union Avenue Boat Chutes Safety Improvements" between the Colorado Water Conservation Board, a division of the Department of Natural Resources of the State of Colorado and the City of Englewood, Colorado, attached hereto as Attachment 1.

Section 2. The Mayor is authorized to execute and the City Clerk to attest and seal the Agreement for and on behalf of the City of Englewood, Colorado.

Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 23rd day of September, 2011.
Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of September, 2011 for thirty (30) days.

ATTEST:

James K. Woodward, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Loucrishia A. Ellis
AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF UNION AVENUE BOAT CHUTES SAFETY IMPROVEMENTS

This Agreement made this _____ day of ____________, 2011, by and between the Colorado Water Conservation Board, a division of the Department of Natural Resources of the State of Colorado (hereinafter called “Board”) and the City of Englewood (hereinafter called “City”) collectively known as “Parties”.

WHEREAS, the Board wishes to make certain improvements to the Union Avenue Boat Chutes area on the South Platte River at a location approximately two-hundred and fifty feet (250’) north of the Union Avenue bridge across the South Platte River, near the City’s raw water intake and pump station (hereinafter called “Project”).

WHEREAS, the Board’s proposed project is designed to improve safety to the public by, among other improvements, improving egress from the downstream pool, line of sight to the pool and reducing eddy velocities.

WHEREAS, planning and design is by McLaughlin Engineers.

WHEREAS, these improvements require a modification of the discharge portion of the City’s existing raw water intake structure, which is owned by the City. (shown in the East Wall Profile on page 4 of Exhibit A as the concrete wall to be removed).

Now, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1. SCOPE OF AGREEMENT.
   This Agreement defines the Project along with the responsibilities and financial commitments of the Parties with respect to the project.

2. SCOPE OF THE PROJECT.
   The Project shall include all activities involved in the construction of the improvements to include the modification of the discharge portion of City’s raw water intake structure as shown on Exhibit A, attached hereto and incorporated by reference.

3. PUBLIC NECESSITY.
   Parties agree that the work performed pursuant to this Agreement is necessary for the health, safety, comfort, convenience and welfare of the public.

4. COSTS.
   All design and construction costs shall be the responsibility of the Board. However, the City will grant a temporary construction and access easement to Urban Drainage and Flood Control across the City’s Union Avenue pump station property at no cost to the Board or Urban Drainage and Flood Control.

5. PROJECT.
   A. The design and construction of the Project shall be the responsibility of the Board.
   B. The City has signed the design documents for the Project shown in Exhibit A, as required by Urban Drainage and Flood Control in order to construct the Project.
C. The City has no objections to the design of the Project shown in Exhibit A as it relates to the discharge portion of the City’s raw water intake structure and facility.

D. Should the Project create a material or adverse change in the operation of the City’s raw water intake facility, at the request of the City, the Board agrees to make repairs to the Project to return the City’s raw water intake facility to a condition substantially similar to its condition before the Project or to a condition and acceptable to the City.

6. INSURANCE.
The Urban Drainage and Flood Control District shall require any contractor to provide adequate liability insurance and shall require any contractor to provide proof that it carries general liability insurance for the Project, in amounts not less than $150,000 per person and $600,000 per occurrence, that names the City, the Board, and the District as additional insureds, and copies of certificates of insurance shall be provided to the City before any construction within the City’s property commences.

7. MAINTENANCE.
The Parties agree that the Board shall own and be responsible for maintenance of the completed and accepted Project. Future maintenance will occur by accessing the Project from Oxford Avenue and not through City’s Union Avenue pump station property. Once the Project is completed, the City shall remain in possession of its raw water intake and pump station and shall be solely responsible for its maintenance and operation. No part of the Union Avenue Boat Chutes shall be deemed to be part of any Public Sanitation Facility or Public Water Facility, within the meaning of such terms as defined by §24-10-103(5.5) and 5.7, C.R.S. 2010.

8. LIABILITY.
The City shall not be liable in any suits, demands, costs or actions of law resulting from the design, construction or maintenance of the Project.

9. NOTICES.
   A. For the City shall be directed to:
      Director of Utilities
      1000 Englewood Parkway
      Englewood, CO 80110

   B. For the Board shall be directed to:
      Chatfield Downstream Channel Improvement Project Coordinator
      Colorado Water Conservation Board
      1313 Sherman Street – Room 721
      Denver, CO 80203

   C. Any notices, demands or other communications required or permitted to be given by any provision of this Agreement shall be given in writing, delivered personally or sent by registered mail, postage prepaid and return receipt requested, addressed to PARTIES at the addresses set forth above or at such other address as either party may hereafter or from time to time designate by written notice to the other party given when personally delivered or mailed, and shall be considered received in the earlier of either the day on which such notice is actually received by the party to whom it is addressed or the third day after such notice is mailed.
10. **AMENDMENTS.**
   This Agreement contains all of the terms agreed upon by and among PARTIES. Any amendments or modifications to this Agreement shall be in writing and executed by PARTIES hereto to be valid and binding.

11. **PRIOR AGREEMENTS.**
   This Agreement does not abrogate or modify the rights and responsibilities of the parties under prior agreements regarding the boat chutes improvement at this location dated, May 1, 1983, May 1, 1986 and May 19, 1989.

12. **SEVERABILITY.**
   If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the Agreement as a whole and all other clauses or provisions shall be given full force and effect.

13. **APPLICABLE LAWS.**
   This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any and all legal actions regarding the transaction covered herein shall lie in District Court in and for Arapahoe County, State of Colorado.

14. **ASSIGNABILITY.**
   No party to this Agreement shall assign or transfer any of its rights or obligations hereunder without the prior written consent of the nonassigning party or parties to this Agreement.

15. **BINDING EFFECT.**
   The provisions of this Agreement shall bind and shall inure to the benefit of PARTIES hereto and to their respective successors and permitted assigns.

16. **ENFORCEABILITY.**
   PARTIES hereto agree and acknowledge that this Agreement may be enforced subject to the provisions of the laws of the State of Colorado.

17. **TERM AND TERMINATION.**
   It is anticipated that this Agreement shall remain in effect so long as the structures shown on Exhibit A remain. In no event shall the Board’s responsibility for the design, construction and maintenance of the Project cease.

18. **APPROPRIATIONS.**
   Notwithstanding any other term, condition, or provision herein, each and every obligation of CITY and/or BOARD stated in this Agreement is subject to the requirement of a prior appropriation of funds therefore by the appropriate governing body of CITY and/or BOARD.

19. **GOVERNMENTAL IMMUNITY.**
   No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, of the Colorado Governmental Immunity Act, CRS §24-10-101 et seq., or the Federal Tort Claims Act, 28 U.S.C. §§1346(b) and 2671 et seq., as applicable now or hereafter amended.
20. **NO THIRD PARTY BENEFICIARIES**

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to PARTIES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of PARTIES that any person or party other than any one of PARTIES receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

CITY OF ENGLEWOOD, COLORADO

By: ____________________________

James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

COLORADO WATER CONSERVATION BOARD

By: ____________________________

The foregoing instrument was acknowledged before me this 15 day of August, 2011, by **Jennifer Simco** as **Director** of the Colorado Water Conservation Board.

Witness my hand and official seal.

My Commission expires: 11-6-2014

NOTARY PUBLIC
COUNCIL COMMUNICATION

Date
September 19, 2011

Agenda Item
11 a ii

Subject
West Union Ave/Platte River Boat Chute Modifications – Grant of Access Easement

INITIATED BY
Utilities Department

STAFF SOURCE
Stewart H. Fonda, Director of Utilities

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

None.

RECOMMENDED ACTION

The Englewood Water and Sewer Board, at their February 9, 2010 meeting, recommended Council to approve the Grant of Access Easement from Urban Drainage and Flood Control District for crossing Englewood’s property for the boat chute improvements project at South Platte River and Union Avenue.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The proposed project is 250’ north of the Union Avenue Bridge on the South Platte River in Englewood, near the raw water intake and pump station. The Colorado Water Conservation Board was contacted by the South Suburban Parks Foundation with concerns about public safety. The project will improve egress from the downstream pool, reduce eddy velocities, improve line-of-sight to the pool and site signage. The Colorado Water Conservation Board owns the kayak boat chutes, with Urban Drainage and Flood Control District overseeing the construction project. Englewood supports these improvements and recommends approving the access and license agreement.

The Access Agreement allows the Colorado Water Conservation Board permission to cross Englewood’s river pump station property to gain access for construction at Union Avenue.

The agreement and access easement were passed at the February 9, 2010 meeting but were delayed due to the Corps wanting to review the project further. Two rounds of comments were submitted from the Corps of Engineers to the Colorado Water Conservation Board on March 11, 2010 and September 16, 2010. Delays were also due to weather. The project could not begin in winter because of weather conditions and the project had to wait until spring runoff was over. The 404 Permit has been obtained and a contractor has been retained and ready to proceed.

FINANCIAL IMPACT

N/A

LIST OF ATTACHMENTS

Excerpt from February 9, 2010 Minutes from the Water & Sewer Board meeting
Ordinance
WATER AND SEWER BOARD
MINUTES

February 9, 2010

The meeting was called to order at 5:05 p.m.

Members present: Clark, Olson, Cassidy, Wiggins,
Woodward, McCaslin, Habenicht

Members absent: Burns, Higday

Also present: Stewart Fonda, Director of Utilities
Bill McCormick, Operations Supt.
John Bock, Manager of Administration

1. MINUTES OF THE JANUARY 12, 2010 MEETING.

The Englewood Water and Sewer Board received the minutes of the January 12, 2010
meeting.

Mr. Wiggins moved;

Mr. Habenicht seconded: To approve the minutes of the January 12,
2010 meeting as written.

Ayes: Clark, Olson, Cassidy, Wiggins, Woodward,
McCaslin, Habenicht

Nays: None

Members absent: Burns, Higday,

Motion carried.
Absent: Burns, Higday

Motion carried.

4. S. PLATTE RIVER/UNION AVE. BOAT CHUTE.

The Colorado Water Conservation Board (CWCB) was contacted by the South Suburban Parks Foundation regarding concerns about public safety in the South Platte River. The area is located 250' north of the Union Avenue Bridge on the South Platte River in Englewood, near Englewood’s raw water intake and pump station. The project will improve egress from the downstream pool, reduce eddy velocities, improve line-of-sight to the pool and site signage. The CWCB owns the kayak boat chutes. Englewood staff supports these improvements and recommends approving an access and license agreement.

The Boat Chute Agreement allows the CWCB to modify the intake structure by cutting an existing wall to reduce the eddies in the river flow. With the Agreement Regarding Design and Construction of Union Avenue Boat Chutes, Englewood allows the CWCB to modify the intake structure per their engineer’s recommendation. The Access Agreement allows the CWCB permission to cross Englewood’s river pump station property to gain access for construction.

Mr. Cassidy moved;

Mr. Habenicht seconded: To recommend Council approval of the Grant of Access Easement and the Agreement Regarding Design and Construction of Union Avenue Boat Chutes Safety Improvements Including a Part of the City of Englewood’s Water Intake Structure, subject to the City Attorney’s final approval.

Ayes: Clark, Olson, Cassidy, Wiggins, Woodward, McCaslin, Habenicht

Nays: None

Absent: Burns, Higday

Motion carried.
BY AUTHORITY

ORDINANCE NO. ___ SERIES OF 2011
COUNCIL BILL NO. 56
INTRODUCED BY COUNCIL MEMBER ________________

A BILL FOR

AN ORDINANCE AUTHORIZING A GRANT OF ACCESS EASEMENT TO URBAN DRAINAGE AND FLOOD CONTROL DISTRICT BY THE CITY OF ENGLEWOOD, COLORADO PERTAINING TO IMPROVEMENTS OF STRUCTURES ON THE SOUTH PLATTE RIVER KNOWN AS THE UNION AVENUE BOAT CHUTES.

WHEREAS, there exist structures on the South Platte River known as the Union Avenue Boat Chutes; and

WHEREAS, the Colorado Water Conservation Board wishes to make improvements in those structures: and

WHEREAS, these improvements will be completed by the Urban Drainage and Flood Control District; and

WHEREAS, in order to complete this work the District must have access to the South Platte River across property owned by the City of Englewood; and

WHEREAS, the Englewood Water and Sewer Board recommended approval of this Agreement at their February 9, 2010 meeting;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes a “Grant of Access Easement” to the Urban Drainage and Flood Control District by the City of Englewood, Colorado, attached hereto as Attachment 1.

