

TOWN OF HOT SULPHUR SPRINGS, COLORADO
ORDINANCE NO. 2011-4-1-380

**AN ORDINANCE REPEALING ORDINANCE 2011-3-1-379
AND AMENDING SECTIONS 7-4-20, 7-4-26, 7-4-28 AND
7-4-35 OF THE TOWN CODE OF THE TOWN OF HOT
SULPHUR SPRINGS, COLORADO, TO PROVIDE THAT
WATER TAP FEE AND BASE RATES MAY BE SET BY
RESOLUTION AND BILLED QUARTERLY AND THAT
SEWER TAP FEE AND BASE RATES MAY BE SET BY
SEPARATE ORDINANCE AND BILLED QUARTERLY**

WHEREAS, Section 31-35-402(1)(f), C.R.S., authorizes the Town to set and collect tap fees and set rates for consumers, owners or occupants of real property receiving water service from the Town; and

WHEREAS, Section 31-35-615, C.R.S., authorizes the Town to set and collect by ordinance rates and charges for connection with and use of the Town sewer or sewerage systems as may be just, reasonable and necessary; and

WHEREAS, Sections 7-4-20 and 7-4-26 of the Town of Hot Sulphur Springs Town Code, ("Code"), govern the setting and imposition of water tap fees and water rates; and

WHEREAS, Sections 7-4-28 and 7-4-35 of the Town of Hot Sulphur Springs Town Code, ("Code"), govern the setting and imposition of sewer tap fees and sanitary sewer rates; and

WHEREAS, the Board of Trustees desires to amend the Code to authorize the setting of water tap fees by resolution and to allow water rates to be based on quarterly amounts rather than monthly amounts, consistent with the Town's billing practices; and

WHEREAS, the Board of Trustees desires to amend the Code to authorize the setting of sanitary sewer tap fees and sanitary sewer rates by separate ordinance and to allow sanitary sewer rates to be based on quarterly amounts rather than monthly amounts, consistent with the Town's billing practices; and

WHEREAS, the Town Board desires to repeal Ordinance 2011-3-1-379, which ordinance has not yet been published nor taken effect, and to replace it in its entirety by this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, THAT:

Section 1. Repeal. The Town Board of Trustees adopts the foregoing recitals as findings of the Board and hereby repeals Ordinance 2011-3-1-379 but ratifies the rates set forth in Ordinance 2011-3-1-379 by adoption of this ordinance.

Section 2. Section 7-4-20 of the Code is amended to read as follows with deletions shown as strike-through and additions shown as all caps:

7-4-20: WATER TAP FEES.

- (A) An Applicant for water service to benefit property located entirely within the corporate limits of the Town of Hot Sulphur Springs shall pay, and shall tender along with the application, a tap fee in AN AMOUNT AS SET BY THE BOARD OF TRUSTEES BY RESOLUTION. ANY SUCH TAP FEE SO SET SHALL BE IN ADDITION TO ANY ACTUAL COSTS FOR ADDITIONAL EQUIPMENT OR FACILITIES WHICH THE TOWN IS REQUIRED TO INSTALL IN ORDER TO PROVIDE SERVICE. ~~the amount of \$5,500.00 for 1 three quarter inch (3/4") service line; \$6,000.00 for 1 one inch (1") service line; \$6,500.00~~

~~for 1 one and one quarter inch (1 1/4") service line; \$7,000.00 for 1 one and one half inch (1 1/2") service line; and \$7,500.00 for 1 two inch (2") service line. Any service line larger than a two inch (2") service line shall be negotiated with the Board of Trustees. Service lines shall be no smaller than three quarters of an inch.~~

(B) For property outside of the corporate limits of the Town of Hot Sulphur Springs, the application must first be approved by the Board of Trustees, and the tap fees set forth above in subsection (A) shall be doubled. ANY SUCH TAP FEE SO SET SHALL BE IN ADDITION TO ANY ACTUAL COSTS FOR ADDITIONAL EQUIPMENT OR FACILITIES WHICH THE TOWN IS REQUIRED TO INSTALL IN ORDER TO PROVIDE SERVICE.

(C) Tap fees shall be in addition to all other fees or charges relating to water service. Any base fee imposed by the Town for QUARTERLY monthly water service shall be charged each QUARTER month to each consumer commencing thirty (30) days following the date of purchase of a water tap ON A PRO RATA BASIS regardless of whether the tap has been installed or service is provided to the property.

