

Certification of Ordinance Posting and Publication

CERTIFICATE OF PUBLICATION AND POSTING

I, the duly qualified Town Clerk of the Town of Gypsum, Colorado, do hereby certify the foregoing Ordinance No. 1 (Series 2023) was approved by the Town Council of the Town of Gypsum on first reading at its meeting held on the 10th day of January, 2023, and was posted in full on January 6th, 2023, on the public bulletin board at the Gypsum Town Hall and on the Town's website, and in both cases was published and posted along with a notice specifying that a public hearing on the ordinance would be held on January 24th, 2023, 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 11th day of January 2023.




Becky Close, Town Clerk



(S E A L)

I, the duly qualified Town Clerk of the Town of Gypsum, Colorado, do hereby certify the foregoing Ordinance No. 1 (Series 2023) was approved by the Town Council of the Town of Gypsum on second reading at its meeting held on the 24th day of January, 2023, and was posted in full on January 20th, 2023, on the public bulletin board at the Gypsum Town Hall and on the Town's website on January 20th, 2023, by title only, and in both cases was published and posted along with a statement that the full text of the Ordinance is available at the office of the Town Clerk and on the Town's official website.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Gypsum, Colorado, this 25th day of January, 2023.



Becky Close, Town Clerk



(S E A L)

**Ordinance First Reading
Notice for Publication and Posting**

NOTICE OF PUBLIC HEARING

TOWN OF GYPSUM

P.O. Box 130
50 Lundgren Boulevard
Gypsum, CO 81637

This is to give notice that at a public meeting on January 10, 2023, the following Ordinance was introduced, read by title, approved on first reading, and ordered posted and published by title only, by the Gypsum Town Council. A public hearing for final approval, rejection, or other action as may be taken by vote of Town Council on second reading is scheduled on January 24, 2023 at 7:00 p.m. in the Town Council Chambers at Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum Co 81637.

ORDINANCE NO. 1 (SERIES 2023) AN ORDINANCE An Ordinance Amending and Replacing Certain Sections of Chapter 13.12 Concerning Monthly Residential and Commercial Sewer (Wastewater)

The text of this Ordinance is available for public inspection at the office of the Town Clerk, 50 Lundgren Blvd., Gypsum, Colorado, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and on the Town's website at <https://townofgypsum.com>.
/ss: Becky Close, Town Clerk.

**TOWN OF GYPSUM, COLORADO
ORDINANCE NO. 1 (SERIES 2023)**

**AN ORDINANCE REPEALING AND READOPTING SECTION 13.12.320
OF THE GYPSUM MUNICIPAL CODE CONCERNING MONTHLY
RESIDENTIAL AND COMMERCIAL SEWER (WASTEWATER)
SERVICE CHARGES**

WHEREAS, the Town has previously adopted ordinances which require the payment of monthly service charges for wastewater service; and

WHEREAS, because of increased and more stringent environmental standards imposed on treatment of municipal waste and the growth of the Town, the Town's cost of providing wastewater service has and continues to increase; and

WHEREAS, based on information, analysis and briefing provided by Town staff, the Town Council has considered the proposed increases in monthly wastewater service charges and has determined that such adjustments are reasonable and necessary to address the costs of providing wastewater collection and treatment services in compliance with related environmental regulations;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF GYPSUM, COLORADO, that:

Section 1. Repeal and Readoption of Section 13.12.320.

Section 13.12.320 of the Gypsum Municipal Code is repealed and readopted in whole to read as follows:

Section 13.12.320 – Monthly service charge.

(a) Effective March 1, 2023, the monthly service charges shall be assessed for commercial occupancies on an EQR basis as is specified in section 13.08.060, as assigned by the building permit for the occupancy or, if no EQR was assigned, subject to a flow limitation and rate structure as assigned in the town's discretion, as follows:

(1) In-town commercial occupancies.

Charge per one EQR assigned	\$ 61.68/month
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Charge per each additional 0.01 EQR assigned	\$ 0.62/month
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In addition thereto, the following tiered rate shall apply:

- \$10.00/1,000 gallons for each 1,000 gallons used over 15,000 gallons per EQR, as determined by metered water deliveries

(2) In-town commercial occupancies with residential occupancy.

