

**TOWN OF HOT SULPHUR SPRINGS, COLORADO**  
**ORDINANCE NO. 2008-9-1-359**

**AN ORDINANCE AUTHORIZING THE TOWN BOARD OF TRUSTEES  
TO ESTABLISH RATES AND CHARGES FOR WATER AND SEWER  
SERVICES WITHIN THE TOWN BY RESOLUTION**

**WHEREAS**, Section 7-4-26 of the Town of Hot Sulphur Springs Municipal Code, 2007 Codification ("Code?"), provides that water sold by the Town shall be in accordance with rates and charges as set forth in the Code; and

**WHEREAS**, Section 7-4-35 of the Code provides that there shall be levied and charged on each lot, building, parcel of land and premises served by or having sewer connection with the sanitary sewer system of the Town, or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the Town sanitary sewer system, a sewer service charge or rental established in accordance with the Code; and

**WHEREAS**, water and sewer rates are changed and set as the result of changing costs of serving, inflation and other reasons and the Board finds it is less costly to effect such changes through resolution than by ordinance; and

**WHEREAS**, the Board desires to amend the Code to provide that water and sewer base fees and service charges may be adopted by resolution.

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

**SECTION 1:** 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) All water sold by the Town shall be in accordance with rates and charge established by ~~THE BOARD OF TRUSTEES BY RESOLUTION FROM TIME TO TIME IN ACCORDANCE WITH THE REASONABLE VALUE OF THE SERVICES RENDERED AND THE FINANCIAL NEEDS OF THE SYSTEM AND THE LAWS APPLICABLE THERETO~~ ~~this section~~. Properties located within the Town of Hot Sulphur Springs shall be assessed a monthly base rate plus a service charge for the volume of water used which is one-half the base rate and service charge imposed for properties outside of the Town of Hot Sulphur Springs ~~in accordance with subsection (C) of this section~~.

(B) Any rate or charge established by the Board of Trustees shall include a base rate which shall be charged for the purpose of ongoing and continuing system maintenance, upgrading, and operation, WHICH RATE SHALL BE LEVIED

being utilized by the property or whether services have been voluntarily and temporarily discontinued. Properties which, as of the effective date of this Chapter, are capable of being served by an existing tap but which because of vacancy or abandonment are not currently charged a base rate shall be charged a base rate as set by the Board of Trustees commencing thirty (30) days following the effective date of this Chapter. 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.

~~(C)~~ Monthly base rates and charges for water services shall be assessed as follows:

~~(1)~~ Properties Located Within the Town of Hot Sulphur Springs:

~~Monthly Base Rate: \$27.00/month which shall permit up to a maximum of five thousand (5000) gallons of water; plus~~

~~An additional \$2.80 for each one thousand (1000) gallons of water used, or fraction thereof, in excess of the first 5000 gallons.~~

~~(2)~~ Properties Located Outside of the Town of Hot Sulphur Springs:

~~Monthly Base Rate: \$54.00/month which shall permit up to a maximum of five thousand (5000) gallons of water; plus~~

~~An additional \$5.60 for each one thousand (1000) gallons of water used, or fraction thereof, in excess of the first 5000 gallons.~~

~~Of the Monthly Base Rate a total of \$7.00/month for In-Town Users and \$14.00/month for Out-of-Town Users shall be allocated for a Capital Replacement Fund and shall not be expended for any other purpose.~~

~~(Ord. 327, 09-18-01)~~

**SECTION 2:** 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: **RATES AND CHARGES FOR USE OF SEWERS.**

(A) There shall be levied and charged on each lot, building, STRUCTURE, parcel of land and premises served by or having sewer connection with the sanitary sewer system of the Town, or otherwise discharging sanitary sewage, industrial wastes,

~~FINANCIAL NEEDS OF THE SYSTEM AND THE TOWN'S REQUIREMENTS  
THEREIN.~~ ~~THIS SECTION.~~ Properties located within the Town of Hot Sulphur Springs shall be assessed a monthly base rate plus a service charge based on the volume of water used which is one-half the base rate and service charge imposed for properties outside of the Town of Hot Sulphur Springs ~~in accordance with subsection (C) of this section.~~