(D) No fees paid as required by this Section shall be refunded or rebated. If the water service for which all or part of the tap fees are being charged as described above is not physically installed at the earlier of the following: (1) within ninety (90) days after the date the application for water service was approved; or (2) on or before November 1 of the same year in which such fee was paid, then the tap fee shall be forfeited and thereafter a new application must be filed with appropriate materials, data, and fees in effect at the time of the new application. Upon a showing of good cause by the Applicant, the Board of Trustees ~~or the Public Works Director~~ may grant the Applicant an extension of time for physical installation.

(E) If, at any time, a change of use or expansion results in the need for a larger service line, an application must be filed and the appropriate charge for the increase shall be paid to the Town.

(F) All necessary pipes, fittings, valves, shut-off, trenching, back filling, and tap installation shall be at the expense of the Applicant under the supervision of TOWN STAFF OR CONSULTANTS ~~the Public Works Director~~. All water service connections and all water service extensions, both within and out of the corporate limits, are subject to special fees as adopted by the Board of Trustees. Materials and tapping shall be approved by TOWN STAFF OR CONSULTANTS ~~the Public Works Director~~.

Section 3: Section 7-4-26 of the Code is amended to read as follows with deletions shown as strike-through and additions shown as all caps:

7-4-26: WATER RATES.

(A) Water shall be sold by the Town in accordance with rates and charges established by the Board of Trustees by resolution from time to time and in accordance with the rate structure authorized in this Section and with the reasonable value of the services rendered and the financial needs of the system and the laws applicable thereto.

(B) Each property and user served with water by the Town shall be charged, in addition to a charge for metered water consumption, a QUARTERLY monthly base rate for the purposes of funding the operational costs of the water treatment plant, contingency or emergency operational expenses, expenses necessary to rehabilitate the Town's water treatment plant, capital improvements to ensure the safety and quality of the Town's water in the future, and debt service, if any. Such QUARTERLY monthly base

- rate shall separately state the amount charged for capital improvements and such capital improvement funds shall not be expended for any other purpose.
- (C) Each property and user served with water by the Town shall be assigned a single family equivalent (SFE) value based on its use classifications in accordance with a schedule to be adopted by the Town Board of Trustees by resolution. QUARTERLY ~~Monthly~~ base rates shall be determined by multiplying the QUARTERLY ~~monthly~~ base rate times the number of SFEs.
- (D) Each property and user served with water by the Town shall, in addition to the QUARTERLY ~~monthly~~ base rate, pay for actual water usage as determined by meter pursuant to the rate schedule adopted by the Board of Trustees by resolution.
- (E) The QUARTERLY ~~monthly~~ base rate and the metered water rate for properties located outside the Town of Hot Sulphur Springs shall be based on the rate structure set forth herein and as adopted by resolution of the Board of Trustees, and shall be two (2) times the rate imposed for properties located inside the boundaries of the Town.
- (F) The base rate shall be charged for all properties for which a tap has been purchased and all properties to which service is available regardless of whether services are being utilized by the property or whether services have been voluntarily and temporarily discontinued. A base rate shall not be charged to any property served by a tap where the owner has declared in written letter submitted to the Town Clerk that such tap has been abandoned and forfeited by the owner.

Section 4: Section 7-4-28 of the Code is amended to read as follows with deletions shown as strike-through and additions shown as all caps:

7-4-28: SEWER TAP FEE.

- (A) Upon the application for a new sewer tap and connection by any consumer within the corporate limits of the Town of Hot Sulphur Springs, the Applicant shall agree to pay, and shall tender, along with said application, a tap fee in AN ~~the amount of \$5,500.00 for a standard sewer tap, one four inch (4") sewer line AS SET BY THE BOARD OF TRUSTEES BY SEPARATE ORDINANCE, WHICH ORDINANCE SHALL NOT BE CODIFIED, AND AS MAY BE AMENDED FROM TIME TO TIME.~~ Any sewer service requiring a larger tap shall be approved by the Board of Trustees, the cost to be negotiated with the Board of Trustees.
- (B) Outside of the corporate limits of the Town of Hot Sulphur Springs, any application for a sewer service tap shall be approved by the Board of Trustees, and the tap fee shall be doubled. Oversize taps shall be approved by the Board of Trustees, cost to be negotiated with the Board of Trustees. ANY SUCH TAP FEE SO SET SHALL BE IN ADDITION TO ANY ACTUAL COSTS FOR ADDITIONAL EQUIPMENT OR FACILITIES WHICH THE TOWN IS REQUIRED TO INSTALL IN ORDER TO PROVIDE SERVICE.
- (C) The fees set forth in this Chapter shall be in addition to all other fees or charges relating to sewer service elsewhere required. Any base fee imposed by the Town for ~~monthly water~~ QUARTERLY SEWER service shall be charged each QUARTER~~month~~ to each consumer commencing thirty (30) days following the date of purchase of a sewer tap ON A PRO RATA BASIS regardless of whether the tap has been installed or service is provided to the property.