Charge per one EQR assigned \$ 83.37/month

Charge per each additional 0.01 EQR assigned \$ 0.83/month

In addition thereto, the following tiered rate shall apply:

- \$10.00/1,000 gallons for each 1,000 gallons used over 15,000 gallons per EQR, as determined by metered water deliveries

(3) Out-of-town commercial occupancies.

Charge per one EQR assigned \$ 92.54/month

Charge per each additional 0.01 EQR assigned \$ 0.93/month

In addition thereto, the following tiered rate shall apply:

- \$10.00/1,000 gallons for each 1,000 gallons used over 15,000 gallons per EQR, as determined by metered water deliveries

(4) Out-of-town commercial occupancies with residential occupancy.

Charge per one EQR assigned \$125.06/month

Charge per each additional 0.01 EQR assigned \$ 1.25/month

In addition thereto, the following tiered rates shall apply:

- \$10.00/1,000 gallons for each 1,000 gallons used over 15,000 gallons per EQR, as determined by metered water deliveries

(5) If a commercial or industrial consumer can furnish to the Town Manager factual information demonstrating the consumption rate of water delivered to the consumer during the winter period, due to the consumer's operations or processes, is at least twenty percent (20%) of the water delivered through a properly functioning water meter showing such consumed water deliveries are not returned to the public wastewater system, the Town Manager shall then determine if the user's wastewater contribution percentage is to be changed (reduced) and shall notify the user thereof. In the event the user's wastewater contribution percentage is reduced, the Town Manager may then determine if the consumptive water demands represented as being associated with the consumer's tap are accurate or require a corresponding adjustment requiring additional compliance with Sections 13.04.070, 13.04.080, and 13.08.060 of the Code.

(b) Effective March 1, 2023, the monthly service charges shall be assessed for residential occupancies on an EQR basis as is specified in section 13.08.060, as assigned by the building permit for the occupancy or, if no EQR was assigned, subject to a flow limitation and rate structure as assigned in the town's discretion, as follows:

(1) In-town residential occupancies.

Charge per one EQR assigned \$ 40.03/month

Charge per each additional 0.01 EQR assigned \$ 0.40/month

(2) In-town residential occupancies utilizing an existing town-maintained lift station.

Charge per one EQR assigned \$ 45.02/month

Charge per each additional 0.01 EQR assigned \$ 0.45/month

(3) Out-of-town residential occupancies.

Charge per one EQR assigned \$ 60.03/month

Charge per each additional 0.01 EQR assigned \$ 0.60/month

(4) Out-of-town residential occupancies utilizing a town-maintained lift station.

No town-maintained, out of town lift stations will be permitted.

(5) In-town single-family residence (SFR) with an accessory dwelling unit (ADU).

Charge per 1.0 EQR per SFR and 0.25 EQR for ADU \$ 50.02/month

Charge per each additional 0.01 EQR assigned \$ 0.50/month
(SFR only)

(6) In-town single-family residence (SFR) with an accessory dwelling unit (ADU) utilizing a town-maintained lift station.

Charge per 1.0 EQR per SFR and 0.25 EQR for ADU \$ 56.29/month

Charge per each additional 0.01 EQR assigned \$ 0.56/month
(SFR only)

(7) Out-of-town single-family residence (SFR) with an accessory dwelling unit (ADU).

Charge per 1.0 EQR per SFR and 0.25 EQR for ADU \$ 75.03/month

Charge per each additional 0.01 EQR assigned \$ 0.75/month
(SFR only)

(c) All rates are charged to the nearest 0.01 EQR.

(d) The above wastewater charges are based upon the typical BOD, TSS and pH levels for the occupancy classification. To the extent such BOD, TSS and pH levels are exceeded, as is specified in section 13.12.090, the town, in its sole discretion, may sample wastewater discharge, and assess any penalties as provided for in section 13.12.370.

(e) The monthly service charges described in this section shall automatically increase 40% on January 1, 2024, by an additional 40% on January 1, 2025, and by an additional 25% on January 1, 2026.

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 24th day of January, 2023, 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 24th day of January, 2023, 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 10TH DAY OF JANUARY, 2023.

TOWN OF GYPSUM



By:

Stephen Carver, Mayor

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 24TH DAY OF JANUARY, 2023, BY A VOTE OF _____ IN FAVOR AND _____ AGAINST.