Section 2. The Mayor is authorized to execute and the City Clerk to attest and seal the Access Easement for and on behalf of the City of Englewood, Colorado.

Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 23rd day of September, 2011.
Published as a Bill for an Ordinance on the City’s official website beginning on the 21st day of September, 2011 for thirty (30) days.

ATTEST:

James K. Woodward, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Loucrishia A. Ellis
GRANT OF ACCESS EASEMENT

THIS GRANT OF ACCESS EASEMENT ("Grant") is made this ___ day of ___ , 2011, by the CITY OF ENGLEWOOD ("Grantor"), a Colorado municipal corporation, whose address is 1000 Englewood Parkway, Englewood, Colorado 80110, and the URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, ("Grantee") whose address is 2480 West 26th Avenue, Suite 156-B, Denver, Colorado 80211.

THE PARTIES covenant and agree as follows:

1. **Easement Property.** The "Easement Property" shall mean the real property located at 2285 West Union Avenue in the County of Arapahoe, State of Colorado, more particularly described on the attached legal description with drawing, Exhibit A.

2. **Consideration.** In consideration for this Grant, Grantee will pay $10.00 and other valuable consideration the receipt of which is acknowledged.

3. **Grant of Easement.** Grantor hereby grants to Grantee, a temporary construction easement over, under, across and through the Easement Property for the purpose of access to structures or improvements of Grantee during the construction of the Union Avenue Boat Chutes safety improvements.

4. **Access.** Grantee shall have the right of ingress and egress in, to, over, through and across the Easement Property for any purpose necessary or desirable for the full enjoyment of the rights granted to Grantee under this Grant.

5. **Subjacent and Lateral Support.** Grantor covenants and agrees that Grantee shall have the right of subjacent and lateral support on the Easement Property for any purpose necessary or desirable for the full enjoyment of the rights granted to Grantee under this Grant.

6. **Warranty of Title.** Grantor warrants and represents that Grantor has full right, title, and authority, and that this Grant is effective to grant and convey to Grantee the within described easement.

7. **Security.** At all times during the performance of this project, the Grantee or Grantee's representative shall be responsible for maintaining the security of the Grantor's property by securing the gates to the property.
IN WITNESS WHEREOF, the Parties hereto have executed this Grant of Access Easement the day and year first above written.

GRANTOR:
CITY OF ENGLEWOOD, COLORADO

________________________
James K. Woodward, Mayor

ATTEST:

__________
Loucrishia A. Ellis, City Clerk

GRANTEE:
URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

By: ______________________________
   Executive Director
   Date: __7/29/11__

STATE OF COLORADO )
COUNTY OF DENVER ) ss.

The foregoing instrument was acknowledged before me this __7__th day of July, 2011, by Paul A. Hurdman as Executive Director of the Urban Drainage and Flood Control District.

Witness my hand and official seal.
My Commission expires:

________________________
4/17/2013
Notary Public

SANDRA A. GONZALEZ
Notary Public
State of Colorado
My Commission Expires April 17, 2013
COUNCIL COMMUNICATION

Date
September 19, 2011

Agenda Item
11 a iii

Subject
Ordinance for Sewer Connection Fee Revisions

INITIATED BY
Utilities Department

STAFF SOURCE
Stewart H. Fonda, Director of Utilities

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Current sewer connection fees for the collection system were established in 1981.

Current sewer connection fees for the Littleton/Englewood Wastewater Treatment Plant were established in 1981.

The proposed revisions were presented to City Council at the June 6, 2011 Study Session.

RECOMMENDED ACTION

The Englewood Water and Sewer Board, at its April 12, 2011 meeting, recommended Council approval of the proposed ordinance relating to sewer connection and collection system fees.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

A sewer tap connection fee is a one-time charge that allows new users to pay for their proportionate share of capacity in the City’s sewer collection system and wastewater treatment plant. Red Oak Consulting recently completed a sewer connection fee study to update the fees to recognize current value of the collection system and treatment plant assets.

The City is experiencing mixed-use developments in its sewer service area. These developments include multi-family dwelling units and commercial establishments that are served by a common water meter. Proposed mixed-use connection fees have been designed to recognize both residential and commercial demands.

A single family residential unit means a building or structure designed to be used as only one residential unit. Residential unit means a room or group of rooms which includes or is designed to include kitchen and bathroom facilities and in which one or more persons could reasonably reside on a permanent and non-transient basis. Kitchen facilities include any or all of the following: sink, range, stove, conventional oven or microwave oven. Bathroom facilities include any or all of the following: toilet, bath or shower. Because the actual water meter size determines the maximum possible load on the sewer system, Multifamily and Mixed Use usage shall be calculated based on the maximum possible load which may be greater than the current number of units or fixtures.

Sewer connection fees do not include the cost of material or labor for installation of service lines, stub outs or other installations or connections.
The attached study, presented to the Council at the June 6, 2011 study session, explains the methodology used to develop the mixed use connection fees. The Water and Sewer Board is recommending fees based upon replacement cost.

**FINANCIAL IMPACT**

The proposed sewer connection fees schedule was presented to City Council at their June 6, 2011 study session. It is proposed to revise sewer connection fees according to the recommendations presented in the study.

**LIST OF ATTACHMENTS**

Excerpt from April 12, 2011 Minutes from the Water & Sewer Board meeting
Water and Sewer Connection Fees Study
Ordinance
WATER AND SEWER BOARD
MINUTES
April 12, 2011

The meeting was called to order at 5:06 p.m.

Members present: Burns, Clark, Cassidy, Wiggins,
Woodward, McCaslin, Habenicht, Olson

Members absent: Higday
Also present: Stewart Fonda, Director of Utilities

1. MINUTES OF THE MARCH 8, 2011 MEETING.

The Englewood Water and Sewer Board received the minutes of the March 8, 2011
meeting. Mr. Cassidy noted a correction.

Mr. Habenicht moved;

Mr. Wiggins seconded: To approve the minutes of the March 8,
2011 meeting, as amended.

Ayes: Burns, Clark, Cassidy, Wiggins,
Woodward, McCaslin, Habenicht

Nays: None

Absent: Higday

Abstain: Olson

Motion carried.
2. GUEST: JOHN GALLAGHER, RED OAK CONSULTANTS
   WATER & SEWER CONNECTION FEES.

John Gallagher of Red Oak Consultants appeared to discuss the reevaluation of the
existing water and sewer tap fees. Red Oak calculated water and sewer connection fees
using a replacement cost basis. An executive summary was distributed showing the
existing and proposed water and sewer connection fees.

At a prior meeting, the Board approved connection fees for developments that include a
mix of multi-family and commercial uses. Mixed use connection fees incorporate the
proposed meter size, number of dwelling units and fixture units served by that meter size.

The Board previously reviewed and approved the changes to the connection fees on the
replacements cost basis. The proposed changes were reviewed because the original study
included connection fees based on a 5/8" tap, which Englewood does not change, and to
illustrate to the Board the sewer connection charges based on both existing fees and the
new fees as proposed in the study.

Discussion ensued regarding the proposed rates. It was noted that single family taps, up
to a four unit tap, would increase. The multi-family taps, from the 15 to 20 unit range and
up, would decrease.

Mr. Gray requested a comparison of tap fees from surrounding municipalities.

Mr. Clark moved;

Mr. Burns seconded: To recommend Council approval of the Alternative
Fee Schedule rates for water and sewer and
commercial mixed use connection fees. The Board
also recommended a Council Study Session to study
the Board’s recommendation.

Ayes: Burns, Clark, Olson, Cassidy, Wiggins, Woodward,
McCaslin, Habenicht

Nays: None

Absent: Higday

Motion carried.
City of Englewood

Water and Sewer Connection Fees

May 18, 2011

Report Prepared By:

REDDAK CONSULTING

6149004
# Table of Contents

## Contents

1. **Executive Summary** 1-1
   1.1. Introduction ................................................................. 1-1
   1.2. Assumptions ................................................................. 1-1
   1.3. Proposed Water Connection Fees ...................................... 1-1
   1.4. Proposed Sewer Collection System Connection Fees ............. 1-2
   1.5. Proposed Wastewater Treatment Plant Connection Fees ......... 1-3
   1.6. Proposed Mixed-Use Connection Fees .............................. 1-3

2. **Water Connection Fees** 2-1
   2.1. Methodology ................................................................. 2-1
   2.2. Calculation Procedure .................................................. 2-1
   2.3. Water System Value ...................................................... 2-1
   2.4. System Capacity .......................................................... 2-2
   2.5. Fee Calculation ........................................................... 2-3

3. **Sewer Collection System Connection Fee** 3-1
   3.1. Methodology ................................................................. 3-1
   3.2. Calculation Procedure .................................................. 3-1
   3.3. Sewer Collection System Value ...................................... 3-1
   3.4. System Capacity .......................................................... 3-2
   3.5. Fee Calculation ........................................................... 3-3

4. **Wastewater Treatment Plant Connection Fee** 4-1
   4.1. Methodology ................................................................. 4-1
   4.2. Calculation Procedure .................................................. 4-1
   4.3. Wastewater Treatment Plant Value .................................. 4-1
   4.4. System Capacity .......................................................... 4-2
   4.5. Fee Calculation ........................................................... 4-3

5. **Mixed-Use Connection Fees** 5-1
   5.1. Background ................................................................. 5-1
   5.2. Proposed and Alternative Fees ...................................... 5-1
# Table of Contents

## List of Tables

<table>
<thead>
<tr>
<th>Table</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 1-1</td>
<td>Comparison of Existing and Proposed Water Connection Fees</td>
<td>1-2</td>
</tr>
<tr>
<td>Table 1-2</td>
<td>Comparison of Existing and Proposed Sewer Collection System Connection Fees</td>
<td>1-2</td>
</tr>
<tr>
<td>Table 1-3</td>
<td>Comparison of Existing and Proposed Wastewater Treatment Connection Fees</td>
<td>1-3</td>
</tr>
<tr>
<td>Table 2-1</td>
<td>Water System Value</td>
<td>2-2</td>
</tr>
<tr>
<td>Table 2-2</td>
<td>Water Treatment Plant Capacity</td>
<td>2-3</td>
</tr>
<tr>
<td>Table 2-3</td>
<td>Development of Water Connection Fee per Capacity Unit</td>
<td>2-3</td>
</tr>
<tr>
<td>Table 2-4</td>
<td>Comparison of Existing and Proposed Single Family and Nonresidential Water Connection Fees</td>
<td>2-4</td>
</tr>
<tr>
<td>Table 2-5</td>
<td>Comparison of Existing and Proposed Multifamily Water Connection Fees</td>
<td>2-4</td>
</tr>
<tr>
<td>Table 3-1</td>
<td>Sewer Collection System Value</td>
<td>3-2</td>
</tr>
<tr>
<td>Table 3-2</td>
<td>Sewer Collection System Capacity</td>
<td>3-3</td>
</tr>
<tr>
<td>Table 3-3</td>
<td>Development of Sewer Collection System Connection Fee per Capacity Unit</td>
<td>3-4</td>
</tr>
<tr>
<td>Table 3-4</td>
<td>Comparison of Existing and Proposed Sewer Collection System Connection Fees</td>
<td>3-4</td>
</tr>
<tr>
<td>Table 3-5</td>
<td>Comparison of Existing and Proposed Multifamily Sewer Collection System Connection Fees</td>
<td>3-5</td>
</tr>
<tr>
<td>Table 4-1</td>
<td>City Portion of Wastewater Treatment Plant Value</td>
<td>4-2</td>
</tr>
<tr>
<td>Table 4-2</td>
<td>Wastewater Treatment Plant Capacity</td>
<td>4-3</td>
</tr>
<tr>
<td>Table 4-3</td>
<td>Development of Wastewater Treatment Plant Connection Fee per Capacity Unit</td>
<td>4-4</td>
</tr>
<tr>
<td>Table 4-4</td>
<td>Comparison of Existing and Proposed Single Family and Nonresidential Wastewater Treatment Plant Connection Fees</td>
<td>4-4</td>
</tr>
<tr>
<td>Table 4-5</td>
<td>Comparison of Existing, Proposed and Alternative Multifamily Wastewater Treatment Plant Connection Fees</td>
<td>4-5</td>
</tr>
<tr>
<td>Table 5-1</td>
<td>Range of Units Served By Meter Size</td>
<td>5-1</td>
</tr>
<tr>
<td>Table 5-2</td>
<td>Comparison of Existing, Proposed and Alternative Multifamily Connection Fees</td>
<td>5-2</td>
</tr>
<tr>
<td>Table 5-3</td>
<td>Comparison of Proposed and Alternative Commercial Mixed-Use Connection Fees</td>
<td>5-3</td>
</tr>
<tr>
<td>Table 5-4</td>
<td>Mixed-Use Connection Fee Examples Proposed Fees</td>
<td>5-4</td>
</tr>
<tr>
<td>Table 5-5</td>
<td>Mixed-Use Connection Fee Examples Alternative Fees</td>
<td>5-5</td>
</tr>
<tr>
<td>Table 5-6</td>
<td>Mixed Use Connection Fee Examples Alternative Fees</td>
<td>5-5</td>
</tr>
<tr>
<td>Table 5-7</td>
<td>Mixed Use Connection Fee Examples Alternative Fees</td>
<td>5-5</td>
</tr>
</tbody>
</table>
1. Executive Summary

1.1. Introduction

The City of Englewood, Colorado (City) provides water and sewer service to 8,400 and 43,000 customer accounts, respectively. About 75% of sewer accounts are located outside the City. The City's water and sewer utilities are funded primarily from rates and connection fees.

