

**TOWN OF JOHNSTOWN, COLORADO**

**ORDINANCE NO. 2018-151**

**AMENDING ARTICLE XII OF CHAPTER 17 OF THE  
JOHNSTOWN MUNICIPAL CODE TO INCLUDE SECTION  
17-230 CONCERNING IMPACT FEES IMPOSED ON BEHALF  
OF FIRE AND EMERGENCY SERVICES PROVIDERS.**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, impact fees are one-time payments that fund the construction and expansion of public facilities needed to accommodate new development, as determined by level of service standards, with the intent being that new development pay for its proportionate share of the capital costs of additional infrastructure capacity needed to serve the new development; and

**WHEREAS**, pursuant to C.R.S. § 29-20-104.5 (“Impact Fee Act”), Town has the authority to impose an impact fee as a condition of issuance of a development permit to fund expenditures incurred by fire and emergency services providers for capital facilities needed to serve new development and a fire and emergency services provider is thereafter authorized to receive and spend the impact fees imposed by the Town for the purposes described in the Impact Fee Act; and

**WHEREAS**, the Loveland Fire Rescue Authority (“Authority”) is a public entity of the State of Colorado established by the City of Loveland and the Loveland Rural Fire Protection District on August 19, 2011 pursuant to that certain Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity; and

**WHEREAS**, the Authority was established to provide fire protection, rescue and emergency services, as well as other services, to the citizens and property within its jurisdiction, and to individuals passing through its jurisdiction, which includes property lying within the Town’s jurisdictional boundaries, and is thus a fire and emergency services provider as contemplated by the Impact Fee Act; and

**WHEREAS**, prior to the Town’s imposition of an impact fee on behalf of fire and emergency services providers, the Town is required to confer with the fire and emergency service provider to assess whether an impact fee should be imposed and, in its discretion, enter into an intergovernmental agreement with the fire and emergency services provider for the collection of the impact fee; and

**WHEREAS**, the Authority made a presentation to Town Council and requested that the Town impose impact fees on its behalf; and

**WHEREAS**, the Authority represented that it obtained an impact fee study dated October 19, 2017, to evaluate the nexus between new development within the Authority's jurisdictional boundaries and the projected impact that such development has on the Authority's Capital Facilities ("Nexus Study"); and

**WHEREAS**, the Nexus Study quantified the reasonable impacts of both new residential and non-residential development on the Authority's capital facilities and concluded that the following impact fees are warranted: \$895.00 per single family home, \$622.00 per multi-family home, \$0.30 per square foot of commercial and \$0.03 per square foot of industrial; and

**WHEREAS**, on November 13, 2017, the Authority's Board of Directors adopted a Resolution approving an impact fee schedule at the levels set forth in the Nexus Study, which were deemed to be no greater than necessary to defray the impacts directly related to development within the Authority's jurisdiction; and

**WHEREAS**, after duly considering the Authority's request, the Town agreed to impose an impact fee on the Authority's behalf and, on February 5, 2018, entered into an Intergovernmental Agreement for the Assessment, Collection and Remittance of Emergency Services Impact Fees with the Authority ("IGA"); and

**WHEREAS**, pursuant to the IGA, the Authority agreed to update the Nexus Study no less frequently than every three years to ensure, among other requirements, that the impact fees remain reasonably related to the impacts of both new residential and non-residential development on the Authority's capital facilities; and

**WHEREAS**, the impact fees herein described are legislatively adopted, generally applicable to broad classes of property and, based on the Nexus Study, no greater than necessary to defray the projected impacts on capital facilities caused by proposed development; and

**WHEREAS**, based on the foregoing and based on the Nexus Study, the Town Council desires to amend Article XII of Chapter 17 of the Johnstown Municipal Code to include Section 17-230 concerning impact fees imposed on behalf of fire and emergency service providers.

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

**Section 1.** Section 17-217 of the Johnstown Municipal Code shall be amended to include a definition for "fire and emergency services provider," which shall be listed in alphabetical order and read as follows:

**Sec. 17-217. Definitions.**

*Fire and emergency services provider* means a fire protection district organized under Article 1 of Title 32, C.R.S., or a fire authority established pursuant to Section 29-1-203.5, C.R.S.

**Section 2.** Section 17-219 of the Johnstown Municipal Code shall be amended to include Subsection (e), which shall read as follows:

**Sec. 17-219. Procedures for imposition and collection of impact fees.**

(e) Fire and emergency services providers. With respect to impact fees collected on behalf of fire and emergency services providers, an applicant shall confer with the appropriate fire and emergency service provider to determine whether an impact fee is owed under Section 17-230 and, if so, the amount of the impact fee. The applicant shall return an impact fee form signed by the fire and emergency service provider to the Town at the time of the application for a building permit. If an impact fee is owed, the applicant shall provide a check to the Town made payable to the fire and emergency service provider, unless the Town agrees to waive or defer payment of the impact fee as otherwise permitted by law. To the extent the provisions of this Subsection (e) conflict with the foregoing provisions of Section 17-219, this Subsection (e) shall control with respect to impact fees collected on behalf of fire and emergency services providers.

**Section 3.** Section 17-220 of the Johnstown Municipal Code shall be amended to include Subsection (e), which shall read as follows:

**Sec. 17-220. Establishment of impact fee accounts; appropriation of impact fee funds; refunds.**

(e) Fire and emergency services providers. Notwithstanding the foregoing provisions of Section 17-220, the Town shall forward impact fees collected on behalf of fire and emergency services providers directly to the appropriate fire and emergency service provider. Such provider shall appropriate and expend the impact fees as required by law. Requests for refunds of the impact fees shall be made, if at all, to the fire and emergency services provider. The fire and emergency services provider shall be solely responsible for granting or denying a request for a refund and, if granted, for providing such refund.

**Section 4.** Article XII of Chapter 17 of the Johnstown Municipal Code shall be amended to add Section 17-230, which shall read as follows:

**Sec. 17-230. Fire and emergency services provider facilities development fee.**

(a) Loveland Fire Rescue Authority. All residential and nonresidential development within the jurisdictional boundaries of the Loveland Fire Rescue Authority shall be subject to the payment of a fire and emergency services provider facilities development

fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223 as follows:

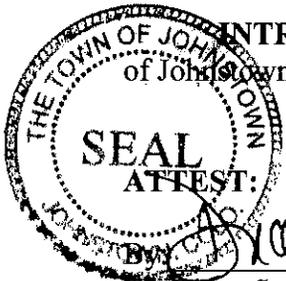
Residential	
Unit Type	Fee Per Dwelling Unit
Single Family	\$895.00
Multifamily	\$622.00

Nonresidential	
Use Type	Fee Per Square Foot
Commercial	\$0.30
Industrial	\$0.03

(b) Front Range Fire Rescue Authority. [Reserved]

**Section 5. Publication and Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance are available at the office of the Town Clerk.



**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this 21<sup>st</sup> day of February, 2018.

By: Diana Seele  
Diana Seele, Town Clerk

**TOWN OF JOHNSTOWN, COLORADO**

By: Scott James  
Scott James, Mayor



**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this 5<sup>th</sup> day of March.

By: Diana Seele  
Diana Seele, Town Clerk

**TOWN OF JOHNSTOWN, COLORADO**

By: Scott James  
Scott James, Mayor