(B) Any rate or charge established by the Board of Trustees shall include a base rate which shall be charged for the purpose of ongoing and continuing system maintenance, upgrading, and operation. 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. Properties which, as of the effective date of this Chapter, are capable of being served by an existing tap but which because of vacancy or abandonment are not currently charged a base rate shall be charged a base rate as set by the Board of Trustees commencing thirty (30) days following the effective date of this Chapter. 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.

~~(C) Monthly base rates and charges for sewer services shall be assessed as follows:~~

~~(1) Properties Located Within the Town of Hot Sulphur Springs:~~

~~Monthly Base Rate: \$27.00/month.~~

~~(2) Properties Located Outside of the Town of Hot Sulphur Springs:~~

~~Monthly Base Rate: \$54.00/month.~~

~~Of the Monthly Base Rate, a total of \$4.00/month for In-Town Users and \$8.00/month for Out-of-Town Users shall be allocated for a Capital Replacement Fund and shall not be expended for any other purpose.~~

~~(Ord. 314, 11-18-99; amd. Ord. 327, 09-18-01)~~

(BC) 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 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 Resolution of the Board of Trustees.

(E) 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 of the Board of Trustees.

SECTION 3. Repealer. All ordinance, 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 or revive any ordinance or resolution.

SECTION 4. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

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 2nd DAY OF OCTOBER, 2008, BY A VOTE OF 5 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 October 2, 2008, and ordered published one time in the *Sky-Hi News* newspaper on October 16, 2008.

ATTEST:

By:   
Sandy White, Town Clerk

SEAL

Publication Date: October 16, 2008

Effective Date: November 15, 2008 (30 days after publication)

**TOWN OF HOT SULPHUR SPRINGS, COLORADO  
ORDINANCE NO. 2008-9-1-359**

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TO ESTABLISH RATES AND CHARGES FOR WATER AND SEWER  
SERVICES WITHIN THE TOWN BY RESOLUTION**

**WHEREAS**, Section 7-4-26 of the Town of Hot Sulphur Springs Municipal Code, 2007 Codification ("Code?"), provides that water sold by the Town shall be in accordance with rates and charges as set forth in the Code; and

**WHEREAS**, Section 7-4-35 of the Code provides that there shall be levied and charged on each lot, building, parcel of land and premises served by or having sewer connection with the sanitary sewer system of the Town, or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the Town sanitary sewer system, a sewer service charge or rental established in accordance with the Code; and

**WHEREAS**, water and sewer rates are changed and set as the result of changing costs of serving, inflation and other reasons and the Board finds it is less costly to effect such changes through resolution than by ordinance; and

**WHEREAS**, the Board desires to amend the Code to provide that water and sewer base fees and service charges may be adopted by resolution.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF  
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(B) Any rate or charge established by the Board of Trustees shall include a base rate which shall be charged for the purpose of ongoing and continuing system maintenance, upgrading, and operation, WHICH RATE SHALL BE LEVIED

AND CHARGED ON EACH LOT, BUILDING, STRUCTURE, PARCEL OF LAND AND PREMISES SERVED BY OR HAVING CONNECTION WITH THE WATER SYSTEM OF THE TOWN. The base rate shall be charged for all properties, BUILDINGS OR STRUCTURES 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. Properties which, as of the effective date of this Chapter, are capable of being served by an existing tap but which because of vacancy or abandonment are not currently charged a base rate shall be charged a base rate as set by the Board of Trustees commencing thirty (30) days following the effective date of this Chapter. 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.