The connection fee is a one-time charge that allows new users to pay for their proportionate share of capacity in the City's water treatment plant and distribution system, sewer collection system, and wastewater treatment plant. The City authorized Red Oak Consulting to update the City's water and sewer connection fees. This report summarizes study assumptions, procedures, findings and recommendations.

1.2. Assumptions

This connection fee study is based on numerous assumptions. Changes in these assumptions could have a material effect on the study findings. Red Oak made the following assumptions in this study:

- The buy-in methodology is the best method to calculate the connection fees
- Capacity requirements of a 3/4-inch meter represent the requirements of one capacity unit
- Water and sewer mains smaller than 12 inches are contributed by developers
- Replacement cost of water and sewer mains are based on estimated rehabilitation cost
- Replacement cost of water and wastewater treatment plants are based on original cost trended to current cost using the 20-city Engineering News Record Construction Cost Index

1.3. Proposed Water Connection Fees

- Red Oak calculated water connection fees using four standard valuation approaches: original cost, original cost less depreciation, replacement cost, and replacement cost less depreciation.
- Table 1-1 compares existing and proposed inside City water connection fees. Existing fees have been in effect since 1982. Proposed connection fees for each meter size are the product of the connection fee per capacity unit (3/4-inch meter) multiplied by the meter capacity ratio.
### Table 1-1
Comparison of Existing and Proposed Water Connection Fees

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Existing Fees</th>
<th>AWWA Meter Capacity Ratios</th>
<th>Original Cost</th>
<th>Original Cost Less Depreciation</th>
<th>Replacement Cost</th>
<th>Replacement Cost Less Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4&quot;</td>
<td>1,000</td>
<td>1.00</td>
<td>1,570</td>
<td>1,120</td>
<td>4,360</td>
<td>3,320</td>
</tr>
<tr>
<td>1&quot;</td>
<td>1,800</td>
<td>1.67</td>
<td>2,620</td>
<td>1,870</td>
<td>7,270</td>
<td>5,530</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>4,000</td>
<td>3.33</td>
<td>5,200</td>
<td>3,700</td>
<td>14,500</td>
<td>11,100</td>
</tr>
<tr>
<td>2&quot;</td>
<td>7,200</td>
<td>5.33</td>
<td>8,400</td>
<td>6,000</td>
<td>23,300</td>
<td>17,700</td>
</tr>
<tr>
<td>3&quot;</td>
<td>16,000</td>
<td>10.67</td>
<td>16,700</td>
<td>11,900</td>
<td>46,500</td>
<td>35,400</td>
</tr>
<tr>
<td>4&quot;</td>
<td>28,800</td>
<td>16.57</td>
<td>28,200</td>
<td>18,700</td>
<td>72,700</td>
<td>55,300</td>
</tr>
<tr>
<td>6&quot;</td>
<td>64,000</td>
<td>40.00</td>
<td>62,800</td>
<td>44,800</td>
<td>174,400</td>
<td>132,800</td>
</tr>
</tbody>
</table>

### 1.4. Proposed Sewer Collection System Connection Fees

- Red Oak calculated sewer collection system connection fees using four standard valuation approaches: original cost, original cost less depreciation, replacement cost, and replacement cost less depreciation.
- Table 1-2 compares existing and proposed sewer collection system connection fees. Existing fees have been in effect since 1982.

### Table 1-2
Comparison of Existing and Proposed Sewer Collection System Connection Fees

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Existing Fees</th>
<th>AWWA Meter Capacity Ratios</th>
<th>Original Cost</th>
<th>Original Cost Less Depreciation</th>
<th>Replacement Cost</th>
<th>Replacement Cost Less Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4&quot;</td>
<td>500</td>
<td>1.00</td>
<td>170</td>
<td>70</td>
<td>1,200</td>
<td>530</td>
</tr>
<tr>
<td>1&quot;</td>
<td>833</td>
<td>1.67</td>
<td>280</td>
<td>120</td>
<td>2,000</td>
<td>880</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>1,677</td>
<td>3.33</td>
<td>600</td>
<td>200</td>
<td>4,000</td>
<td>1,800</td>
</tr>
<tr>
<td>2&quot;</td>
<td>2,667</td>
<td>5.33</td>
<td>900</td>
<td>400</td>
<td>6,400</td>
<td>2,800</td>
</tr>
<tr>
<td>3&quot;</td>
<td>5,333</td>
<td>10.67</td>
<td>1,800</td>
<td>700</td>
<td>12,800</td>
<td>5,700</td>
</tr>
<tr>
<td>4&quot;</td>
<td>8,333</td>
<td>16.67</td>
<td>2,800</td>
<td>1,200</td>
<td>20,000</td>
<td>8,800</td>
</tr>
<tr>
<td>6&quot;</td>
<td>16,887</td>
<td>40.00</td>
<td>6,800</td>
<td>2,800</td>
<td>48,000</td>
<td>21,200</td>
</tr>
</tbody>
</table>
1.5. Proposed Wastewater Treatment Plant Connection Fees

Red Oak calculated wastewater treatment plant connection fees using four standard valuation approaches: original cost, original cost less depreciation, replacement cost, and replacement cost less depreciation.

Table 1-3 compares existing and proposed wastewater treatment plant connection fees. Existing fees have been in effect since 1982.

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Existing Fees</th>
<th>AWWA Meter Capacity Ratios</th>
<th>Proposed Fees</th>
<th>Replacement Cost Less Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4&quot;</td>
<td>1,400</td>
<td>1.00</td>
<td>890</td>
<td>730</td>
</tr>
<tr>
<td>1&quot;</td>
<td>2,333</td>
<td>1.67</td>
<td>1,480</td>
<td>1,220</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>4,667</td>
<td>3.33</td>
<td>3,000</td>
<td>2,400</td>
</tr>
<tr>
<td>2&quot;</td>
<td>7,467</td>
<td>5.33</td>
<td>4,700</td>
<td>3,900</td>
</tr>
<tr>
<td>3&quot;</td>
<td>14,932</td>
<td>10.67</td>
<td>9,500</td>
<td>7,800</td>
</tr>
<tr>
<td>4&quot;</td>
<td>23,332</td>
<td>16.67</td>
<td>14,800</td>
<td>12,200</td>
</tr>
<tr>
<td>6&quot;</td>
<td>46,857</td>
<td>40.00</td>
<td>35,600</td>
<td>29,200</td>
</tr>
</tbody>
</table>

1.6. Proposed Mixed-Use Connection Fees

Red Oak developed connection fees for developments that include a mix of multifamily and commercial establishments. Proposed mixed-use connection fees produce connection fees designed to approximate the proposed meter size-based connection fees for the midrange of the number of dwelling units or fixture units served by that meter size. Section 5 shows the proposed mixed use connection fees.
2. Water Connection Fees

2.1. Methodology

Connection fees are usually based on one of the following industry-standard evaluation methods:

- Equity buy-in
- Incremental cost
- Hybrid

The equity buy-in method bases connection fees on the value and capacity of existing facilities. This method is best suited for existing facilities with excess capacity.

The incremental cost method bases connection fees on the value and capacity of future facilities. This method is best suited for utilities that have limited unutilized capacity in and have prepared detailed growth-related capital project plans.

The hybrid method bases the connection fee on the combination of the value and capacity of existing and future facilities. This method is appropriate for utilities that have some unused capacity in existing facilities and capacity expansion planned in the near future.

Red Oak used the equity buy-in method to calculate the water connection fees. This is considered an appropriate method to use for the City’s water utility since it has ample capacity in its existing facilities to serve future growth.

2.2. Calculation Procedure

Red Oak calculated water connection fees using the following steps:

- Identify water system assets
- Estimate value of assets under four different valuation methods
- Determine capacity requirements of one capacity unit
- Determine number of capacity units that can be served by existing facilities
- Calculate connection fee per capacity unit

2.3. Water System Value

Red Oak Consulting calculated the value of the City water system for each of the following standard valuation approaches:
Original Cost
Original Cost Less Depreciation
Replacement Cost New
Replacement Cost Less Depreciation

Original cost values are historic costs of purchasing and installing assets. Original cost less depreciation values are the book value of the assets. Replacement cost values are present-day estimated costs to purchase and install existing assets. Replacement cost less depreciation takes into consideration physical depreciation and obsolescence of existing assets.

Original cost and original cost less depreciation are values based on City asset records. Replacement cost values for water line assets are based on estimates by line size. Replacement cost values for all other assets are based on original costs trended to present day value using the 20-City ENR-CCI. Table 2-1 compares water system asset values for the four valuation approaches.

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Fixed Asset</th>
<th>Original Cost</th>
<th>Original Cost Less Depreciation</th>
<th>Replacement Cost</th>
<th>Replacement Cost Less Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Treatment Plant</td>
<td>$20,542,812</td>
<td>$15,300,384</td>
<td>$34,600,504</td>
<td>$24,284,849</td>
</tr>
<tr>
<td>2</td>
<td>Pumps and Storage</td>
<td>$4,396,834</td>
<td>$1,586,681</td>
<td>$12,927,468</td>
<td>$2,856,956</td>
</tr>
<tr>
<td>3</td>
<td>Mains</td>
<td>$15,089,114</td>
<td>$7,995,125</td>
<td>$4,626,418</td>
<td>$2,451,356</td>
</tr>
<tr>
<td>4</td>
<td>General Plant</td>
<td>$11,551,563</td>
<td>$9,884,451</td>
<td>$62,161,229</td>
<td>$57,413,563</td>
</tr>
<tr>
<td>5</td>
<td>Total System Value</td>
<td>$51,580,323</td>
<td>$34,766,641</td>
<td>$114,315,619</td>
<td>$87,006,724</td>
</tr>
</tbody>
</table>

2.4. System Capacity

Red Oak assumed the capacity requirements of a 3/4-inch meter represent the capacity requirements of one capacity unit. The 3/4-inch meter is commonly used for new single family residential connectors and represents the majority of water meters in service. Capacity units for all other meter sizes are a product of the number of customers for each meter size and capacity ratios of the respective meter sizes.

The City's water treatment plant peak day capacity is 28 million gallons per day (mgd) and is sufficient to serve the projected build-out population of the water service area. Red Oak assumes the number of capacity units that can be served by the water system is commensurate with treatment plant capacity.
Red Oak estimated peak day demand per capacity unit using City billing data and peak day demand data. The peak day demand per capacity unit of 1,070 gallons per day (gpd) is the product of 483 gpd average day demand for a 3/4-inch meter and the water system's peak day to average day demand ratio of 2.22.

Table 2-2 shows the calculation of the number of capacity units of the water treatment plant. System capacity of 26,200 is the quotient of peak day capacity of the water treatment plant and peak day demand of one capacity unit.

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Description</th>
<th>Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Peak Day Capacity of Water Treatment Plant (GPD)</td>
<td>28,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Peak Day Demand of One Capacity Unit (GPD)</td>
<td>1,070</td>
</tr>
<tr>
<td>3</td>
<td>Water System Capacity (Capacity Units)</td>
<td>26,200</td>
</tr>
</tbody>
</table>

2.5. Fee Calculation

The proposed water connection fee for a capacity unit is the quotient of the total system value and the capacity units of the system. System value is the value of existing assets less developer contribution. Red Oak assumed water mains 12-inches and smaller were contributed by developers. Table 2-3 shows the water connection fee calculation for a capacity unit.