TOWN OF GYPSUM



By:

Stephen Carver, Mayor

Attest: _____
Becky Close, Town Clerk

**TOWN OF GYPSUM, COLORADO
ORDINANCE NO. 1 (SERIES 2023)**

**AN ORDINANCE REPEALING AND READOPTING SECTION 13.12.320
OF THE GYPSUM MUNICIPAL CODE CONCERNING MONTHLY
RESIDENTIAL AND COMMERCIAL SEWER (WASTEWATER)
SERVICE CHARGES**

WHEREAS, the Town has previously adopted ordinances which require the payment of monthly service charges for wastewater service; and

WHEREAS, because of increased and more stringent environmental standards imposed on treatment of municipal waste and the growth of the Town, the Town's cost of providing wastewater service has and continues to increase; and

WHEREAS, based on information, analysis and briefing provided by Town staff, the Town Council has considered the proposed increases in monthly wastewater service charges and has determined that such adjustments are reasonable and necessary to relate such charges to the costs of providing wastewater collection and treatment services in compliance with related environmental regulations;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF GYPSUM, COLORADO, that:

Section 1. Repeal and Readoption of Section 13.12.320.

Section 13.12.320 of the Gypsum Municipal Code is repealed and readopted in whole to read as follows:

Section 13.12.320 – Monthly service charge.

(a) Effective March 1, 2023, the monthly service charges shall be assessed for commercial occupancies on an EQR basis as is specified in section 13.08.060, as assigned by the building permit for the occupancy or, if no EQR was assigned, subject to a flow limitation and rate structure as assigned in the town's discretion, as follows:

(1) In-town commercial occupancies.

Charge per one EQR assigned	\$ 61.68/month
Charge per each additional 0.01 EQR assigned	\$ 0.62/month

In addition thereto, the following tiered rate shall apply:

- \$10.00/1,000 gallons for each 1,000 gallons used over 15,000 gallons per EQR, as determined by metered water deliveries

(2) In-town commercial occupancies with residential occupancy.

Charge per one EQR assigned \$ 83.37/month

Charge per each additional 0.01 EQR assigned \$ 0.83/month

In addition thereto, the following tiered rate shall apply:

- \$10.00/1,000 gallons for each 1,000 gallons used over 15,000 gallons per EQR, as determined by metered water deliveries

(3) Out-of-town commercial occupancies.

Charge per one EQR assigned \$ 92.54/month

Charge per each additional 0.01 EQR assigned \$ 0.93/month

In addition thereto, the following tiered rate shall apply:

- \$10.00/1,000 gallons for each 1,000 gallons used over 15,000 gallons per EQR, as determined by metered water deliveries

(4) Out-of-town commercial occupancies with residential occupancy.

Charge per one EQR assigned \$125.06/month

Charge per each additional 0.01 EQR assigned \$ 1.25/month

In addition thereto, the following tiered rates shall apply:

- \$10.00/1,000 gallons for each 1,000 gallons used over 15,000 gallons per EQR, as determined by metered water deliveries

(5) If a commercial or industrial consumer can furnish to the Town Manager factual information demonstrating the consumption rate of water delivered to the consumer during the winter period, due to the consumer's operations or processes, is at least twenty percent (20%) of the water delivered through a properly functioning water meter showing such consumed water deliveries are not returned to the public wastewater system, the Town Manager shall then determine if the user's wastewater contribution percentage is to be changed (reduced) and shall notify the user thereof. In the event the user's wastewater contribution percentage is reduced, the Town Manager may then determine if the consumptive water demands represented as being associated with the consumer's tap are accurate or require a corresponding adjustment requiring additional compliance with Sections 13.04.070, 13.04.080, and 13.08.060 of the Code.

(b) Effective March 1, 2023, the monthly service charges shall be assessed for residential occupancies on an EQR basis as is specified in section 13.08.060, as assigned by the building permit for the occupancy or, if no EQR was assigned, subject to a flow limitation and rate structure as assigned in the town's discretion, as follows:

(1) In-town residential occupancies.

Charge per one EQR assigned	\$ 40.03/month
Charge per each additional 0.01 EQR assigned	\$ 0.40/month

(2) In-town residential occupancies utilizing an existing town-maintained lift station.

Charge per one EQR assigned	\$ 45.02/month
Charge per each additional 0.01 EQR assigned	\$ 0.45/month

(3) Out-of-town residential occupancies.

