

**Town of Erie
Ordinance No. 32-2021**

**An Ordinance of the Board of Trustees of the Town of Erie
Amending Section 8-1-9 of the Erie Municipal Code Regarding
Annual Audits of Water Demands for Water Dedication Purposes**

Whereas, the Board of Trustees wishes to amend the Erie Municipal Code to adopt provisions authorizing the Town to conduct annual audits of water demands to confirm the adequacy of the water demand analyses used to determine water dedication requirements.

Now Therefore be it Ordained by the Board of Trustees of the Town of Erie, Colorado, that:

Section 1. Section 8-1-9 of the Erie Municipal Code is hereby amended by the addition of a new subsection C.3., to read as follows:

8-1-9 - Water rights dedications.

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C. *Water and sewer demand analysis:*

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3. The Town may conduct an annual audit of any project, except single-family residential uses that meet the definition of a "single-family equivalent unit" in Section 8-1-3, to confirm the adequacy of the water demand projections made by the annexor, developer or owner, and the Town may require additional water rights dedication or cash-in-lieu payments based on actual water usage. In the event that the Town and the annexor, developer or owner cannot reach an agreement regarding the additional water rights dedication or cash-in-lieu payments based on actual water usage, the Town reserves all remedies at law and equity to resolve any such dispute.

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Section 2. Section 8-1-9.E.9. of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

8-1-9 - Water rights dedications.

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E. *Procedure:*

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9. The Town reserves the right to review projected water usage and actual water usage within a project at any time to confirm the adequacy of the water demand projections made by the annexor, developer or owner, and to require additional water rights dedication or cash-in-lieu payments based on actual water usage. The Town may conduct an annual audit of any project, except single-family residential uses that meet the definition of a "single family equivalent unit" in Section 8-1-3, to confirm the adequacy of the water demand projections made by the annexor, developer or owner, and the Town may require additional water rights dedication or cash-in-lieu payments based on actual water usage. In the event that the Town and the annexor, developer or owner cannot reach an agreement regarding the additional water rights dedication or cash-in-lieu payments based on actual water usage, the Town reserves all remedies at law and equity to resolve any such dispute.

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

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety, and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

Introduced, read, passed and ordered published this 12th day of October, 2021.

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk