

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 975**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO  
AMENDING SECTION 4-6-60 OF THE *MEAD MUNICIPAL CODE* AUTHORIZING THE  
ANNUAL ADJUSTMENT OF DEVELOPMENT IMPACT FEES**

**WHEREAS**, C.R.S. § 29-20-104.5 authorizes the Town to impose impact fees or similar development charges as a condition of issuance of a building permit or other land use approval, provided that the fees or charges are legislatively adopted, generally applicable to a broad class of property, and intended to defray the projected impacts on capital facilities caused by proposed development; and

**WHEREAS**, the Town imposes development impact fees in accordance with Article VI of Chapter 4 of the *Mead Municipal Code* (“MMC”), for the purpose of offsetting costs of adequate capital facilities necessary to serve new development within the Town; and

**WHEREAS**, in 2020, the Town updated the MMC provisions relating to development impact fees in accordance with the “*Town of Mead, Colorado Non-Utility Impact Fee Study*” dated November 2020 (the “Impact Fee Study”) prepared by Willdan Financial Services; and

**WHEREAS**, the Impact Fee Study recommends that impact fees be increased in future years by the 5-year construction cost average adjustment rate, based on the Engineering News Record (ENR) 20-Cities Construction Cost Index (CCI); and

**WHEREAS**, the Board of Trustees desires to amend Section 4-6-60 of the MMC to provide for the annual adjustment of impact fees to reflect increases in construction costs, as recommended in the Impact Fee Study; and

**WHEREAS**, the Board has determined that the adoption of this Ordinance is legislative in nature, will maintain impact fees at a level no greater than necessary to defray impacts directly related to proposed development, and will further the public health, safety, convenience and the general welfare of the community.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Colorado, that:

**Section 1.** The above recitals are hereby incorporated as findings of the Board of Trustees.

**Section 2.** Section 4-6-60 of the MMC is hereby amended to add a new subsection (d), to read in full as follows.

- (d) The development impact fees set forth in Section 4-6-60 of this Article shall be adjusted for inflation on January 1, 2022, and on January 1 of each year thereafter based on the then-current Engineering News Record (ENR) 20-Cities Construction Cost Index (CCI), or its successor index, as measured for the five (5) year period immediately preceding the January 1 adjustment date, as specifically recommended and set forth in the impact fee study. By way of

example and not limitation, the adjustment in the development impact fees effective on January 1, 2022 shall be calculated utilizing the increase in the ENR CCI as measured from January 1, 2016 – December 31, 2020 (or such similar five (5) year lookback period as determined reasonable by Town staff). If the ENR CCI indicates a negative percentage (%) adjustment, the development impact fees set forth in Section 4-6-60 of this Article shall not be adjusted but shall remain fixed at the amount of development impact fees applicable in the immediately preceding calendar year. The Town Clerk shall post the updated impact development fee schedule at Town Hall at least thirty (30) days prior to the January 1 effective date, and a copy of the updated development impact fee schedule shall be posted and available on the Town website. A copy of the current *Schedule of Development Impact Fees* shall also be included in the Town's Comprehensive Fee Schedule.

**Section 3. Effective Date.** This Ordinance shall be published and become effective as provided by law.

**Section 4. Remaining provisions.** Except as specifically amended hereby, all other provisions of the MMC shall continue in full force and effect.

**Section 5. Codification Amendments.** The codifier of the MMC is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the MMC.

**Section 6. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 7. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance or resolution nor revive any ordinance or resolution thereby.

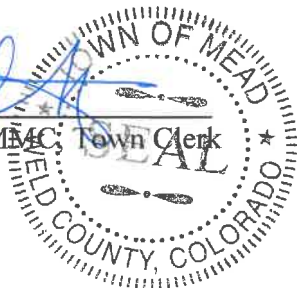
**Section 8. Certification.** The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 8<sup>TH</sup> DAY OF NOVEMBER, 2021.**

**ATTEST:**

By:

Mary E. Strutt, MMC, Town Clerk



**TOWN OF MEAD**

By:

Colleen G. Whitlow, Mayor