Charge per one EQR assigned	\$ 60.03/month
Charge per each additional 0.01 EQR assigned	\$ 0.60/month

(4) Out-of-town residential occupancies utilizing a town-maintained lift station.

No town-maintained, out of town lift stations will be permitted.

(5) In-town single-family residence (SFR) with an accessory dwelling unit (ADU).

Charge per 1.0 EQR per SFR and 0.25 EQR for ADU	\$ 50.02/month
Charge per each additional 0.01 EQR assigned (SFR only)	\$ 0.50/month

(6) In-town single-family residence (SFR) with an accessory dwelling unit (ADU) utilizing a town-maintained lift station.

Charge per 1.0 EQR per SFR and 0.25 EQR for ADU	\$ 56.29/month
Charge per each additional 0.01 EQR assigned (SFR only)	\$ 0.56/month

(7) Out-of-town single-family residence (SFR) with an accessory dwelling unit (ADU).

Charge per 1.0 EQR per SFR and 0.25 EQR for ADU \$ 75.03/month

Charge per each additional 0.01 EQR assigned \$ 0.75/month
(SFR only)

(c) All rates are charged to the nearest 0.01 EQR.

(d) The above wastewater charges are based upon the typical BOD, TSS and pH levels for the occupancy classification. To the extent such BOD, TSS and pH levels are exceeded, as is specified in section 13.12.090, the town, in its sole discretion, may sample wastewater discharge, and assess any penalties as provided for in section 13.12.370.

(e) The monthly service charges described in this section shall automatically increase 40% on January 1, 2024, by an additional 40% on January 1, 2025, and by an additional 25% on January 1, 2026.

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 24th day of January, 2023, 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 24th day of January, 2023, 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 10TH DAY OF JANUARY, 2023.

TOWN OF GYPSUM



By:

Stephen Carver, Mayor

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 24TH DAY OF JANUARY, 2023, BY A VOTE OF 6 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM

By: 

Stephen Carver, Mayor

Attest: 
Becky Close, Town Clerk



**Ordinance Second Reading With Amendments
Notice for Publication and Posting**

PUBLIC NOTICE

TOWN OF GYPSUM

P.O. Box 130
50 Lundgren Boulevard
Gypsum, CO 81637

This is to give notice that at a public hearing on second reading, the following Ordinance was introduced, read by title, and finally adopted, passed, and approved with amendments and ordered posted and published by title only by the Town Council on January 24th, 2023. The Ordinance was amended to See Attached Memo.

ORDINANCE NO. 1 (SERIES 2023) AN ORDINANCE An Ordinance Amending and Replacing Certain Sections of Chapter 13.12 Concerning Monthly Residential and Commercial Sewer (Wastewater).

The text of this Ordinance is available for public inspection at the office of the Town Clerk, 50 Lundgren Blvd., Gypsum, Colorado, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and on the Town web site at <https://townofgypsum.com>.
/ss: Becky Close, Town Clerk.



Engineering Department Memorandum

Date: January 17, 2023

To: Mayor Carver and the Town Council

From: Jim Hancock

RE: Commentary on Ordinance 1 to Raise Wastewater Rates in the Town of Gypsum Changes from First Reading to Second Reading

Under the advisement of Attorney Bob Cole, there has been a change for the second reading of Ordinance No. 1 (Series 2023) AN ORDINANCE REPEALING AND READOPTING SECTION 13.12.320 OF THE GYPSUM MUNICIPAL CODE CONCERNING MONTHLY RESIDENTIAL AND COMMERCIAL SEWER (WASTEWATER) SERVICE CHARGES.

For the first reading, the third recital paragraph was written as follows:

WHEREAS, based on information, analysis and briefing provided by Town staff, the Town Council has considered the proposed increases in monthly wastewater service charges and has determined that such adjustments are reasonable and necessary to address the costs of providing wastewater collection and treatment services in compliance with related environmental regulations;

For the second reading it has been revised to read as follows:

WHEREAS, based on information, analysis and briefing provided by Town staff, the Town Council has considered the proposed increases in monthly wastewater service charges and has determined that such adjustments are reasonable and necessary to relate such charges to the costs of providing wastewater collection and treatment services in compliance with related environmental regulations;

Thank you for your time and consideration.