

**TOWN OF HOT SULPHUR SPRINGS, COLORADO  
ORDINANCE NO. 2012-5-1-384**

**AN ORDINANCE SETTING NEW SEWER BASE RATES**

**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**, Section 7-4-35 of the Town of Hot Sulphur Springs Town Code, (“Code”), governs the setting and imposition of sanitary sewer rates; and

**WHEREAS**, the Board of Trustees last set the base rates for sanitary sewer service in 2011 by Ordinance 381; and

**WHEREAS**, the Town Board of Trustees has identified an immediate need to improve the wastewater treatment lagoons and intends to obtain financing for such improvements; and

**WHEREAS**, the Town has received approval from the Board of Directors of the Colorado Water Resources and Power Development Authority (“Authority”) for a Water Pollution Control Revolving Fund loan; and

**WHEREAS**, a condition of such loan approval requires the Town to increase sewer user rates to meet the Authority’s rate covenant to meet the repayment obligations thereunder; and

**WHEREAS**, the Board of Trustees desires to set sanitary sewer base rates as set forth below in order to meet the repayment obligations necessitated by the financing for the required wastewater lagoon improvements.

**Section 1. Quarterly Base Fee Rates:** Effective as of July 1st, 2012, and as authorized by Section 7-4-35 of the Town Code, the Board of Trustees hereby approves the following rates for quarterly base rates for sanitary sewer service for each sanitary sewer customer served by or having connection with the Town’s sanitary sewer system.

<b>Sanitary Sewer Base Rate:</b>	<b>Fee per SFE:</b>
Properties Located Within the Town of Hot Sulphur Springs (per SFE):	\$136.32 (\$45.44 monthly)
Properties Located Outside the Town of Hot Sulphur Springs (per SFE):	\$272.64 (\$90.88 monthly)
<b>Capital Replacement Sanitary Sewer Base Rate:</b>	
Properties Located Within the Town of Hot Sulphur Springs (per SFE):	\$12.00 (\$4.00 monthly)
Properties Located Outside the Town of Hot Sulphur Springs (per SFE):	\$24.00 (\$8.00 monthly)

**Section 2. 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 3. No Existing Delinquency or Violation Affected.** Nothing in this Ordinance shall be construed to affect any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed by this Ordinance, or any just or legal right or remedy of any character impaired, or affected by this Ordinance.

**Section 4. Effective Date.** This Ordinance shall become effective thirty days after publication following final passage but the rate change authorized hereunder shall not take effect until the date set forth in Section 1.

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 14th DAY OF JUNE, 2012, BY A VOTE OF 7 IN FAVOR, 0 AGAINST, and 0 ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS

By: Robert McVay  
Robert McVay, Mayor Pro Tem

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 June 14th, 2012, and ordered published by *Sky Hi* newspaper on June 21st, 2012.

SEAL

ATTEST:  
By: Sandy White  
Sandy White, Town Clerk

Publication Date: June 21st, 2012  
Effective Date of Ordinance: July 21st, 2012 (30 days after publication)

