

TOWN OF GYPSUM, COLORADO

**ORDINANCE NO. 02
SERIES 2024**

**AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTERS 13.02
AND 13.05 OF THE GYPSUM MUNICIPAL CODE**

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

WHEREAS, by Ordinance No. 1, Series 1985, and pursuant to the provisions of Section 31-16-201 through 31-16-208 of the Colorado Revised Statutes, as amended, the Town Council adopted the Gypsum Municipal Code (“Code”) consisting of a codification of the Town’s ordinances of a general and permanent nature; and

WHEREAS, Chapter 13.02 (Water Rights Dedication) and Chapter 13.05 (Billing for Water and Wastewater Service; Revenue Collection) of the Code set forth regulations pertaining to water rights dedication and billing parameters related to water and wastewater services; and

WHEREAS, the Town Council desires to amend Chapters 13.02 and 13.05 to be as up to date as possible.

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

Section 1. Amendment of Chapters 13.02 and 13.05. Chapters 13.02 and 13.05 of the Gypsum Municipal Code are hereby amended as shown on Exhibit A, 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 23rd day of January, 2024, 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 23rd day of January, 2024, at 7:00 p.m., at the Town of Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

Section 5. Severability. If any portion of this Ordinance, or the Gypsum Municipal Code amended hereby, is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 9TH DAY OF JANUARY, 2024.

TOWN OF GYPSUM

By: 
Stephen M. 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 23rd DAY OF JANUARY, 2024, BY A VOTE OF _____ IN FAVOR AND _____ AGAINST.

TOWN OF GYPSUM

By:

Stephen M. Carver, Mayor

Attest:

Becky Close, Town Clerk

(S E A L)

EXHIBIT A
AMENDMENTS TO CHAPTERS 13.02 AND 13.05

Amendment of Subsection 13.02.030 – Definitions

Subsection 13.02.030(6) is hereby amended as follows to delete the stricken-through text and add the double-underlined and capitalized language:

(6) *Equivalent residential unit* or *EQR*, as used in this chapter, means a number related to the volume of water consumptively used by a single-family residence housing a statistical average of three and one-half persons and having not more than 2,500 square feet of irrigated lawn or garden. The demand for water represented by 1.0 EQR assumes that none of the following limits are exceeded:

- (a) An average annual requirement of 0.54 acre feet;
- (b) A peak monthly water demand of 15,000 gallons; and
- (c) A peak daily demand of 900 gallons. The consumptive use, for water uses not associated with use at a single-family residence, is considered to be equal to a volume of water, expressed in EQR units, as determined by the town with guidance by the schedule provided in the table of EQRs under section 13.02.050. The town shall have sole and exclusive discretion in determining whether the basic dedication requirement should be increased or decreased, on a case-by-case basis, after consideration of the place, method, efficiency and operation of wastewater treatment for the use served. Provided however, for residential uses it is not the intent hereof for the town to reassess the dedication requirement should such limits be exceeded. Residential units shall only be reassessed upon the addition of fixtures, habitable space or a ~~substantial~~ MATERIAL enlargement of lawn size.

Amendment of Subsection 13.02.050 - Dedication requirement—Table.

The Dedication Table found in Subsection 13.02.050 is hereby amended as follows to delete the stricken-through text and add the double-underlined and capitalized language. For the avoidance of doubt, any section of the Dedication Table which is not listed below remains unchanged.

3.	Generally	
	A. Each additional bedroom over four bedrooms	Per offense <u>0.15</u>
	B. An annual average water demand equal to 0.54 acre-feet.	1.0

	C. An average monthly peak water demand equal to 15,000 gallons.	1.0
	D. A peak daily demand of 900 gallons.	1.0
	E. Each coin-operated washing machine up to 12 lbs. capacity.	0.35
5.	Transient rental units, Hotels, motels or rental units within residences <u>AND LODGING; UNIT EOR's INCLUDE WASHING MACHINES WITHIN FACILITY:</u>	
	A. Manager's unit for long-term live-in staff: Uses single family or multi-family classification as applicable.	0.60
	B. Each additional room without cooking or kitchen facilities.	0.30
	C. Each additional room with cooking or kitchen facilities.	0.35
	D. Coin-operated washing machine 12 pound capacity or less.	0.30

Amendment of Subsection 13.05.010. Subsection 13.05.010 is hereby amended as follows to delete the stricken-through text and add the double-underlined and capitalized language:

13.05.010 - Payment of charges; delinquencies; liens.

All charges associated with providing water or sewer 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 in arrears and must be paid to the town on the 24th day of the month of the billing. To the extent practical, water and sewer charges will be combined on a single bill. Payments not received by the Town by the due date are delinquent and subject to late charges in the amount of ~~one percent per month of the unpaid balance~~ SET BY RESOLUTION OF THE TOWN COUNCIL AND may result in a notice of lien being filed against the property, and may result in disconnection of water or sewer service to the property. Until paid, charges associated with providing water or sewer 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.