~~(C) Monthly base rates and charges for water services shall be assessed as follows:~~

~~(1) Properties Located Within the Town of Hot Sulphur Springs:~~

~~Monthly Base Rate: \$27.00/month which shall permit up to a maximum of five thousand (5000) gallons of water; plus~~

~~An additional \$2.80 for each one thousand (1000) gallons of water used, or fraction thereof, in excess of the first 5000 gallons.~~

~~(2) Properties Located Outside of the Town of Hot Sulphur Springs:~~

~~Monthly Base Rate: \$54.00/month which shall permit up to a maximum of five thousand (5000) gallons of water; plus~~

~~An additional \$5.60 for each one thousand (1000) gallons of water used, or fraction thereof, in excess of the first 5000 gallons.~~

~~Of the Monthly Base Rate a total of \$7.00/month for In Town Users and \$14.00/month for Out of Town Users shall be allocated for a Capital Replacement Fund and shall not be expended for any other purpose.~~

~~(Ord. 327, 09-18-01)~~

SECTION 2: 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:

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(A) There shall be levied and charged on each lot, building, STRUCTURE, parcel of land and premises served by or having sewer connection with the sanitary sewer system of the Town, or otherwise discharging sanitary sewage, industrial wastes,

water or other liquids either directly or indirectly into the Town sanitary sewer system, a sewer service charge as established by THE BOARD OF TRUSTEES BY RESOLUTION FROM TIME TO TIME IN ACCORDANCE WITH THE REASONABLE VALUE OF THE SERVICES RENDERED AND THE FINANCIAL NEEDS OF THE SYSTEM AND THE LAWS APPLICABLE THERETO ~~this section~~. Properties located within the Town of Hot Sulphur Springs shall be assessed a monthly base rate plus a service charge based on the volume of water used which is one-half the base rate and service charge imposed for properties outside of the Town of Hot Sulphur Springs ~~in accordance with subsection (C) of this section~~.

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~~(C) Monthly base rates and charges for sewer services shall be assessed as follows:~~

~~(1) Properties Located Within the Town of Hot Sulphur Springs:~~

~~Monthly Base Rate: \$27.00/month.~~

~~(2) Properties Located Outside of the Town of Hot Sulphur Springs:~~

~~Monthly Base Rate: \$54.00/month.~~

~~Of the Monthly Base Rate, a total of \$4.00/month for In Town Users and \$8.00/month for Out of Town Users shall be allocated for a Capital Replacement Fund and shall not be expended for any other purpose.~~

(Ord. 314, 11-18-99; amd. Ord. 327, 09-18-01)

(D) 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 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 Resolution of the Board of Trustees.

(ED) 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 of the Board of Trustees.

SECTION 3. Repealer. All ordinance, 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 or revive any ordinance or resolution.

SECTION 4. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

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 2nd DAY OF OCTOBER, 2008, BY A VOTE OF 5 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 October 2, 2008, and ordered published one time in the *Sky-Hi News* newspaper on October 16, 2008.

ATTEST:

By:   
Sandy White, Town Clerk

SEAL

Publication Date: October 16, 2008

Effective Date: November 15, 2008 (30 days after publication)





PROOF OF PUBLICATION

RECEIVED OCT 28 2008

TOWN OF HOT SULPHUR SPRINGS, COLORADO

ORDINANCE NO. 2008-9-1-359

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WHEREAS, Section 7-4-26 of the Town of Hot Sulphur Springs Municipal Code, 2007 Codification ("Code"), provides that water sold by the Town shall be in accordance with rates and charges as set forth in the Code; and

WHEREAS, Section 7-4-35 of the Code provides that there shall be levied and charged on each lot, building, parcel of land and premises served by or having sewer connection with the sanitary sewer system of the Town, or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the Town sanitary sewer system, a sewer service charge or rental established in accordance with the Code; and

WHEREAS, water and sewer rates are changed and set as the result of changing costs of serving, inflation and other reasons and the Board finds it is less costly to effect such changes through resolution than by ordinance; and

WHEREAS, the Board desires to amend the Code to provide that water and sewer base fees and service charges may be adopted by ordinance.