(D) No fees paid as required by this Chapter shall be refunded nor rebated. If the sewer service for which all or part of the sewer tap fees are being charged as described above, is not physically installed at the earlier of the following: (1) within ninety (90) days after the date the application for sewer service was approved; or (2) on or before November 1 of the same year in which such fee was paid, then the tap fee shall be forfeited and thereafter a new application must be filed with appropriate materials, data, and fees in effect at the time of the new application, in order for the Town to consider providing sewer service. Upon a showing of good cause by the Applicant, the Board of Trustees ~~or the Public Works Director~~ may grant the Applicant an extension of time for physical installation.

(E) If at any time a change of use or expansion results in the need for a larger service line, the appropriate charge for the increase shall be paid to the Town.

Section 5: Section 7-4-35 of the Code is amended to read as follows with deletions shown as strike-through and additions shown as all caps:

7-4-35: SANITARY SEWER RATES AND CHARGES FOR USE OF SEWERS.

(A) All sanitary sewer service provided by the Town shall be in accordance with rates and charges established by the Board of Trustees BY SEPARATE ORDINANCE, WHICH ORDINANCE SHALL NOT BE CODIFIED, AND AS MAY BE AMENDED ~~by resolution~~ from time to time ~~in accordance with the rate structure authorized in this Section and~~ in accordance with the reasonable value of the services rendered and the financial needs of the system and the laws applicable thereto. Such QUARTERLY ~~monthly~~ base rate shall separately state the amount charged for capital improvements and such capital improvement funds shall not be expended for any other purpose.

(B) Each property and user served by or having connection with the sanitary sewer system of the Town shall be charged a QUARTERLY ~~monthly~~ base rate for the purposes of funding the operational costs of the wastewater treatment plant, contingency or emergency operational expenses, expenses necessary to rehabilitate the Town's wastewater treatment plant, capital improvements to ensure the safety and quality of the Town's wastewater treatment plant in the future, and debt service, if any.

(C) Each property and user served by or having connection with the sanitary sewer system of the Town shall be assigned a single family equivalent (SFE) value based on its use classifications in accordance with a schedule to be adopted by the Town Board of Trustees by resolution. QUARTERLY ~~Monthly~~ base rates shall be determined by multiplying the QUARTERLY ~~monthly~~ base rate times the number of SFEs.

(D) Properties located outside the Town of Hot Sulphur Springs shall be assessed a QUARTERLY ~~monthly~~ base rate based on the rate structure ~~set forth herein and rates adopted by ORDINANCE~~ ~~resolution~~ of the Board of Trustees, as may be amended from time to time, and shall be two (2) times the rate imposed for properties located inside the boundaries of the Town.

(E) Over and above the rates and charges established by this Section, there may be established, in special instances and by special agreement between the Town and the owner of the premises served by the Town sanitary sewer system, such additional charges for commercial or industrial wastes of unusual strength or composition that are accepted by the Town for treatment as may be determined to be fair and equitable. Such special agreements and charges shall be established by ORDINANCE ~~resolution~~ of the Board of Trustees. The Town may re-evaluate the SFE of any person discharging into the Town's sanitary

sewer system should the impact of the discharge exceed the equivalent of a single family residential unit.

(F) Nothing in this Section shall be construed to prevent any special agreement or arrangement between the Town and other persons, municipalities, quasi-municipalities, sanitation districts, additions and development areas outside the Town concerning sewage facilities, which may be adopted from time to time by resolution OR ORDINANCE of the Board of Trustees.

Section 6. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The Town Board of Trustees declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Section 7. Effective Date. This Ordinance shall become effective thirty days after publication following final passage.

INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 21st DAY OF APRIL, 2011, BY A VOTE OF IN FAVOR, AGAINST, and ABSTAINING.

