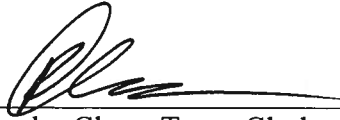


CERTIFICATE OF PUBLICATION

I, Becky Close, the duly qualified Town Clerk of the Town of Gypsum, Colorado, do hereby certify the foregoing Ordinance No. 9 (Series 2022) was approved by the Town Council on first reading on the 27 day of September, 2022, and was published on the Town's official website September 23, 2022, with notice specifying that a public hearing on the ordinance would be held on September 27, 2022, at 7:00 p.m. at the Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado, which is not less than four (4) days after first publication.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Gypsum, Colorado, this 27 day of September, 2022.




Becky Close, Town Clerk

(S E A L)



I, Becky Close, the duly qualified Town Clerk of the Town of Gypsum, Colorado, do hereby certify the foregoing Ordinance No. 9 (Series 2022) was approved by the Town Council on second reading at its meeting held on the 18th day of October, 2022 and thereafter was published on the Town's official website on October 20, 2022

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Gypsum, Colorado, this 20 day of October, 2022



Becky Close, Town Clerk

(S E A L)



TOWN OF GYPSUM, COLORADO

**ORDINANCE NO. 9
SERIES 2022**

AN ORDINANCE OF THE TOWN OF GYPSUM, COLORADO TO REPEAL AND READOPT SECTIONS 13.04.100, 13.04.110, 13.04.111 AND 13.04.120 OF THE GYPSUM MUNICIPAL CODE RELATING TO THE PAYMENT OF WATER RATES AND CHARGES

WHEREAS, the Town of Gypsum, Colorado (“Town”), is a home rule municipality of the State of Colorado, duly organized and existing under Article XX of the Colorado Constitution and the Gypsum Home Rule Charter (“Charter”) effective October 21, 1982; and

WHEREAS, pursuant to Article 1.3 of the Charter, the Town has all power of local self-government and home rule and all power possible for a home rule municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, the Town Council has, by Ordinance, adopted Title 13 of the Gypsum Municipal Code (“Code”) regarding public services, including among other things payment of water rates and charges; and

WHEREAS, the Town Council believes it is necessary and desirable to amend the Gypsum Municipal Code to provide greater clarity regarding the payment of water charges, the enforcement of payment, and the processes for disconnecting water service when payment is delinquent and for certifying delinquent water charges for collection with taxes.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

Section 1. Repeal and Readoption of Sections 13.04.100, 13.04.110, 13.04.111, and 13.04.120 of the Gypsum Municipal Code. Sections 13.04.100, 13.04.110, 13.04.111, and 13.04.120 of the Gypsum Municipal Code are hereby repealed in their entirety and readopted, as more particularly set forth on “Exhibit A”, as attached hereto and incorporated herein by this reference.

Section 2. Public Inspection. Copies of this Ordinance and the Gypsum Municipal Code are available for public inspection at the office of the Gypsum Town Clerk.

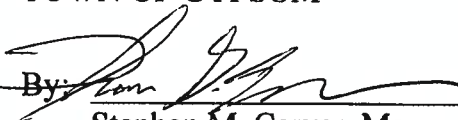
Section 3. Public Hearing. A public hearing on this Ordinance shall be held on the ___ day of _____, 2022, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 4. Effective Date. This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the ___ day of _____, 2022, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 5. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 27 DAY OF September, 2022.

TOWN OF GYPSUM

By: 
Stephen M. Carver, Mayor
Tom Edwards, Mayor Pro Tem

Attest:


Becky Close, Town Clerk



INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS MEETING HELD ON THE 11 DAY OF October, 2022, BY A VOTE OF 6 IN FAVOR AND 0 AGAINST.


TOWN OF GYPSUM

By: _____



Stephen M. Carver, Mayor

Attest:



Becky Close, Town Clerk



EXHIBIT A

Section 13.04.100 - Payment of water charges; delinquencies; liens.

All charges associated with providing water service or facilities, including but not limited to monthly service fees, surcharges, system development charges, special permits fees, line extension costs, system enhancement costs, water dedication charges, and delinquent penalties or charges, will be billed monthly and must be paid to the Town on the 24th day of the month of the billing. Payments not received by the Town by the due date are delinquent and subject to late charges in the amount of one percent (1%) per month of the unpaid balance, may result in a notice of lien being filed against the property, and may result in disconnection of water service to the property. Until paid, charges associated with providing water service or facilities shall constitute a priority perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens. The Town may, but is not required, to document such lien by filing a notice of lien in the real property records of the Eagle County Clerk and Recorder.

Section 13.04.110 - Responsibility for Payment.

The responsibility for payment of charges associated with providing water service or facilities shall rest with the owner of the property served. The Town may, in its sole discretion and with or without agreement of the property owner, accept payment from persons other than the property owner, including a tenant, lessee, or resident of the property, and may require a written agreement acknowledging that the Town may send duplicate bills to and receive payments from persons other than the property owner. Failure of such other persons to pay any amount shall not absolve the property owner of his or her primary responsibility for such payment.

Section 13.04.111 - Disconnection of Water Service

The Town may disconnect water service to any property for which payment of any charges associated with providing water service or facilities remains delinquent for thirty (30) days. At least seven (7) days prior to disconnecting service, the Town shall post on the property served and mail a written notice, deposited in the U.S. Mail, postage prepaid, to the property owner. The notice shall state that if the delinquent payment or a request for a hearing is not received by the end of the day prior to the disconnection date, water service will be disconnected. If a timely request for a hearing on the delinquency is received, a hearing before the Gypsum Public Works Director or his or her appointee ("hearing officer") will be scheduled no sooner than ten (10) business following the request. The date for the hearing may be extended by written agreement by the Town and

the property owner, tenant, lessee, or resident requesting the hearing. At the hearing the property owner, tenant, lessee, or resident shall show cause why the property should not be disconnected. The hearing officer may establish rules regarding the procedures for conducting hearings. At the conclusion of the hearing, the hearing officer may issue verbal findings and an order. Written findings and an order shall be mailed to the property owner and posted on the property and if so ordered, service to the property shall be disconnected no earlier than five (5) days following mailing and posting of the written findings and order. If water service is disconnected, no person except personnel of the Town shall turn water services back on, even after payment has been made. Such tampering with water services will result in the issuance of a fine of \$2,650.00 or such other maximum fine amount established by section 2.01.090(6), G.M.C., whichever is higher.

Section 13.04.120 - Certification of delinquent charges and fees.

In the event charges associated with providing water service or facilities are not paid when due, the Town may certify such charges to the Eagle County Treasurer to be collected, together with the costs of collection, against the property served in the same manner as though they were part of the taxes assessed against property. Prior to certifying such delinquent charges, the Town shall mail a written notice, deposited in the U.S. Mail, postage prepaid, to the property owner. The notice shall inform the property owner that if the property owner fails to appear for a hearing before the Town Council and shall show cause why the delinquency should not be certified for collection with taxes or if the delinquent payment is not received by the date of the Town Council hearing, the delinquent charges shall be certified to the County Treasurer for collection with taxes. The Town council may appoint a hearing officer in its place. The hearing shall be scheduled no sooner than ten (10) business days following the mailing of the notice. The Town Council or hearing officer may establish rules regarding the procedures for conducting hearings. If the delinquency is certified to the County Treasurer for collection with taxes a copy of the certification shall be mailed to the property owner at the time it is transmitted to the County Treasurer.