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

SECTION 1: 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) All water sold by the Town shall be in accordance with rates and charge established by THE BOARD OF TRUSTEES BY RESOLUTION FROM TIME TO TIME IN ACCORDANCE WITH THE REASONABLE VALUE OF THE SERVICES RENDERED AND THE FINANCIAL NEEDS OF THE SYSTEM AND THE LAWS APPLICABLE HERETO TO THIS SECTION. PROPERTIES LOCATED WITHIN THE TOWN OF HOT SULPHUR SPRINGS SHALL BE ASSESSED A MONTHLY BASE RATE PLUS A SERVICE CHARGE FOR THE VOLUME OF WATER USED WHICH IS ONE-HALF THE BASE RATE AND SERVICE CHARGE IMPOSED FOR PROPERTIES OUTSIDE OF THE TOWN OF HOT SULPHUR SPRINGS IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(B) Any rate or charge established by the Board of Trustees shall include a base rate which shall be charged for the purpose of ongoing and continuing system maintenance, upgrading, and operation, WHICH RATE SHALL BE LEVIED AND CHARGED ON EACH LOT, BUILDING, STRUCTURE, PARCEL OF LAND AND PREMISES SERVED BY OR HAVING CONNECTION WITH THE WATER SYSTEM OF THE TOWN. THE BASE RATE SHALL BE CHARGED FOR ALL PROPERTIES, BUILDINGS OR STRUCTURES FOR WHICH SERVICES ARE BEING UTILIZED BY THE PROPERTY OR OTHERWISE DISCHARGING SANITARY SEWAGE, INDUSTRIAL WASTES, WATER OR OTHER LIQUIDS, EITHER DIRECTLY OR INDIRECTLY INTO THE TOWN SANITARY SEWER SYSTEM, A SEWER SERVICE CHARGE OR RENTAL CHARGE AS SET BY THIS CHAPTER, ARE NOT CURRENTLY CHARGED A BASE RATE AS SET BY THE BOARD OF TRUSTEES COMMENCING THIRTY (30) DAYS FOLLOWING THE EFFECTIVE DATE OF THIS CHAPTER. A BASE RATE SHALL NOT BE CHARGED BY A TAP WHERE THE OWNER HAS DECLARED IN WRITTEN LETTER SUBMITTED TO THE TOWN CLERK THAT SUCH TAP HAS BEEN ABANDONED AND FORTHEFT BY THE OWNER.

(C) Monthly base rates and charges for water services shall be assessed as follows:

(1) Properties Located Within the Town of Hot Sulphur Springs:

Monthly Base Rate: \$27.00/month which shall permit up to a maximum of five thousand (5000) gallons of water, plus

An additional \$2.80 for each one thousand (1000) gallons of water used, or fraction thereof, in excess of the first 5000 gallons.

(2) Properties Located Outside of the Town of Hot Sulphur Springs:

Monthly Base Rate: \$54.00/month which shall permit up to a maximum of five thousand (5000) gallons of water, plus

An additional \$5.60 for each one thousand (1000) gallons of water used, or fraction thereof, in excess of the first 5000 gallons.

Of the Monthly Base Rate a total of \$7.00/month for In Town Users and \$14.00/month for Out of Town Users shall be allocated for a Capital Replacement Fund and shall not be expended for any other purpose.

(Ord. 327, 09-18-01)

SECTION 2: 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: RATES AND CHARGES FOR USE OF SEWERS.