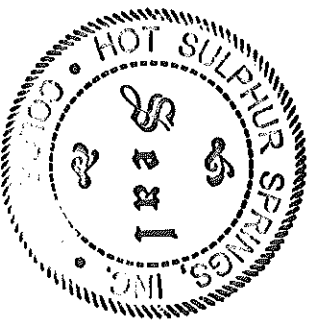
TOWN OF HOT SULPHUR SPRINGS

By: [Signature]
Hershal Deputy, Mayor

I hereby certify that the above Ordinance was introduced and adopted by the Town Board of Trustees of the Town of Hot Sulphur Springs, Colorado, at its meeting of April 21, 2011, and ordered published by Sky Hi newspaper on 2011.

ATTEST:
By: [Signature]
Sandy White, Town Clerk

Publication Date: , 2011
Effective Date: , 2011 (30 days after publication)



AND AMENDING SECTIONS 7-4-20, 7-4-26, 7-4-28 AND
7-4-35 OF THE TOWN CODE OF THE TOWN OF HOT
SULPHUR SPRINGS, COLORADO, TO PROVIDE THAT
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WHEREAS, Section 31-35-402(1)(f), C.R.S., authorizes the Town to set and collect tap fees and set rates for consumers, owners or occupants of real property receiving water service from the Town; and

WHEREAS, Section 31-35-615, C.R.S., authorizes the Town to set and collect by ordinance rates and charges for connection with and use of the Town sewer or sewerage systems as may be just, reasonable and necessary; and

WHEREAS, Sections 7-4-20 and 7-4-26 of the Town of Hot Sulphur Springs Town Code, ("Code"), govern the setting and imposition of water tap fees and water rates; and

WHEREAS, Sections 7-4-28 and 7-4-35 of the Town of Hot Sulphur Springs Town Code, ("Code"), govern the setting and imposition of sewer tap fees and sanitary sewer rates; and

WHEREAS, the Board of Trustees desires to amend the Code to authorize the setting of water tap fees by resolution and to allow water rates to be based on quarterly amounts rather than monthly amounts, consistent with the Town's billing practices; and

WHEREAS, the Board of Trustees desires to amend the Code to authorize the setting of sanitary sewer tap fees and sanitary sewer rates by separate ordinance and to allow sanitary sewer rates to be based on quarterly amounts rather than monthly amounts, consistent with the Town's billing practices; and

WHEREAS, the Town Board desires to repeal Ordinance 2011-3-1-379, which ordinance has not yet been published nor taken effect, and to replace it in its entirety by this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, THAT:

Section 1. Repeal. The Town Board of Trustees adopts the foregoing recitals as findings of the Board and hereby repeals Ordinance 2011-3-1-379 but ratifies the rates set forth in Ordinance 2011-3-1-379 by adoption of this ordinance.

Section 2. Section 7-4-20 of the Code is amended to read as follows with deletions shown as strike-through and additions shown as all caps:

7-4-20: WATER TAP FEES.

- (A) An Applicant for water service to benefit property located entirely within the corporate limits of the Town of Hot Sulphur Springs shall pay, and shall tender along with the application, a tap fee in AN AMOUNT AS SET BY THE BOARD OF TRUSTEES BY RESOLUTION. ANY SUCH TAP FEE SO SET SHALL BE IN ADDITION TO ANY ACTUAL COSTS FOR ADDITIONAL EQUIPMENT OR FACILITIES WHICH THE TOWN IS REQUIRED TO INSTALL IN ORDER TO PROVIDE SERVICE. ~~the amount of \$5,500.00 for 1 three-quarter inch (3/4") service line; \$6,000.00 for 1 one-inch (1") service line; \$6,500.00~~

~~than three quarters of an inch.~~

- (B) For property outside of the corporate limits of the Town of Hot Sulphur Springs, the application must first be approved by the Board of Trustees, and the tap fees set forth above in subsection (A) shall be doubled. ANY SUCH TAP FEE SO SET SHALL BE IN ADDITION TO ANY ACTUAL COSTS FOR ADDITIONAL EQUIPMENT OR FACILITIES WHICH THE TOWN IS REQUIRED TO INSTALL IN ORDER TO PROVIDE SERVICE.
- (C) Tap fees shall be in addition to all other fees or charges relating to water service. Any base fee imposed by the Town for QUARTERLY monthly water service shall be charged each QUARTER month to each consumer commencing thirty (30) days following the date of purchase of a water tap ON A PRO RATA BASIS regardless of whether the tap has been installed or service is provided to the property.
- (D) No fees paid as required by this Section shall be refunded or rebated. If the water service for which all or part of the tap fees are being charged as described above is not physically installed at the earlier of the following: (1) within ninety (90) days after the date the application for water service was approved; or (2) on or before November 1 of the same year in which such fee was paid, then the tap fee shall be forfeited and thereafter a new application must be filed with appropriate materials, data, and fees in effect at the time of the new application. Upon a showing of good cause by the Applicant, the Board of Trustees ~~or the Public Works Director~~ may grant the Applicant an extension of time for physical installation.
- (E) If, at any time, a change of use or expansion results in the need for a larger service line, an application must be filed and the appropriate charge for the increase shall be paid to the Town.

