

FIRST READING: October 16, 2018

SECOND READING: November 6, 2018

ORDINANCE NO. 6242

**AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE BY
REPEALING CHAPTER 16.42 REGARDING THE CITY'S STREET
MAINTENANCE FEE AND REENACTING SUCH CHAPTER AS
CHAPTER 12.25**

WHEREAS, at its November 6, 2018 meeting, the City Council is set to adopt the Unified Development Code ("UDC"), which combines Titles 16, 17 and 18 of the Loveland Municipal Code into a new Title 18; and

WHEREAS, users of City utility services within the City are charged a street maintenance fee (the "Street Maintenance Fee") in order to defray the costs of maintenance of City streets. The Street Maintenance Fee was established by ordinance in 2000 and codified in Chapter 16.42 of the current Loveland Municipal Code; and

WHEREAS, during the development of the UDC, City staff determined that the Street Maintenance Fee currently located in Chapter 16.42 would be more appropriately added as Chapter 12.25 to Title 12 of the Municipal Code which addresses streets, sidewalks and public places; and

WHEREAS, the UDC does not address the Street Maintenance Fee, and therefore, the City desires to relocate such provision prior to the anticipated effective date of the UDC on January 1, 2019; and

WHEREAS, the City Council desires to amend the Municipal Code by repealing Chapter 16.42 regarding the Street Maintenance Fee and reenacting such provisions in their entirety as Chapter 12.25.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF LOVELAND, COLORADO:**

Section 1. That the Loveland Municipal Code is amended by the repeal of Chapter 16.42 and reenactment of such Chapter in its entirety as a new Chapter 12.25 of the Loveland Municipal Code as follows:

Chapter 12.25

STREET MAINTENANCE FEE

Sections:

12.25.010	Purpose.
12.25.020	Definitions – Additional regulations.

- 12.25.030 Use of street maintenance fee.**
- 12.25.040 Street maintenance fee imposed.**
- 12.25.050 Billing for street maintenance fee.**
- 12.25.060 Enforcement.**

12.25.010 Purpose.

- A. The purpose of this chapter is to establish a street maintenance fee on users of city utility services within the boundaries of the city. The amount of the fee as established herein is intended to defray the costs of properly maintaining city streets.
- B. It is the intent of council that the amounts collected by the imposition of the street maintenance fee shall be set aside and utilized for the sole purpose of defraying the costs of maintaining the streets located within the boundaries of the city.

12.25.020 Definitions – Additional regulations.

- A. As used in this chapter:
 - “Customer” means a person to whom the city furnishes stormwater service.
 - “Maintenance” means activities performed for the upkeep and repair of the city’s streets, including but not limited to patching, crack sealing, seal coating, overlaying, resurfacing, and reconstruction.
- B. The city manager is authorized to issue regulations not inconsistent with this chapter to further define such terms as may be necessary or desirable for the administration of this chapter, and to establish additional procedures as may be necessary or desirable for the administration of this chapter.

12.25.030 Use of street maintenance fee.

- A. All moneys received from the street maintenance fee imposed pursuant to this chapter shall be paid into the general fund, and shall be used exclusively to pay the cost of maintenance of the city’s street system and not for any general city purposes.
- B. To the extent that the funds derived from the street maintenance fee imposed pursuant to Section 12.25.040 are not sufficient to properly maintain the city’s street system, the city may augment such funds with other city funds as may be determined by council.

12.25.040 Street maintenance fee imposed.

- A. There is hereby imposed on each customer within the city a street maintenance fee.
- B. The amount of the fee shall be as set by council by resolution and shall be based upon the customer’s use of the lot, tract, or parcel of land receiving city services, the city’s estimate of the relationship between such use and the generation of vehicular traffic on the city’s street system, and the city’s estimate of the cost of maintenance of the city’s street system as a result of such traffic.
- C. The amount of the fee may be changed from time to time based upon revised estimates of the costs of maintenance of the city’s street system, revised categories of uses and traffic generation factors, and other factors reasonably related to the needs created or contributed to by customers who are subject to the fee.
- D. The resolution establishing the amount of the fee may set forth charges pertaining to any delinquency in payment of the fee, including but not limited to late payment penalties and returned check charges, and collection charges.

12.25.050 Billing for street maintenance fee.

The street maintenance fee established by this chapter shall be billed and collected with the monthly stormwater bill for each customer utilizing such service.

12.25.060 Enforcement.

Any fee due under this chapter which is not paid when due may be recovered in an action at law by the city. The city may pursue any remedies or penalties provided by law necessary to carry out the provisions of this chapter.

Section 2. That if Section 1 of this Ordinance is, for any reason, held to be unconstitutional or invalid for any reason, then Section 2 through Section 4 of this Ordinance shall be null and void and Chapter 16.42 of the Loveland Municipal Code shall revert to the provisions of such Chapter prior to the enactment of this Ordinance.

Section 3. That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any Ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this Ordinance.

Section 4. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this 6th day of November, 2018.

ATTEST:



City Clerk





Jack Marsh, Mayor

APPROVED AS TO FORM:



Assistant City Attorney

Ordinance 6242

I, Patti Garcia, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on October 16, 2018 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on October 20, 2018 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on November 10, 2018.



City Clerk



Effective Date: November 20, 2018