(A) There shall be levied and charged on each lot, building, STRUCTURE, parcel of land and premises served by or having sewer connection with the sanitary sewer system of the Town, or otherwise discharging sanitary sewage, industrial wastes, water or other liquids either directly or indirectly into the Town sanitary sewer system, a sewer service charge as established by THE BOARD OF TRUSTEES BY RESOLUTION FROM TIME TO TIME IN ACCORDANCE WITH THE REASONABLE VALUE OF THE SERVICES RENDERED AND THE FINANCIAL NEEDS OF THE SYSTEM AND THE LAWS APPLICABLE HERETO TO THIS SECTION. PROPERTIES LOCATED WITHIN THE TOWN OF HOT SULPHUR SPRINGS SHALL BE ASSESSED A MONTHLY BASE RATE PLUS A SERVICE CHARGE IMPOSED FOR PROPERTIES OUTSIDE OF THE TOWN OF HOT SULPHUR SPRINGS IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(B) Any rate or charge established by the Board of Trustees shall include a base rate which shall be charged for the purpose of ongoing and continuing system maintenance, upgrading, and operation. The base rate shall be charged for all properties for which a tap has been purchased and all properties to which services are being utilized by the property or otherwise discharging sanitary sewage, industrial wastes, water or other liquids either directly or indirectly into the Town sanitary sewer system, a sewer service charge as established by THE BOARD OF TRUSTEES BY RESOLUTION FROM TIME TO TIME IN ACCORDANCE WITH THE REASONABLE VALUE OF THE SERVICES RENDERED AND THE FINANCIAL NEEDS OF THE SYSTEM AND THE LAWS APPLICABLE HERETO TO THIS SECTION. PROPERTIES LOCATED WITHIN THE TOWN OF HOT SULPHUR SPRINGS SHALL BE ASSESSED A MONTHLY BASE RATE PLUS A SERVICE CHARGE IMPOSED FOR PROPERTIES OUTSIDE OF THE TOWN OF HOT SULPHUR SPRINGS IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(C) 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 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 Resolution of the Board of Trustees.

(ED) 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 of the Board of Trustees.

SECTION 3: Repealer. All ordinance, 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 or revive any ordinance or resolution.

SECTION 4: Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

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 2ND DAY OF OCTOBER, 2008, BY A VOTE OF 5 IN FAVOR, 0 AGAINST, AND 0 ABSTAINING.

By: \_\_\_\_\_  
Mehsal Deputy, Mayor

I, Kimberly S. Burner, do solemnly swear that I am the publisher of the Sky-Hi News, that the same is a weekly newspaper printed in whole or in-part, and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterrupted in said County of Grand for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mail as second-class matter under the provisions of the act of March 3, 1879, or any amendment thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice of advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of \_\_\_\_\_ consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated \_\_\_\_\_, and that the last publication of said notice was in the issue of newspaper dated \_\_\_\_\_, A.D. 2008, and that the last day of \_\_\_\_\_, A.D. 2008

In witness whereof I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2008

\_\_\_\_\_ Publisher.  
\_\_\_\_\_ day of \_\_\_\_\_, A.D. 2008

Subscribed and sworn to before me, a notary public in and for the County of Grand, State of Colorado this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2008  
\_\_\_\_\_ Notary Public  
My Commission Expires 9/8/12

(C) Monthly base rates and charges for sewer services shall be assessed as follows:

(1) Properties Located Within the Town of Hot Sulphur Springs:

Monthly Base Rate: \$27.00/month.

(2) Properties Located Outside of the Town of Hot Sulphur Springs:

Monthly Base Rate: \$54.00/month.

Of the Monthly Base Rate, a total of \$4.00/month for In Town Users and \$8.00/month for Out of Town Users shall be allocated for a Capital Replacement Fund and shall not be expended for any other purpose.

(Ord. 314, 11-18-99; amd. Ord. 327, 09-18-01)

(DC) 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 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 Resolution of the Board of Trustees.

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By: \_\_\_\_\_  
Mehsal Deputy, Mayor

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**ORDINANCE NO. 2008-9-1-359**

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- (B) Any rate or charge established by the Board of Trustees shall include a base rate which shall be charged for the purpose of ongoing and continuing system maintenance, upgrading, and operation, WHICH RATE SHALL BE LEVIED AND CHARGED ON EACH LOT, BUILDING, STRUCTURE, PARCEL OF LAND AND PREMISES SERVED BY OR HAVING CONNECTION WITH THE WATER SYSTEM OF THE TOWN. The base rate shall be charged for all properties, BUILDINGS OR STRUCTURES 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. Properties which, as of the effective date of this Chapter, are capable of being served by an existing tap but which because of vacancy or abandonment are not currently charged a base rate shall be charged a base rate as set by the Board of Trustees commencing thirty (30) days following the effective date of this Chapter. 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.