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Fixed Asset</th>
<th>Original Cost</th>
<th>Original Cost Less Depreciation</th>
<th>Replacement Cost</th>
<th>Replacement Cost Less Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Existing Assets</td>
<td>$51,580,323</td>
<td>$34,786,641</td>
<td>$114,315,619</td>
<td>$87,006,724</td>
</tr>
<tr>
<td>2</td>
<td>Less Contributions</td>
<td>(10,321,094)</td>
<td>(5,468,740)</td>
<td></td>
<td>(0)</td>
</tr>
<tr>
<td>3</td>
<td>System Value</td>
<td>$41,259,229</td>
<td>$29,297,901</td>
<td>$114,315,619</td>
<td>$87,006,724</td>
</tr>
<tr>
<td>4</td>
<td>System Capacity Units</td>
<td>26,200</td>
<td>26,200</td>
<td>26,200</td>
<td>26,200</td>
</tr>
<tr>
<td>5</td>
<td>Connection Fee, per Capacity Unit</td>
<td>$1,570</td>
<td>$1,120</td>
<td>$4,380</td>
<td>$3,320</td>
</tr>
</tbody>
</table>

Table 2-4 compares existing and proposed single family and nonresidential water connection fees. Existing fees have been in effect since 1982. Proposed connection fees for each meter size are the product of the connection fee per capacity unit (3/4-inch meter) and meter capacity ratio.
Table 2-4
Comparison of Existing and Proposed
Single Family and Nonresidential Water Connection Fees

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Existing Fees</th>
<th>AWWA Meter Capacity Ratios</th>
<th>Proposed Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Original Cost</td>
<td>Original Cost</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Less</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>1,000</td>
<td>1.00</td>
<td>1,570</td>
</tr>
<tr>
<td>1&quot;</td>
<td>1,800</td>
<td>1.67</td>
<td>2,620</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>4,000</td>
<td>3.33</td>
<td>5,200</td>
</tr>
<tr>
<td>2&quot;</td>
<td>7,200</td>
<td>5.33</td>
<td>8,400</td>
</tr>
<tr>
<td>3&quot;</td>
<td>16,000</td>
<td>10.67</td>
<td>16,700</td>
</tr>
<tr>
<td>4&quot;</td>
<td>28,800</td>
<td>16.67</td>
<td>26,200</td>
</tr>
<tr>
<td>6&quot;</td>
<td>64,000</td>
<td>40.00</td>
<td>62,800</td>
</tr>
</tbody>
</table>

Table 2-5 compares existing and proposed multifamily water connection fees. Existing fees have been in effect since 1982 and consist of a $1,000 fee for the first unit and a $500 fee per unit for all additional units. Proposed multifamily connection fees use replacement cost asset values and consist of a base fee per connection and a three-tier dwelling unit fee.

Table 2-5
Comparison of Existing and Proposed
Multifamily Water Connection Fees

<table>
<thead>
<tr>
<th>Fee Structure</th>
<th>Existing Fee</th>
<th>Proposed Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Fee (per connection)</td>
<td>$0</td>
<td>$2,620</td>
</tr>
<tr>
<td>Dwelling Unit Fee (per dwelling unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First unit</td>
<td>$1,000</td>
<td>$580</td>
</tr>
<tr>
<td>Next 11 units</td>
<td>500</td>
<td>$580</td>
</tr>
<tr>
<td>Next 22 units</td>
<td>500</td>
<td>450</td>
</tr>
<tr>
<td>Over 34 units</td>
<td>500</td>
<td>275</td>
</tr>
</tbody>
</table>

Proposed multifamily fees produce connection fees designed to approximate the proposed meter size-based connection fee for the midrange of the number of dwelling units served by a particular meter size. For example, a 3/4-inch meter can serve two to four multifamily dwelling units. The proposed water connection fee for the midrange of this meter size (three dwelling units) is $4,360 which matches the proposed fee for the 3/4-inch meter.
Red Oak recommends the City periodically review and adjust its water connection fees to reflect changes in cost inflation, system capacity, and capacity unit service characteristics.
3. Sewer Collection System Connection Fee

3.1. Methodology

Connection fees are usually based on one of the following industry-standard evaluation methods:

- Equity buy-in
- Incremental cost
- Hybrid

The equity buy-in method bases connection fees on the value and capacity of existing facilities. This method is best suited for existing facilities with excess capacity.

The incremental cost method bases connection fees on the value and capacity of future facilities. This method is best suited for utilities that have limited unutilized capacity in and have prepared detailed growth-related capital project plans.

The hybrid method bases the connection fee on the combination of the value and capacity of existing and future facilities. This method is appropriate for utilities that have some unused capacity in existing facilities and capacity expansion planned in the near future.

Red Oak used the equity buy-in method to calculate the sewer collection system connection fees. This is considered an appropriate method to use since it has ample capacity in its existing facilities to serve future growth.

3.2. Calculation Procedure

Red Oak calculated sewer collection system connection fees using the following steps:

- Identify sewer collection system assets
- Estimate value of assets under four different valuation methods
- Determine capacity requirements of one capacity unit
- Determine number of capacity units that can be served by existing facilities
- Calculate connection fee per capacity unit

3.3. Sewer Collection System Value

Red Oak calculated the value of the City sewer collection system for each of the following standard valuation approaches:
Original cost values are the historic costs of purchasing and installing assets. Original cost less depreciation is book value of assets. Replacement cost values are present-day estimated costs to purchase and install existing assets. Replacement cost less depreciation takes physical depreciation and obsolescence of existing assets into consideration.

Original cost and original cost less depreciation values are based on City asset records. Replacement cost values for sewer collection main assets are based on estimates by main size. Replacement cost values for all other assets are based on original costs being trended to a present day value using the 20-City ENR-CCI. Table 3-1 compares sewer collection system asset values for the four valuation approaches.

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Fixed Asset</th>
<th>Original Cost</th>
<th>Original Cost Less Depreciation</th>
<th>Replacement Cost</th>
<th>Replacement Cost Less Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sewer Mains</td>
<td>$5,078,528</td>
<td>$2,327,874</td>
<td>$27,116,907</td>
<td>$9,234,583</td>
</tr>
<tr>
<td>2</td>
<td>General Plant</td>
<td>$1,236,475</td>
<td>$369,243</td>
<td>$2,358,608</td>
<td>$1,206,237</td>
</tr>
<tr>
<td>3</td>
<td>Total System Value</td>
<td>$6,315,003</td>
<td>$2,717,117</td>
<td>$29,475,515</td>
<td>$13,009,236</td>
</tr>
</tbody>
</table>

### 3.4. System Capacity

Red Oak assumed that the capacity requirements of a 3/4-inch meter represent the capacity requirements of one capacity unit. The 3/4-inch meter is commonly used for new single family residential connectors and represents the majority of water meters in service. Capacity units for all other meter sizes are the product of number of customers for each meter size multiplied by each meter size’s respective capacity ratio.

The existing collection system is sufficient to serve projected population at build-out without any additional expansions. Red Oak assumes the number of capacity units that can be served by the sewer’s collection system is commensurate with the wastewater treatment plant capacity to serve those inside city customers.

The City owns 50% (25 mgd) of the Littleton/Englewood wastewater treatment plant capacity. The City’s collection system serves only inside City customers and requires about 25% (6.25 mgd) of the City’s treatment plant capacity.
Red Oak estimated wastewater flow per capacity unit using City planning data from the 2003 Wastewater Treatment Plant Utility Plan and Site Application Report. Wastewater flow per capacity unit of 255 gpd is the product of 85 gallons per capita per day for a 3/4-inch meter and 3 persons per household.

Table 3-2 shows the calculation of the number of capacity units that can be served by the sewer collection system. The system capacity of 24,500 is the quotient of the capacity of the sewer collection system and the demand of one capacity unit.

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Description</th>
<th>Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Capacity of Wastewater Treatment Plant Serving City Sewer Collection System (gpd)</td>
<td>6,250,000</td>
</tr>
<tr>
<td>2</td>
<td>Wastewater Flow per Capacity Unit (gpd)</td>
<td>255</td>
</tr>
<tr>
<td>3</td>
<td>Sewer Collection System Capacity (Capacity Units)</td>
<td>24,500</td>
</tr>
</tbody>
</table>

3.5. Fee Calculation

The proposed sewer collection system connection fee for a capacity unit is the quotient of the total system value and the capacity units of the system. System value is the value of existing assets less developer contribution. Red Oak assumed sewer mains 12-inches and smaller were contributed by developers. Table 3-3 shows the sewer collection system connection fee calculation for a capacity unit.
### Table 3-3

Development of Sewer Collection System Connection Fee per Capacity Unit

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Fixed Asset</th>
<th>Original Cost</th>
<th>Original Cost Less Depreciation</th>
<th>Replacement Cost</th>
<th>Replacement Cost Less Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Existing Assets</td>
<td>$6,315,003</td>
<td>$2,717,117</td>
<td>$29,475,515</td>
<td>$13,009,235</td>
</tr>
<tr>
<td>2</td>
<td>Less Developer Contributions</td>
<td>(2,250,594)</td>
<td>(928,732)</td>
<td>(0)</td>
<td>(0)</td>
</tr>
<tr>
<td>3</td>
<td>System Value</td>
<td>$4,064,409</td>
<td>$1,788,385</td>
<td>$29,475,515</td>
<td>$13,009,235</td>
</tr>
<tr>
<td>4</td>
<td>System Capacity Units</td>
<td>24,500</td>
<td>24,500</td>
<td>24,500</td>
<td>24,500</td>
</tr>
<tr>
<td>5</td>
<td>Connection Fee, per Capacity Unit</td>
<td>$170</td>
<td>$70</td>
<td>$1,200</td>
<td>$530</td>
</tr>
</tbody>
</table>

Table 3-4 compares existing and proposed single family and nonresidential sewer collection system connection fees. Existing fees have been in effect since 1982. Proposed connection fees for each meter size are the product of the connection fee per capacity unit (3/4-inch meter) and meter capacity ratios.

### Table 3-4

Comparison of Existing and Proposed Sewer Collection System Connection Fees

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Existing Fees</th>
<th>AWWA Meter Capacity Ratios</th>
<th>Proposed Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Original Cost</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>500</td>
<td>1.00</td>
<td>170</td>
</tr>
<tr>
<td>1&quot;</td>
<td>833</td>
<td>1.67</td>
<td>280</td>
</tr>
<tr>
<td>1 1/4&quot;</td>
<td>1,677</td>
<td>3.33</td>
<td>600</td>
</tr>
<tr>
<td>2&quot;</td>
<td>2,667</td>
<td>5.33</td>
<td>900</td>
</tr>
<tr>
<td>3&quot;</td>
<td>5,333</td>
<td>10.67</td>
<td>1,800</td>
</tr>
<tr>
<td>4&quot;</td>
<td>8,333</td>
<td>16.67</td>
<td>2,800</td>
</tr>
<tr>
<td>6&quot;</td>
<td>16,667</td>
<td>40.00</td>
<td>6,800</td>
</tr>
</tbody>
</table>

Table 3-5 compares existing and proposed multifamily sewer collection system connection fees. Existing fees have been in effect since 1982 and are $500 per unit. Proposed multifamily connection fees use replacement cost asset values and consist of a base fee per connection and a three-tier dwelling unit fee.
Table 3-5
Comparison of Existing and Proposed
Multifamily Sewer Collection System Connection Fees

<table>
<thead>
<tr>
<th>Fee Structure</th>
<th>Existing Fee</th>
<th>Proposed Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Fee (per connection)</td>
<td>$0</td>
<td>$720</td>
</tr>
<tr>
<td>Dwelling Unit Fee (per dwelling unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 12 units</td>
<td>500</td>
<td>160</td>
</tr>
<tr>
<td>Next 22 units</td>
<td>500</td>
<td>125</td>
</tr>
<tr>
<td>Over 34 units</td>
<td>600</td>
<td>75</td>
</tr>
</tbody>
</table>

Proposed multifamily fees produce connection fees designed to approximate the proposed meter size-based connection fee for the midrange of the number of dwelling units served by a particular meter size. For example, a 3/4-inch meter can serve two to four multifamily dwelling units. The proposed fee for the midrange of this meter size (three dwelling units) is $1,200 which matches the proposed sewer collection system connection fee for the 3/4-inch meter.

Red Oak recommends the City periodically review and adjust its sewer collection system connection fees to reflect changes in cost inflation, system capacity, and capacity unit service characteristics.
4. Wastewater Treatment Plant Connection Fee

4.1. Methodology

Connection fees are usually based on one of the following industry-standard evaluation methods:

- Equity buy-in
- Incremental cost
- Hybrid

The equity buy-in method bases the connection fee on the value and capacity of existing facilities. This method is best suited for existing facilities with excess capacity.

