

ORDINANCE NO. 2733

AN ORDINANCE AMENDING SECTION 21-9230 OF THE LAND DEVELOPMENT CODE TO REPEAL THE WATER ACQUISITION FEE

WHEREAS, the City Council for City of Commerce City adopted a “Water Rights Acquisition Fee” in 2003 pursuant to Ordinance No. 1402;

WHEREAS, over the last several years, the City of Commerce City (the “City”) has been reviewing, studying, and updating the impact and development fees imposed by the City;

WHEREAS, in 2023, the City Council for the City adopted three new impact fees, the public safety fee (Ordinance No. 2501), general government fee (Ordinance No. 2448), and public works fee (Ordinance No. 2500), and revised the Land Development Code sections for the public parks and recreation fee (Ordinance No. 2502) and road impact fee (Ordinance No. 2390) as a result of studies commissioned by the City;

WHEREAS, the City desires to further review and study the water acquisition fee, and

WHEREAS, the City finds and determines that repealing the water acquisition fee, currently codified in Sec. 21-9230 in the Land Development Code, while conducting studies is in the best interest of the public for the welfare of the residents of the City.

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

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

SECTION 2. Amendment. Section 21-9230 of the Land Development Code is hereby amended as set forth in Exhibit A, which the changes reflected in a clean version set forth in Exhibit B.

SECTION 3. Repealer. All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective pursuant to Section 5.3 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 20TH DAY OF OCTOBER, 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 17TH DAY OF NOVEMBER, 2025.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Kim Garland, Deputy City Clerk

EXHIBIT A TO ORDINANCE NO. 2733

EXPLANATORY NOTE:

~~RED STRIKETHROUGHS~~ INDICATE MATERIAL DELETED FROM EXISTING LAW;

BLUE UNDERLINES INDICATE MATERIAL ADDED TO EXISTING LAW.

Sec. 21-9230 – ~~Water Acquisition Fee~~ RESERVED.

~~(1) — *Applicability.* Water acquisition fees shall be assessed on the construction of new structures in the city, except that no fee shall be assessed when the new structure replaces an existing structure on the site and does not result in an increase in the density or intensity of use on the property or the new structure is being constructed for the purpose of housing a governmental or quasi-governmental entity or service.~~

~~(2) — *Fee.* The water acquisition fee is set at \$1,428.01 for each dwelling unit or nonresidential structure for the year 2017 and shall escalate at a rate of 10 percent per year effective upon January 1 of each successive year commencing in 2019. The monies collected pursuant to this section shall be used to acquire or retain water rights for the purpose of watering city parks, recreational facilities and other city owned facilities.~~

~~(3) — *Collection.* Water acquisition fees shall be paid to the city upon the issuance of a building permit.~~

**EXHIBIT B TO ORDINANCE NO. 2733
CLEAN VERSION**

Sec. 21-9230 – RESERVED.