(C) ~~Monthly base rates and charges for water services shall be assessed as follows:~~

(1) ~~Properties Located Within the Town of Hot Sulphur Springs:~~

~~Monthly Base Rate: \$27.00/month which shall permit up to a maximum of five thousand (5000) gallons of water, plus~~

~~An additional \$2.80 for each one thousand (1000) gallons of water used, or fraction thereof, in excess of the first 5000 gallons.~~

(2) ~~Properties Located Outside of the Town of Hot Sulphur Springs:~~

~~Monthly Base Rate: \$54.00/month which shall permit up to a maximum of five thousand (5000) gallons of water, plus~~

~~An additional \$5.60 for each one thousand (1000) gallons of water used, or fraction thereof, in excess of the first 5000 gallons.~~

~~Of the Monthly Base Rate a total of \$7.00/month for In Town Users and \$14.00/month for Out of Town Users shall be allocated for a Capital Replacement Fund and shall not be expended for any other purpose.~~

~~(Ord. 327, 09-18-01)~~

**SECTION 2.** 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: **RATE AND CHARGE FOR USE OF SEWERS.**

- (A) There shall be levied and charged on each lot, building, STRUCTURE, parcel of land and premises served by or having sewer connection with the sanitary sewer system of the Town, or otherwise discharging sanitary sewage, industrial wastes, water or other liquids either directly or indirectly into the Town sanitary sewer system, a sewer service charge as established by THE BOARD OF TRUSTEES BY RESOLUTION FROM TIME TO TIME IN ACCORDANCE WITH THE REASONABLE VALUE OF THE SERVICES RENDERED AND THE FINANCIAL NEEDS OF THE SYSTEM AND THE LAWS APPLICABLE THERETO ~~this section~~. Properties located within the Town of Hot Sulphur Springs shall be assessed a monthly base rate plus a service charge based on the volume of water used which is one-half the base rate and service charge imposed for properties outside of the Town of Hot Sulphur Springs in accordance with subsection (C) of this section.
- (B) Any rate or charge established by the Board of Trustees shall include a base rate which shall be charged for the purpose of ongoing and continuing system maintenance, upgrading, and operation. 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. Properties which, as of the effective date of this Chapter, are capable of being served by an existing tap but which because of vacancy or abandonment are not currently charged a base rate shall be charged a base rate as set by the Board of Trustees commencing thirty (30) days following the effective date of this Chapter. 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.

(C) ~~Monthly base rates and charges for sewer services shall be assessed as follows:~~

(1) ~~Properties Located Within the Town of Hot Sulphur Springs:~~

~~Monthly Base Rate: \$27.00/month.~~

(2) ~~Properties Located Outside of the Town of Hot Sulphur Springs:~~

~~Monthly Base Rate: \$54.00/month.~~

~~Of the Monthly Base Rate, a total of \$4.00/month for In Town Users and \$8.00/month for Out of Town Users shall be allocated for a Capital Replacement Fund and shall not be expended for any other purpose.~~

~~(Ord. 314, 11-18-99; and Ord. 327, 09-18-01)~~

(DC) 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 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 Resolution of the Board of Trustees.

(ED) 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 of the Board of Trustees.

**SECTION 3. Repealer.** All ordinance, 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 or revive any ordinance or resolution.

**SECTION 4. Severability.** If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

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 2nd DAY OF OCTOBER, 2008, BY A VOTE OF 5 IN FAVOR, 0 AGAINST, AND 0 ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS

By: \_\_\_\_\_  
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 October 2, 2008, and ordered published one time in the *Sky-Hi News* newspaper on October 16, 2008.

ATTEST:

SEAL

By: \_\_\_\_\_