The incremental cost method bases connection fees on the value and capacity of future facilities. This method is best suited for utilities that have limited unutilized capacity in and have prepared detailed growth-related capital project plans.

The hybrid method bases the connection fee on the combination of the value and capacity of existing and future facilities. This method is appropriate for utilities that have some unused capacity in existing facilities and capacity expansion planned in the near future.

Red Oak used the equity buy-in method to calculate the wastewater treatment plant connection fees. This is considered an appropriate method to use since there is ample capacity in existing facilities to serve future growth.

4.2. Calculation Procedure

Red Oak calculated wastewater treatment plant connection fees using the following steps:

- Identify wastewater treatment plant assets
- Estimate value of assets under four different valuation methods
- Determine capacity requirements of one capacity unit
- Determine number of capacity units that can be served by existing facilities
- Calculate connection fee per capacity unit

4.3. Wastewater Treatment Plant Value

Red Oak calculated the value of the City wastewater treatment plant assets for each of the following standard valuation approaches:
Section 4

Wastewater Treatment Plant Connection Fee

- Original Cost
- Original Cost Less Depreciation
- Replacement Cost New
- Replacement Cost Less Depreciation

Original cost values are the historic costs of purchasing and installing assets. Original cost less depreciation values are the book value of assets. Replacement cost values are the present-day estimated costs to purchase and install existing assets. Replacement cost less depreciation takes into consideration physical depreciation and obsolescence of existing assets.

Original cost and original cost less depreciation values are based on City asset records. Replacement cost values are based on original costs trended to present day value using the 20-City ENR-CCI. The City owns 50% of the Littleton/Englewood (L/E) wastewater treatment plant capacity. Table 4-1 compares the City portion of wastewater treatment plant asset values for the four valuation approaches.

Table 4-1
City Portion of Wastewater Treatment Plant Value

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Fixed Asset</th>
<th>Original Cost</th>
<th>Original Cost Less Depreciation</th>
<th>Replacement Cost</th>
<th>Replacement Cost Less Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>L/E WWTP</td>
<td>$43,629,042</td>
<td>$19,745,600</td>
<td>$87,829,825</td>
<td>$32,658,581</td>
</tr>
<tr>
<td>2</td>
<td>L/E WWTP Expansion</td>
<td>$56,500,000</td>
<td>$56,500,000</td>
<td></td>
<td>$56,500,000</td>
</tr>
<tr>
<td>3</td>
<td>Subtotal</td>
<td>$100,129,042</td>
<td>$76,245,680</td>
<td>$144,329,825</td>
<td>$89,158,581</td>
</tr>
<tr>
<td>5</td>
<td>Less Grants</td>
<td>($9,209,268)</td>
<td>(721,000)</td>
<td>(28,902,051)</td>
<td>(721,000)</td>
</tr>
<tr>
<td>6</td>
<td>Total Value</td>
<td>$79,048,565</td>
<td>$83,653,471</td>
<td>$103,556,585</td>
<td>$76,566,372</td>
</tr>
</tbody>
</table>

4.4. System Capacity

Red Oak assumed the capacity requirements of a 3/4-inch meter represent the capacity requirements of one capacity unit. The 3/4-inch meter is commonly used for new single family residential connectors and represents the majority of water meters in service. Capacity units for all other meter sizes are the product of number of customers for each meter size and each meter size's respective capacity ratio.

The wastewater treatment plant capacity is sufficient to serve projected population at build-out without any additional expansions. The City owns 50% (25 mgd) of the Littleton/Englewood wastewater treatment plant capacity.

City of Englewood, Colorado
2011 Water and Sewer Connection Fee Study
61488004
Red Oak estimated wastewater flow per capacity unit using City planning data from the 2003 Wastewater Treatment Plant Utility Plan and Site Application Report. The wastewater flow per capacity unit of 2.55 gpd is the product of 85 gallons per capita per day for a 3/4-inch meter and 3 persons per household.

Table 4-2 shows the calculation of the number of capacity units that can be served by the wastewater treatment plant. System capacity of 98,000 is the quotient of the capacity of the wastewater treatment plant and the demand of one capacity unit.

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Description</th>
<th>Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Capacity (City portion) of Wastewater Treatment Plant (gpd)</td>
<td>25,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Wastewater Flow per Capacity Unit (gpd)</td>
<td>255</td>
</tr>
<tr>
<td>3</td>
<td>Wastewater Treatment Plant Capacity (Capacity Units)</td>
<td>98,000</td>
</tr>
</tbody>
</table>

**4.5. Fee Calculation**

The proposed wastewater treatment plant connection fee for a capacity unit is the quotient of the total system value and capacity units of the system. Financing costs are included in the total system value and are equal to the net present value of growth-related interest payments related to the 2004 CWRPDA loan. Table 4-3 shows the wastewater treatment plant connection fee calculation for a capacity unit.
Table 4-3
Development of Wastewater Treatment Plant Connection Fee per Capacity Unit

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Description</th>
<th>Original Cost</th>
<th>Original Cost Less Depreciation</th>
<th>Replacement Cost</th>
<th>Replacement Cost Less Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total WWTP Value</td>
<td>$79,048,565</td>
<td>$63,653,471</td>
<td>$103,558,565</td>
<td>$76,560,372</td>
</tr>
<tr>
<td>2</td>
<td>NPV of Existing Debt Service</td>
<td>8,084,272</td>
<td>8,084,272</td>
<td>8,084,272</td>
<td>8,084,272</td>
</tr>
<tr>
<td></td>
<td>Interest Payments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Total System Value</td>
<td>$87,132,837</td>
<td>$71,737,743</td>
<td>$111,640,837</td>
<td>$84,650,644</td>
</tr>
<tr>
<td>4</td>
<td>Existing System Capacity</td>
<td>98,000</td>
<td>98,000</td>
<td>98,000</td>
<td>98,000</td>
</tr>
<tr>
<td></td>
<td>Capacity – Capacity Units</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Connection Fee, per Capacity</td>
<td>$890</td>
<td>$730</td>
<td>$1,140</td>
<td>$860</td>
</tr>
<tr>
<td></td>
<td>Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 4-4 compares existing and proposed single family and nonresidential wastewater treatment plant connection fees. Existing fees have been in effect since 1982. Proposed connection fees for each meter size are the product of the connection fee per capacity unit (3/4-inch meter) and the meter capacity ratio. Since the proposed fees are less than existing fees, consideration should be given to continuing the existing wastewater treatment plant connection fees at this time.

Table 4-4
Comparison of Existing and Proposed Single Family and Nonresidential Wastewater Treatment Plant Connection Fees

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Existing Meter Fees</th>
<th>AWWA Meter Capacity Ratios</th>
<th>Original Cost</th>
<th>Original Cost Less Depreciation</th>
<th>Replacement Cost</th>
<th>Replacement Cost Less Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4&quot;</td>
<td>1,400</td>
<td>1.00</td>
<td>890</td>
<td>730</td>
<td>1,140</td>
<td>860</td>
</tr>
<tr>
<td>1&quot;</td>
<td>2,333</td>
<td>1.67</td>
<td>1,480</td>
<td>1,220</td>
<td>1,900</td>
<td>1,430</td>
</tr>
<tr>
<td>1½&quot;</td>
<td>4,687</td>
<td>3.33</td>
<td>3,000</td>
<td>2,400</td>
<td>3,800</td>
<td>2,900</td>
</tr>
<tr>
<td>2&quot;</td>
<td>7,467</td>
<td>5.33</td>
<td>4,700</td>
<td>3,900</td>
<td>6,100</td>
<td>4,600</td>
</tr>
<tr>
<td>3&quot;</td>
<td>14,932</td>
<td>10.67</td>
<td>9,500</td>
<td>7,800</td>
<td>12,200</td>
<td>9,200</td>
</tr>
<tr>
<td>4&quot;</td>
<td>23,332</td>
<td>16.67</td>
<td>14,800</td>
<td>12,200</td>
<td>19,000</td>
<td>14,300</td>
</tr>
<tr>
<td>6&quot;</td>
<td>46,687</td>
<td>40.06</td>
<td>35,600</td>
<td>29,200</td>
<td>45,600</td>
<td>34,400</td>
</tr>
</tbody>
</table>
Proposed multifamily wastewater treatment plant connection fees use replacement cost asset values and consist of a base fee per connection and a three-tier dwelling unit fee. Proposed fees produce connection fees designed to approximate the proposed meter size-based connection fee for the midrange of the number of dwelling units served by a particular meter size. For example, a 3/4-inch meter can serve two to four multifamily dwelling units. The proposed wastewater treatment plant fee for the midrange of this meter size (three dwelling units) is $1,140 which matches the proposed sewer collection system connection fee for the 3/4-inch meter.

Red Oak also developed alternative multifamily wastewater treatment plant connection fees based on existing meter size-based fees. Alternative fees consist of a base fee per connection and a three-tier dwelling unit fee. The alternative fees produce connection fees designed to approximate the existing meter size-based connection fee for the midrange of the number of dwelling units served by a particular meter size. For example, a 3/4-inch meter can serve two to four multifamily dwelling units. The alternative wastewater treatment plant fee for the midrange of this meter size (three dwelling units) is $1,400 which matches the existing wastewater treatment plant connection fee for the 3/4-inch meter.

Table 4-5 compares existing, proposed and alternative multifamily wastewater treatment plant connection fees. Existing fees have been in effect since 1982 and are $1,400 per unit. Both the proposed and alternative multifamily connection fees consist of a base fee per connection and a three-tier dwelling unit fee based on the number of dwelling units.

<table>
<thead>
<tr>
<th>Fee Structure</th>
<th>Existing Fee</th>
<th>Proposed Fee (^{(a)})</th>
<th>Alternative Fee (^{(b)})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Fee (\text{per connection})</td>
<td>$0</td>
<td>$590</td>
<td>$845</td>
</tr>
<tr>
<td>Dwelling Unit Fee (\text{per dwelling unit})</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 12 units</td>
<td>$1,400</td>
<td>$150</td>
<td>$185</td>
</tr>
<tr>
<td>Next 22 units</td>
<td>1,400</td>
<td>120</td>
<td>150</td>
</tr>
<tr>
<td>Over 34 units</td>
<td>1,400</td>
<td>70</td>
<td>85</td>
</tr>
</tbody>
</table>

\(^{(a)}\) Consistent with proposed meter size-based connection fees.

\(^{(b)}\) Consistent with existing meter size-based connection fees.

Red Oak recommends the City periodically review and adjust its wastewater treatment plant connection fees to reflect changes in cost inflation, system capacity, and capacity unit service characteristics.
5. Mixed-Use Connection Fees

5.1. Background

Mixed-use developments have multiple intended purposes within a single structure and typically include a combination of multifamily residential and commercial customers. Although the City presently has few mixed-use customers, future growth in this type of development is likely.

The City’s current mixed-use connection fee structure is based on meter size, which may not equitably assess new mixed-use connectors for their capacity requirements. Table 5-1 illustrates the ranges of multifamily dwelling units and commercial fixture units for each meter size which could produce a wide variety in capacity requirements within a given meter size.

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Multifamily Dwelling Units</th>
<th>Number of Fixture Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4&quot;</td>
<td>2 to 4</td>
<td>5 to 50</td>
</tr>
<tr>
<td>1&quot;</td>
<td>5 to 12</td>
<td>51 to 125</td>
</tr>
<tr>
<td>1 1/4&quot;</td>
<td>13 to 34</td>
<td>126 to 375</td>
</tr>
<tr>
<td>2&quot;</td>
<td>35 to 63</td>
<td>376 to 700</td>
</tr>
<tr>
<td>3&quot;</td>
<td>64 to 203</td>
<td>701 to 2,225</td>
</tr>
<tr>
<td>4&quot;</td>
<td>204 to 455</td>
<td>2,226 to 5,000</td>
</tr>
</tbody>
</table>

The mixed-use fees will equitably tailor the connection fee to the individual requirements of each new connector by using the combination of the number of multifamily dwelling units and commercial fixture units to represent the capacity required by mixed-use customers.