- (F) All necessary pipes, fittings, valves, shut-off, trenching, back filling, and tap installation shall be at the expense of the Applicant under the supervision of TOWN STAFF OR CONSULTANTS ~~the Public Works Director~~. All water service connections and all water service extensions, both within and out of the corporate limits, are subject to special fees as adopted by the Board of Trustees. Materials and tapping shall be approved by TOWN STAFF OR CONSULTANTS ~~the Public Works Director~~.

Section 3: Section 7-4-26 of the Code is amended to read as follows with deletions shown as strike-through and additions shown as all caps:

7-4-26: WATER RATES.

- (A) Water shall be sold by the Town in accordance with rates and charges established by the Board of Trustees by resolution from time to time and in accordance with the rate structure authorized in this Section and with the reasonable value of the services rendered and the financial needs of the system and the laws applicable thereto.
- (B) Each property and user served with water by the Town shall be charged, in addition to a charge for metered water consumption, a QUARTERLY monthly base rate for the purposes of funding the operational costs of the water treatment plant, contingency or emergency operational expenses, expenses necessary to rehabilitate the Town's water treatment plant, capital improvements to ensure the safety and quality of the Town's water in the future, and debt service, if any. Such QUARTERLY monthly base

- (C) Each property and user served with water by the Town shall be assigned a single family equivalent (SFE) value based on its use classifications in accordance with a schedule to be adopted by the Town Board of Trustees by resolution. QUARTERLY ~~Monthly~~ base rates shall be determined by multiplying the QUARTERLY ~~monthly~~ base rate times the number of SFEs.
- (D) Each property and user served with water by the Town shall, in addition to the QUARTERLY ~~monthly~~ base rate, pay for actual water usage as determined by meter pursuant to the rate schedule adopted by the Board of Trustees by resolution.
- (E) The QUARTERLY ~~monthly~~ base rate and the metered water rate for properties located outside the Town of Hot Sulphur Springs shall be based on the rate structure set forth herein and as adopted by resolution of the Board of Trustees, and shall be two (2) times the rate imposed for properties located inside the boundaries of the Town.
- (F) The base rate shall be charged for all properties for which a tap has been purchased and all properties to which service is available regardless of whether services are being utilized by the property or whether services have been voluntarily and temporarily discontinued. A base rate shall not be charged to any property served by a tap where the owner has declared in written letter submitted to the Town Clerk that such tap has been abandoned and forfeited by the owner.

Section 4: Section 7-4-28 of the Code is amended to read as follows with deletions shown as strike-through and additions shown as all caps:

7-4-28: SEWER TAP FEE.

- (A) Upon the application for a new sewer tap and connection by any consumer within the corporate limits of the Town of Hot Sulphur Springs, the Applicant shall agree to pay, and shall tender, along with said application, a tap fee in AN the amount of ~~\$5,500.00 for a standard sewer tap, one ~~four-inch (4")~~ sewer line~~ AS SET BY THE BOARD OF TRUSTEES BY SEPARATE ORDINANCE, WHICH ORDINANCE SHALL NOT BE CODIFIED, AND AS MAY BE AMENDED FROM TIME TO TIME. Any sewer service requiring a larger tap shall be approved by the Board of Trustees, the cost to be negotiated with the Board of Trustees.
- (B) Outside of the corporate limits of the Town of Hot Sulphur Springs, any application for a sewer service tap shall be approved by the Board of Trustees, and the tap fee shall be doubled. Oversize taps shall be approved by the Board of Trustees, cost to be negotiated with the Board of Trustees. ANY SUCH TAP FEE SO SET SHALL BE IN ADDITION TO ANY ACTUAL COSTS FOR ADDITIONAL EQUIPMENT OR FACILITIES WHICH THE TOWN IS REQUIRED TO INSTALL IN ORDER TO PROVIDE SERVICE.
- (C) The fees set forth in this Chapter shall be in addition to all other fees or charges relating to sewer service elsewhere required. Any base fee imposed by the Town for ~~monthly water~~ QUARTERLY SEWER service shall be charged each QUARTER~~month~~ to each consumer commencing thirty (30) days following the date of purchase of a sewer tap ON A PRO RATA BASIS regardless of whether the tap has been installed or service is provided to the property.