5.2. Proposed and Alternative Fees

Proposed mixed-use fees use replacement cost asset values and produce connection fees that are in the midrange of the proposed meter size-based connection fees. Alternative mixed-use fees use replacement cost asset values and produce wastewater treatment connection fees that are in the midrange of the existing meter size-based wastewater treatment connection fees (Existing meter size-based wastewater treatment connection...
fees are greater than proposed meter size-based wastewater treatment connection fees). The proposed and alternative mixed-use connection fees consist of three components:

- Base fee per connection
- Multifamily fee based on number of dwelling units
- Commercial fee based on the number of fixture units

Table 5-2 compares existing, proposed and alternative multifamily connection fees. Existing fees include a unit fee based on the number of dwelling units. Proposed and alternative fees consist of a base fee per connection and a three-tier dwelling unit fee based on the number of dwelling units.

<table>
<thead>
<tr>
<th>Fee Structure</th>
<th>Water</th>
<th>Sewer Collection</th>
<th>Wastewater Treatment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Fees</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Dwelling Unit Fee (per dwelling unit)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First unit</td>
<td>$1,000</td>
<td>$500</td>
<td>$1,400</td>
<td>$2,900</td>
</tr>
<tr>
<td>Each Additional unit</td>
<td>500</td>
<td>500</td>
<td>1,400</td>
<td>2,400</td>
</tr>
<tr>
<td><strong>Proposed Fees</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Base Fee (per connection)</strong></td>
<td>$2,620</td>
<td>$720</td>
<td>$690</td>
<td>$4,030</td>
</tr>
<tr>
<td><strong>Dwelling Unit Fee (per dwelling unit)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 12 units</td>
<td>$580</td>
<td>$160</td>
<td>$150</td>
<td>$890</td>
</tr>
<tr>
<td>Next 22 units</td>
<td>450</td>
<td>125</td>
<td>120</td>
<td>695</td>
</tr>
<tr>
<td>Over 34 units</td>
<td>275</td>
<td>75</td>
<td>70</td>
<td>420</td>
</tr>
<tr>
<td><strong>Alternative Fees</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Base Fee (per connection)</strong></td>
<td>$2,620</td>
<td>$720</td>
<td>$645</td>
<td>$4,185</td>
</tr>
<tr>
<td><strong>Dwelling Unit Fee (per dwelling unit)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 12 units</td>
<td>$580</td>
<td>$160</td>
<td>$185</td>
<td>$825</td>
</tr>
<tr>
<td>Next 22 units</td>
<td>450</td>
<td>125</td>
<td>150</td>
<td>725</td>
</tr>
<tr>
<td>Over 34 units</td>
<td>275</td>
<td>75</td>
<td>65</td>
<td>435</td>
</tr>
</tbody>
</table>
Table 5-3 shows proposed and alternative commercial mixed-use connection fees that consist of a three-tier fixture unit fee.

<table>
<thead>
<tr>
<th>Fee Structure</th>
<th>Water</th>
<th>Sewer Collection</th>
<th>Wastewater Treatment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>per fixture unit</td>
<td>per fixture unit</td>
<td>per fixture unit</td>
<td>per fixture unit</td>
</tr>
<tr>
<td>Proposed Fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 125 fixture units</td>
<td>$83</td>
<td>$23</td>
<td>$22</td>
<td>$128</td>
</tr>
<tr>
<td>Next 250 fixture units</td>
<td>35</td>
<td>10</td>
<td>9</td>
<td>54</td>
</tr>
<tr>
<td>Over 375 fixture units</td>
<td>26</td>
<td>7</td>
<td>7</td>
<td>40</td>
</tr>
<tr>
<td>Alternative Fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 125 fixture units</td>
<td>$83</td>
<td>$23</td>
<td>$27</td>
<td>$133</td>
</tr>
<tr>
<td>Next 250 fixture units</td>
<td>35</td>
<td>10</td>
<td>11</td>
<td>58</td>
</tr>
<tr>
<td>Over 375 fixture units</td>
<td>26</td>
<td>7</td>
<td>9</td>
<td>42</td>
</tr>
</tbody>
</table>

Proposed and alternative mixed-use connection fees are the greater of the following:

- Sum of calculated mixed-use multifamily and commercial connection fees or
- Meter size based connection fee
Tables 5-4 and 5-5 shows examples of the proposed mixed-use connection fee calculation for typical small, medium, and large connectors. Table 5-4 shows the detailed calculations for multifamily and commercial mixed-use fees, and Table 5-5 summarizes the total fee amount. In all cases the sum of calculated mixed-use multifamily and commercial connection fees is greater than the meter size based connection fee.

Table 5-4
Mixed-Use Connection Fee Examples
Proposed Fees

<table>
<thead>
<tr>
<th>Mixed-Use Customer</th>
<th>Meter Size</th>
<th>Multifamily Dwelling Units</th>
<th>Base Charge</th>
<th>First 12 Dwelling Units</th>
<th>Next 22 Dwelling Units</th>
<th>Over 34 Dwelling Units</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small</td>
<td>1&quot;</td>
<td>4</td>
<td>$ 4,030</td>
<td>$ 3,560 $690 per unit</td>
<td>$ 5,560 $695 per unit</td>
<td>$ 420 $420 per unit</td>
<td>$ 7,590</td>
</tr>
<tr>
<td>Medium</td>
<td>2&quot;</td>
<td>20</td>
<td>$ 4,030</td>
<td>$ 10,680 $690 per unit</td>
<td>$ 5,560 $695 per unit</td>
<td>$ - $420 per unit</td>
<td>$ 20,270</td>
</tr>
<tr>
<td>Large</td>
<td>3&quot;</td>
<td>60</td>
<td>$ 4,030</td>
<td>$ 10,680 $690 per unit</td>
<td>$ 15,280 $695 per unit</td>
<td>$ 10,920 $420 per unit</td>
<td>$ 40,920</td>
</tr>
</tbody>
</table>

Mixed-Use Commercial Fee

<table>
<thead>
<tr>
<th>Mixed-Use Customer</th>
<th>Meter Size</th>
<th>Commercial Fixture Units</th>
<th>Base Charge</th>
<th>First 125 Fixture Units</th>
<th>Next 250 Fixture Units</th>
<th>Over 375 Dwelling Units</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small</td>
<td>1&quot;</td>
<td>40</td>
<td>$ -</td>
<td>$ 5,120 $128 per unit</td>
<td>$ - $54 per unit</td>
<td>$ - $40 per unit</td>
<td>$ 5,120</td>
</tr>
<tr>
<td>Medium</td>
<td>2&quot;</td>
<td>200</td>
<td>$ -</td>
<td>$ 16,000 $128 per unit</td>
<td>$ 4,050 $54 per unit</td>
<td>$ - $40 per unit</td>
<td>$ 20,050</td>
</tr>
<tr>
<td>Large</td>
<td>3&quot;</td>
<td>600</td>
<td>$ -</td>
<td>$ 16,000 $128 per unit</td>
<td>$ 13,500 $54 per unit</td>
<td>$ 9,000 $40 per unit</td>
<td>$ 38,500</td>
</tr>
</tbody>
</table>

Table 5-5
Mixed-Use Connection Fee Examples
Proposed Fees

<table>
<thead>
<tr>
<th>Mixed-Use Customer</th>
<th>Meter Size</th>
<th>Multifamily Mixed-Use Fee</th>
<th>Commercial Mixed-Use Fee</th>
<th>Total Mixed-Use Fee</th>
<th>Calculated Meter Size Fee</th>
<th>Proposed Mixed-Use Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small</td>
<td>1&quot;</td>
<td>$ 7,580</td>
<td>$ 5,120</td>
<td>$ 12,710</td>
<td>$ 11,170</td>
<td>$ 12,710</td>
</tr>
<tr>
<td>Medium</td>
<td>2&quot;</td>
<td>$ 20,270</td>
<td>$ 20,050</td>
<td>$ 40,320</td>
<td>$ 35,800</td>
<td>$ 40,320</td>
</tr>
<tr>
<td>Large</td>
<td>3&quot;</td>
<td>$ 40,920</td>
<td>$ 38,500</td>
<td>$ 79,420</td>
<td>$ 71,500</td>
<td>$ 79,420</td>
</tr>
</tbody>
</table>
Tables 5-6 and 5-7 shows examples of the alternative mixed-use connection fee calculation for typical small, medium, and large connectors. Table 5-6 shows the detailed calculations for multifamily and commercial mixed-use fees, and Table 5-7 summarizes the total fee amount. In all cases the sum of calculated mixed-use multifamily and commercial connection fees is greater than the meter size based connection fee.

### Table 5-6
**Mixed Use Connection Fee Examples**  
**Alternative Fees**

<table>
<thead>
<tr>
<th>Mixed Use Customer</th>
<th>Meter Size</th>
<th>Multifamily Dwelling Units</th>
<th>Base Charge</th>
<th>First 12 Dwelling Units</th>
<th>Next 22 Dwelling Units</th>
<th>Over 34 Dwelling Units</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$925 per unit</td>
<td>$725 per unit</td>
<td>$435 per unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small</td>
<td>1&quot;</td>
<td>4</td>
<td>$4,185</td>
<td>$3,700</td>
<td>-</td>
<td>-</td>
<td>$.7885</td>
</tr>
<tr>
<td>Medium</td>
<td>2&quot;</td>
<td>20</td>
<td>$4,185</td>
<td>$11,100</td>
<td>$5,800</td>
<td>-</td>
<td>$21,085</td>
</tr>
<tr>
<td>Large</td>
<td>3&quot;</td>
<td>60</td>
<td>$4,185</td>
<td>$11,100</td>
<td>$15,850</td>
<td>$11,310</td>
<td>$42,545</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mixed Use Customer</th>
<th>Meter Size</th>
<th>Commercial Fixture Units</th>
<th>Base Charge</th>
<th>First 125 Fixture Units</th>
<th>Next 250 Fixture Units</th>
<th>Over 375 Dwelling Units</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$133 per unit</td>
<td>$556 per unit</td>
<td>$42 per unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small</td>
<td>1&quot;</td>
<td>40</td>
<td>$-</td>
<td>$5,320</td>
<td>-</td>
<td>-</td>
<td>$5,320</td>
</tr>
<tr>
<td>Medium</td>
<td>2&quot;</td>
<td>200</td>
<td>$-</td>
<td>$16,625</td>
<td>$4,200</td>
<td>-</td>
<td>$20,825</td>
</tr>
<tr>
<td>Large</td>
<td>3&quot;</td>
<td>600</td>
<td>$-</td>
<td>$16,625</td>
<td>$14,000</td>
<td>$9,450</td>
<td>$40,075</td>
</tr>
</tbody>
</table>

### Table 5-7
**Mixed Use Connection Fee Examples**  
**Alternative Fees**

<table>
<thead>
<tr>
<th>Mixed Use Customer</th>
<th>Meter Size</th>
<th>Multifamily Mixed Use Fee</th>
<th>Commercial Mixed Use Fee</th>
<th>Total Mixed Use Fee</th>
<th>Calculated Meter Size Fee</th>
<th>Proposed Mixed Use Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small</td>
<td>1&quot;</td>
<td>$7,885</td>
<td>$6,320</td>
<td>$13,205</td>
<td>$11,170</td>
<td>$13,205</td>
</tr>
<tr>
<td>Medium</td>
<td>2&quot;</td>
<td>$21,085</td>
<td>$20,825</td>
<td>$41,910</td>
<td>$35,800</td>
<td>$41,910</td>
</tr>
<tr>
<td>Large</td>
<td>3&quot;</td>
<td>$42,545</td>
<td>$40,075</td>
<td>$82,620</td>
<td>$71,500</td>
<td>$82,620</td>
</tr>
</tbody>
</table>
BY AUTHORITY

ORDINANCE NO. SERIES OF 2011
COUNCIL BILL NO. 57
INTRODUCED BY COUNCIL
MEMBER

A BILL FOR

AN ORDINANCE AMENDING TITLE 12, CHAPTER 2, RELATING TO SEWER CONNECTION AND COLLECTION SYSTEM FEES

WHEREAS, 31-35-402 C.R.S. authorizes any municipality to operate and maintain sewer facilities within and outside of the municipality: and

WHEREAS, the Englewood Home Rule Charter Sections 121, 122 and 125, require City Council to set sewer services by Ordinance; and

WHEREAS, the sewer connection fees were last reviewed in 1983; and

WHEREAS, Red Oak Consulting was asked to complete a study to update the City’s connection and collection system fees which may be based on the current value of the sewer plant and system, the operating cost of the sewer plant and system or the replacement cost of the City’s sewer plant and system; and

WHEREAS, the Englewood Water and Sewer Board determined that the replacement cost was the preferred basis for the calculation of connection and collection system fees because it most accurately reflected the value of the system; and

WHEREAS, the Englewood Water and Sewer Board recommended this proposed fee schedule at its May 10, 2011 meeting;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 12, Chapter 2, Section 8, of the Englewood Municipal Code 2000, to read as follows:

12-2-8: Sewer Tap Connection and Collection Fees.

A. A sewer tap connection permit for a single-family, residential, and/or commercial and/or an industrial user shall remain in effect until terminated by the City.

B. At the time of filing the application, sewer tap connection fees shall be paid in accordance with the following schedules:

<table>
<thead>
<tr>
<th>Water Meter Size</th>
<th>Sewer Tap</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾&quot; or less</td>
<td>$ 1,400.00</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$ 2,333.00</td>
</tr>
<tr>
<td>1½&quot;</td>
<td>$ 4,667.00</td>
</tr>
</tbody>
</table>
2" $7,467.00  
3" $14,932.00  
4" $23,332.00  
6" $46,667.00  
8" $74,667.00  
10" $107,332.00  

For multi-family units and mobile home courts, the total tap fee shall not be less than one thousand four hundred dollars ($1,400.00) per dwelling unit. For hotels and motels, the tap fee shall be seventy-five percent (75%) of the tap fee as set forth in this section. If the fee determined by the water meter size from the above schedule is greater than the fee determined by the minimum charge of one thousand four hundred dollars ($1,400.00) per unit, then the greater fee, as determined by meter size, shall prevail.

C. 1. At the time of filing an application for a sewer tap connection permit, sewer tap connection fees for the following properties shall be increased by the addition of a collection system surcharge to the sewer tap connection fees established by subsection A of this section according to the established surcharge schedule:

a. Properties within the City which are not in an established sanitation district.

2. b. Properties outside the City which are tributary to the Northeast Englewood Relief Sewer System which are not exempted by agreement from sewer tap connection surcharge

The established sewer tap fee surcharge is:

<table>
<thead>
<tr>
<th>Water Meter Size</th>
<th>Sewer Tap Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾&quot; or less</td>
<td>$500.00</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$833.00</td>
</tr>
<tr>
<td>1½&quot;</td>
<td>1,667.00</td>
</tr>
<tr>
<td>2&quot;</td>
<td>2,667.00</td>
</tr>
<tr>
<td>3&quot;</td>
<td>5,333.00</td>
</tr>
<tr>
<td>4&quot;</td>
<td>8,333.00</td>
</tr>
<tr>
<td>6&quot;</td>
<td>16,667.00</td>
</tr>
<tr>
<td>8&quot;</td>
<td>26,667.00</td>
</tr>
<tr>
<td>10&quot;</td>
<td>38,333.00</td>
</tr>
</tbody>
</table>

**SINGLE USE SEWER CONNECTION AND COLLECTION SURCHARGE FEES**

<table>
<thead>
<tr>
<th>Water Meter Size</th>
<th>Sewer Tap Connection Fee</th>
<th>Collection Surcharge Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾&quot; or less</td>
<td>$1,400.00</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$2,333.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>1½&quot;</td>
<td>$4,667.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$7,467.00</td>
<td>$6,400.00</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$14,932.00</td>
<td>$12,800.00</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$23,332.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>6&quot;</td>
<td>$46,667.00</td>
<td>$48,000.00</td>
</tr>
<tr>
<td>8&quot;</td>
<td>$74,667.00</td>
<td>$</td>
</tr>
<tr>
<td>10&quot;</td>
<td>$107,332.00</td>
<td>$</td>
</tr>
</tbody>
</table>
For multi-family units, and mobile home courts, the total tap fee shall not be less than one thousand four hundred dollars ($1,400.00) per dwelling unit. For hotels and motels, the tap fee shall be seventy-five percent (75%) of the tap fee as set forth in this section. If the fee determined by the water meter size from the above schedule is greater than the fee determined by the minimum charge of one thousand four hundred dollars ($1,400.00) per unit, then the greater fee, as determined by meter size, shall prevail.

MULTI-FAMILY AND MOBILE HOME DEVELOPMENT SEWER SYSTEM CONNECTION AND COLLECTION SYSTEM SURCHARGE FEES

The sewer connection and collection system surcharge fees for Multi-Family Residential properties consists of the greater of:

1) The sum of a base fee per connection and a three-tier dwelling unit fee based on the number of dwelling units.

Or

2) The meter sized based connection fee.

<table>
<thead>
<tr>
<th>Base Fee</th>
<th>Connection Fee</th>
<th>Collection System Surcharge</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 845.00</td>
<td>$ 720.00</td>
</tr>
<tr>
<td>Dwelling Unit Fee (per dwelling unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 12 units</td>
<td>$ 185.00</td>
<td>$ 160.00</td>
</tr>
<tr>
<td>Next 22 units</td>
<td>$ 150.00</td>
<td>$ 125.00</td>
</tr>
<tr>
<td>Over 34 units</td>
<td>$ 85.00</td>
<td>$ 75.50</td>
</tr>
</tbody>
</table>

For multi-family units, mobile home courts and other multiple dwelling units, the sewer tap fee surcharge shall not be less than five hundred dollars ($500.00) per dwelling unit. For hotels and motels, the tap connection fee shall be seventy-five percent (75%) of the tap connection fee as set forth in this section. If the collection system surcharge established by the water meter size from the above surcharge schedule is greater than the fee of five hundred dollars ($500.00) per dwelling unit, the greater fee shall be charged.

Mixed Use Residential and Commercial Sanitary Sewer Connection and Collection System Surcharge Fees

Mixed use Residential and Commercial Sewer Connection and Collection system fees consist of the greater of:

1) The sum of a base fee per connection, plus the per residential dwelling unit fee, plus a per commercial fixture unit fee based on the number of fixture units.

   OR

2) The meter sized based connection fee.
MULTI FAMILY SEWER CONNECTION FEES

<table>
<thead>
<tr>
<th>Base Fee</th>
<th>Connection fee</th>
<th>Collection system fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Unit Fee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(per dwelling unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 12 units</td>
<td>$185.00</td>
<td>$160.00</td>
</tr>
<tr>
<td>Next 22 units</td>
<td>$150.00</td>
<td>$125.00</td>
</tr>
<tr>
<td>Over 34 units</td>
<td>$ 85.00</td>
<td>$ 75.00</td>
</tr>
</tbody>
</table>

COMMERCIAL MIXED USE SEWER CONNECTION FEES

<table>
<thead>
<tr>
<th></th>
<th>Connection fee</th>
<th>Collection system fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 125 fixture units</td>
<td>$27.00</td>
<td>$23.00</td>
</tr>
<tr>
<td>Next 250 fixture units</td>
<td>$11.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>Over 375 fixture units</td>
<td>$ 9.00</td>
<td>$ 7.00</td>
</tr>
</tbody>
</table>

2. Properties that connect to the Big Dry Creek interceptor system shall pay a sewer tap connection surcharge fee in the sum of three-one-hundred dollars ($300.00)($100.00) per single-family residential equivalent tap connection in addition to all other charges.

D. C. The actual cost of any sewer main extension shall be recorded in the utilities office. Where such cost has not been paid, it shall be added to the plant assessment fee to arrive at a total amount due. New sewer extension costs shall include the actual cost of construction plus ten percent (10%) to defray costs of engineering. The total costs shall be assessed in proportion to the front footage of the property served.

E. D. Where a proposed tap connection will serve property for which a previous assessment has been paid, the previous tap connection fee shall be credited against the current tap connection fee in calculating the balance of the fee due.

F. E. Nothing in this section shall be construed to alter the rates or terms contained in the connector's agreements heretofore existing between the City of Englewood and sanitation districts.

G. E. No tap connection shall be made to the POTW without payment of the tap connection fees. Failure to pay fees before tapping to the POTW shall result in tap connection fees being doubled. Any fee or charge not paid shall constitute a lien on the subject property and be collected like taxes.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.
Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. 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 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 23rd day of September, 2011.

Published as a Bill for an Ordinance on the City’s official website beginning on the 21st day of September, 2011 for thirty (30) days.

_______________________________________
James K. Woodward, Mayor

ATTEST:

_______________________________________
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 19th day of September, 2011.

_______________________________________
Loucrishia A. Ellis
**COUNCIL COMMUNICATION**

<table>
<thead>
<tr>
<th>Date</th>
<th>Agenda Item</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 19, 2011</td>
<td>11 a iv</td>
<td>Ordinance for Water Connection Fee Revisions</td>
</tr>
</tbody>
</table>

**INITIATED BY**
Utilities Department

**STAFF SOURCE**
Stewart H. Fonda, Director of Utilities

**COUNCIL GOAL AND PREVIOUS COUNCIL ACTION**

Current water connection fees were established in 1977.

The proposed revisions were presented to City Council at the June 6, 2011 Study Session.

**RECOMMENDED ACTION**

The Englewood Water and Sewer Board, at its April 12, 2011 meeting, recommended Council approval of the proposed bill for an ordinance establishing fee schedules for water connection service.

**BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED**

A water connection fee is a one-time charge that allows new users to pay for their proportionate share of capacity in the City’s water treatment plant and distribution system. Red Oak Consulting recently completed a water connection fee study to update the fees to recognize current value of the water treatment plan and distribution system assets.

The City is experiencing mixed-use developments in their water service area. These developments include multi-family dwelling units and commercial establishments that are served by a common water meter. Proposed mixed-use connection fees have been designed to recognize both residential and commercial demands.

A single family residential unit means a building or structure designed to be used as only one residential unit. Residential unit means a room or group of rooms which includes or is designed to include kitchen and bathroom facilities and in which one or more persons could reasonably reside on a permanent and non-transient basis. Kitchen facilities include any or all of the following: sink, range, stove, conventional oven or microwave oven. Bathroom facilities include any or all of the following: toilet, bath or shower. Because the actual water meter size determines the maximum possible load on the water system, Multi-family and Mixed Use usage shall be calculated based on the maximum possible load which may be greater than the current number of units or fixtures.

Water connection fees do not include the cost of material or labor for installation of service lines, stub outs, meter pits or other installations or connections.
The study presented to the Council at the June 6, 2011 study session explains the methodology used to develop the mixed use connection fees. The Water and Sewer Board is recommending fees based upon replacement cost.

FINANCIAL IMPACT

The proposed water connection fee schedule was presented to City Council at their June 6, 2011 study session. It is proposed to revise water connection fee schedule according to the recommendations presented in the study.

LIST OF ATTACHMENTS

Excerpt from April 12, 2011 Minutes from the Water & Sewer Board meeting
Ordinance
WATER AND SEWER BOARD
MINUTES

April 12, 2011

The meeting was called to order at 5:06 p.m.

Members present: Burns, Clark, Cassidy, Wiggins,
Woodward, McCaslin, Habenicht, Olson

Members absent: Higday

Also present: Stewart Fonda, Director of Utilities

1. MINUTES OF THE MARCH 8, 2011 MEETING.

The Englewood Water and Sewer Board received the minutes of the March 8, 2011 meeting. Mr. Cassidy noted a correction.

Mr. Habenicht moved;

Mr. Wiggins seconded: To approve the minutes of the March 8,
2011 meeting, as amended.

Ayes: Burns, Clark, Cassidy, Wiggins,
Woodward, McCaslin, Habenicht

Nays: None

Absent: Higday

Abstain: Olson

Motion carried.
2. **GUEST: JOHN GALLAGHER, RED OAK CONSULTANTS WATER & SEWER CONNECTION FEES.**

John Gallagher of Red Oak Consultants appeared to discuss the reevaluation of the existing water and sewer tap fees. Red Oak calculated water and sewer connection fees using a replacement cost basis. An executive summary was distributed showing the existing and proposed water and sewer connection fees.

At a prior meeting, the Board approved connection fees for developments that include a mix of multi-family and commercial uses. Mixed use connection fees incorporate the proposed meter size, number of dwelling units and fixture units served by that meter size.

The Board previously reviewed and approved the changes to the connection fees on the replacements cost basis. The proposed changes were reviewed because the original study included connection fees based on a 5/8" tap, which Englewood does not change, and to illustrate to the Board the sewer connection charges based on both existing fees and the new fees as proposed in the study.

Discussion ensued regarding the proposed rates. It was noted that single family taps, up to a four unit tap, would increase. The multi-family taps, from the 15 to 20 unit range and up, would decrease.

Mr. Gray requested a comparison of tap fees from surrounding municipalities.

Mr. Clark moved;

Mr. Burns seconded: **To recommend Council approval of the Alternative Fee Schedule rates for water and sewer and commercial mixed use connection fees.** The Board also recommended a Council Study Session to study the Board's recommendation.