sewer service was approved; or (2) on or before November 1 of the same year in which such fee was paid, then the tap fee shall be forfeited and thereafter a new application must be filed with appropriate materials, data, and fees in effect at the time of the new application, in order for the Town to consider providing sewer service. Upon a showing of good cause by the Applicant, the Board of Trustees or the Public Works Director may grant the Applicant an extension of time for physical installation.

(E) If at any time a change of use or expansion results in the need for a larger service line, the appropriate charge for the increase shall be paid to the Town.

Section 5: Section 7-4-35 of the Code is amended to read as follows with deletions shown as strike-through and additions shown as all caps:

7-4-35: SANITARY SEWER RATES AND CHARGES FOR USE OF SEWERS.

(A) All sanitary sewer service provided by the Town shall be in accordance with rates and charges established by the Board of Trustees BY SEPARATE ORDINANCE, WHICH ORDINANCE SHALL NOT BE CODIFIED, AND AS MAY BE AMENDED by resolution from time to time in accordance with the rate structure authorized in this Section and in accordance with the value of the services rendered and the financial needs of the system and the laws applicable thereto. Such QUARTERLY monthly base rate shall separately state the amount charged for capital improvements and such capital improvement funds shall not be expended for any other purpose.

(B) Each property and user served by or having connection with the sanitary sewer system of the Town shall be charged a QUARTERLY monthly base rate for the purposes of funding the operational costs of the wastewater treatment plant, contingency or emergency operational expenses, expenses necessary to rehabilitate the Town's wastewater treatment plant, capital improvements to ensure the safety and quality of the Town's wastewater treatment plant in the future, and debt service, if any.

(C) Each property and user served by or having connection with the sanitary sewer system of the Town shall be assigned a single family equivalent (SFE) value based on its use classifications in accordance with a schedule to be adopted by the Town Board of Trustees by resolution. QUARTERLY Monthly base rates shall be determined by multiplying the QUARTERLY monthly base rate times the number of SFEs.

(D) Properties located outside the Town of Hot Sulphur Springs shall be assessed a QUARTERLY monthly base rate based on the rate structure set forth herein and rates adopted by ORDINANCE resolution of the Board of Trustees, as may be amended from time to time, and shall be two (2) times the rate imposed for properties located inside the boundaries of the Town.

(E) Over and above the rates and charges established by this Section, there may be established, in special instances and by special agreement between the Town and the owner of the premises served by the Town sanitary sewer system, such additional charges for commercial or industrial wastes of unusual strength or composition that are accepted by the Town for treatment as may be determined to be fair and equitable. Such special agreements and charges shall be established by ORDINANCE resolution of the Board of Trustees. The Town may re-evaluate the SFE of any person discharging into the Town's sanitary

arrangement between the town and other persons, municipalities, quasi-municipalities, sanitation districts, additions and development areas outside the Town concerning sewage facilities, which may be adopted from time to time by resolution OR ORDINANCE of the Board of Trustees.

Section 6. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The Town Board of Trustees declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

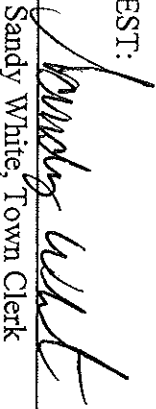
Section 7. Effective Date. This Ordinance shall become effective thirty days after publication following final passage.

INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 21st DAY OF APRIL, 2011, BY A VOTE OF 6 IN FAVOR, 0 AGAINST, and 0 ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS

By: 
Hershah Deputy, Mayor

I hereby certify that the above Ordinance was introduced and adopted by the Town Board of Trustees of the Town of Hot Sulphur Springs, Colorado, at its meeting of April 21, 2011, and ordered published by Sky Hi newspaper on _____, 2011.

ATTEST:
By: 
Sandy White, Town Clerk

Publication Date: _____, 2011
Effective Date: _____, 2011 (30 days after publication)