**Ayes:** Burns, Clark, Olson, Cassidy, Wiggins, Woodward, McCaslin, Habenicht

**Nays:** None

**Absent:** Higday

Motion carried.
BY AUTHORITY

ORDINANCE NO. ______
SERIES OF 2011

COUNCIL BILL NO. 68
INTRODUCED BY COUNCIL
MEMBER ____________

A BILL FOR

AN ORDINANCE ESTABLISHING FEE SCHEDULES FOR WATER CONNECTION
SERVICE FOR THE WATER CUSTOMERS OF THE CITY OF ENGLEWOOD,
COLORADO.

WHEREAS, 31-35-402 C.R.S. authorizes any municipality to operate and maintain water
facilities within and outside of the municipality; and

WHEREAS, the Englewood Home Rule Charter Sections 121, 122 and 125, require City
Council to set water services by Ordinance; and

WHEREAS, a water connection fee is a one-time charge that allows new users to pay for
their proportionate share of capacity in the City’s water treatment plant and distribution
system. Red Oak Consulting recently completed a water connection fee study to update the fees
to recognize current value of the water treatment plan and distribution system assets; and

WHEREAS, the City is experiencing mixed-use developments in their water service area.
These developments include multi-family dwelling units and commercial establishments that
are served by a common water meter. Proposed mixed-use connection fees have been designed
to recognize both residential and commercial demands; and

WHEREAS, Multi-family and Mixed Use usage shall be calculated based on the maximum
possible load which may be greater than the current number of units or fixtures; and

WHEREAS, Red Oak Consulting was asked to complete a study to update the City’s
connection fees which may be based on the current value of the water plant and system, the
operating cost of the water plant and system or the replacement cost of the City’s water plant
and system; and

WHEREAS, the Englewood Water and Sewer Board determined that the replacement cost
was the preferred basis for the calculation of connection fees because it most accurately
reflected the value of the system, and

WHEREAS, the Englewood Water and Sewer Board recommended the proposed fee schedule
at its May 10, 2011 meeting;
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
ENGLEWOOD, COLORADO, THAT THE FOLLOWING FEES SHALL BE ADOPTED:

TABLE ONE

**Single User Water System Connection Fees**

The Water Connection Fees for Single Users, whether residential or commercial, are based solely on meter size.

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Inside City</th>
<th>Outside City</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4&quot;</td>
<td>$4,360.00</td>
<td>$6,540.00</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$7,270.00</td>
<td>$10,905.00</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>$14,500.00</td>
<td>$21,750.00</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$23,300.00</td>
<td>$34,950.00</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$46,500.00</td>
<td>$69,750.00</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$72,700.00</td>
<td>$109,050.00</td>
</tr>
<tr>
<td>6&quot;</td>
<td>$174,400.00</td>
<td>$261,600.00</td>
</tr>
</tbody>
</table>

**TABLE TWO**

**Multi-Family Residential Water System Connection Fees**

The Water Connection Fees for Multi-Family Residential properties consists of a base fee per connection plus a three-tier dwelling unit fee based on the number of dwelling units or the meter size fee.

<table>
<thead>
<tr>
<th>Base Fee</th>
<th>Inside City</th>
<th>Outside City</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$2,620.00</td>
<td>$3,930.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dwelling Unit Fee (per dwelling unit)</th>
<th>Inside City</th>
<th>Outside City</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 12 units</td>
<td>$580.00</td>
<td>$870.00</td>
</tr>
<tr>
<td>Next 22 units</td>
<td>$450.00</td>
<td>$675.00</td>
</tr>
<tr>
<td>Over 34 units</td>
<td>$275.00</td>
<td>$412.50</td>
</tr>
</tbody>
</table>

Note: For multi-family water connections, fees shall be the greater of the following:
1) The sum of the multi-family connection fee as shown in Table 2 above or
2) The Meter size based connection fee as shown on Table 1.
TABLE THREE

Mixed Use (Containing Both Residential and Commercial Uses) Water System Connection Fees

The Water Connection Fees for residential/commercial mixed use consists of the sum of the multi-family residential connection fees as shown in Table 2 plus a three-tier fixture unit fee based on the number of commercial use fixture units as shown below or the meter size fee.

<table>
<thead>
<tr>
<th>Commercial Use Connection Fees</th>
<th>Inside City</th>
<th>Outside City</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 125 fixture units</td>
<td>$83.00</td>
<td>$124.50</td>
</tr>
<tr>
<td>Next 250 fixture units</td>
<td>$35.00</td>
<td>$52.50</td>
</tr>
<tr>
<td>over 375 fixture units</td>
<td>$26.00</td>
<td>$39.00</td>
</tr>
</tbody>
</table>

Note: For Mixed Use water connections the fee shall be the greater of the following:
1) The sum of calculated mixed use multifamily and commercial connection fees or
2) Meter size based connection fee.

Introduced, read in full, and passed on first reading on the 19th day of September, 2011.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 23rd day of September, 2011.

Published as a Bill for an Ordinance on the City’s official website beginning on the 21st day of September, 2011 for thirty (30) days.

________________________________________
James K. Woodward, Mayor

ATTEST:

________________________________________
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 19th day of September, 2011.
RESOLUTION NO. _____
SERIES OF 2011

A RESOLUTION SUPPORTING THE 2011 ENGLEWOOD SCHOOL DISTRICT’S BALLOT QUESTIONS IN THE NOVEMBER ELECTION.

WHEREAS, public education is the cornerstone of democratic government and a free society; and

WHEREAS, Englewood School District voters are being asked to give the District permission to sell bonds and raise property taxes to repay the bonds; and

WHEREAS, plans are to use $42 million from bonds to turn the current Englewood High School into a 21st century campus for seventh through twelfth graders; and

WHEREAS, the remaining $8 million will be used to cover about half the anticipated cost of renovating Englewood Middle School so it can be the new location of Colorado’s Finest Alternative High School; and

WHEREAS, a separate ballot question will ask voters to approve an increase in the property tax mill levy sufficient to provide an additional $1.5 million to support the District operations annually; and

WHEREAS, additional money for day-to-day operations is needed to offset state funding cuts; and

WHEREAS, programs for youth are a priority of the Englewood City Council; and

WHEREAS, the educational progress of our youth help build a strong future for the citizens of Englewood


ADOPTED AND APPROVED this 19th day of September, 2011.

ATTEST: ____________________________________________
James K. Woodward, Mayor

_________ ___________ ___________ ___________ ___________
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _______, Series of 2011.

_________ ___________ ___________ ___________ ___________
Loucrishia A. Ellis, City Clerk
ENGLEWOOD SCHOOLS DISTRICT #1
ELECTION NOVEMBER 1, 2011
CERTIFIED BALLOT

OFFICE  Board of Education Director

THREE SEATS UP FOR ELECTION  (Vote for 3)

AT LARGE

2—FOUR-YEAR TERMS
1—TWO-TERM

CANDIDATES IN ORDER

Vicki Howard (FOUR-YEAR TERM)
Duane Tucker (FOUR-YEAR TERM)
Thomas J. O’Connor (TWO-YEAR TERM)

BALLOT ISSUE NO. 3A: ARAPAHOE COUNTY SCHOOL DISTRICT NO. 1 MILL
LEVY OVERRIDE QUESTION TO MITIGATE STATE FUNDING CUTS, ATTRACT
AND RETAIN QUALITY TEACHERS, AND MAINTAIN CORE EDUCATIONAL AREAS.

SHALL ARAPAHOE COUNTY SCHOOL DISTRICT NO. 1 TAXES BE INCREASED
$750,000 IN 2012 AND BY $1,500,000 BEGINNING IN 2013 AND ANNUALLY
THEREAFTER FOR GENERAL FUND PURPOSES, WHICH MAY INCLUDE BUT
ARE NOT LIMITED TO:

• MITIGATING STATE FUNDING CUTS;
• ATTRACTING AND RETAINING QUALITY TEACHERS;
• MAINTAINING CORE EDUCATIONAL AREAS TO ENSURE QUALITY
EDUCATION;
BY AN ADDITIONAL PROPERTY TAX MILL LEVY IN EXCESS OF THE LEVY AUTHORIZED FOR THE DISTRICT’S GENERAL FUND, WITHOUT LIMITATION AS TO RATE, PURSUANT TO AND IN ACCORDANCE WITH SECTION 22-54-108, C.R.S., SUCH ADDITIONAL TAXES TO BE DEPOSITED IN THE GENERAL FUND; AND SHALL THE DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES FROM SUCH TAXES AND THE EARNINGS FROM THE INVESTMENT OF SUCH REVENUES AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

BALLOT ISSUE NO. 3B: ARAPAHOE COUNTY SCHOOL DISTRICT NO. 1 BOND QUESTION TO FINANCE CAPITAL PROJECTS AND PROVIDE MATCHING FUNDS FOR POSSIBLE “BEST” GRANT.

SHALL ARAPAHOE COUNTY SCHOOL DISTRICT NO. 1 DEBT BE INCREASED $50,000,000, WITH A REPAYMENT COST OF UP TO $93,000,000, AND SHALL DISTRICT TAXES BE INCREASED UP TO $5,380,000 ANNUALLY, FOR ENLARGING, IMPROVING, REPAIRING OR MAKING ADDITIONS TO SCHOOL BUILDINGS, FOR EQUIPPING OR FURNISHING SCHOOL BUILDINGS, FOR IMPROVING SCHOOL GROUNDS, OR ACQUIRING, CONSTRUCTING OR IMPROVING ANY CAPITAL ASSET THAT THE DISTRICT IS AUTHORIZED BY LAW TO OWN, WHICH IMPROVEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

- BUILDING, FURNISHING AND EQUIPPING A NEW 7-12 CAMPUS ON THE CURRENT ENGLEWOOD HIGH SCHOOL SITE;

- RENOVATING ENGLEWOOD MIDDLE SCHOOL IN PREPARATION FOR OCCUPANCY BY COLORADO’S FINEST ALTERNATIVE HIGH SCHOOL;

- ENHANCING SAFETY AND SECURITY AT SCHOOL SITES;

- CONSTRUCTING CLASSROOM AND ACADEMIC SPACES TO MEET 21ST CENTURY INSTRUCTIONAL NEEDS;

SUCH DEBT TO BE ISSUED, EITHER SEPARATELY OR TOGETHER WITH FINANCIAL ASSISTANCE FROM THE STATE’S BUILDING EXCELLENT SCHOOLS TODAY (“BEST”) PROGRAM IF SUCH ASSISTANCE IS AWARDED TO THE DISTRICT;

SUCH DEBT TO BE EVIDENCED BY THE ISSUANCE OF GENERAL OBLIGATION BONDS, INSTALLMENT SALE OR LEASE PURCHASE AGREEMENTS, OR OTHER MULTIPLE FISCAL YEAR OBLIGATIONS WHICH EITHER MAY BE SOLD TO
INVESTORS OR ISSUED TO THE STATE TREASURER UNDER THE "BEST" PROGRAM;

SUCH DEBT TO BE SOLD OR ISSUED IN ONE SERIES OR MORE, FOR A PRICE ABOVE OR BELOW THE PRINCIPAL AMOUNT THEREOF, ON TERMS AND CONDITIONS, AND WITH SUCH MATURITIES AS PERMITTED BY LAW AND AS THE DISTRICT MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM;

AND SHALL THE MILL LEVY BE INCREASED IN ANY YEAR, WITHOUT LIMITATION OF RATE AND IN AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT (OR TO CREATE A RESERVE FOR SUCH PAYMENT); AND SHALL THE DISTRICT BE AUTHORIZED TO ISSUE DEBT TO REFUND THE DEBT AUTHORIZED IN THIS QUESTION, PROVIDED THAT AFTER THE ISSUANCE OF SUCH REFUNDING DEBT THE TOTAL OUTSTANDING PRINCIPAL AMOUNT OF ALL DEBT ISSUED PURSUANT TO THIS QUESTION DOES NOT EXCEED THE MAXIMUM PRINCIPAL AMOUNT SET FORTH ABOVE, AND PROVIDED FURTHER THAT ALL DEBT ISSUED BY THE DISTRICT PURSUANT TO THIS QUESTION IS ISSUED ON TERMS THAT DO NOT EXCEED THE REPAYMENT COSTS AUTHORIZED IN THIS QUESTION; AND SHALL SUCH TAX REVENUES AND THE EARNINGS FROM THE INVESTMENT OF SUCH BOND PROCEEDS AND TAX REVENUES BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

SUBMITTED BY: Linda Felling, Designated Election Official
Englewood Schools