

ORDINANCE NO. 16
(Series 2019)

**AN ORDINANCE AMENDING AND REPLACING CERTAIN SECTIONS OF
CHAPTER 13.12 CONCERNING MONTHLY RESIDENTIAL AND
COMMERCIAL SEWER (WASTEWATER)**

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

WHEREAS, as a result of increased and more stringent environmental standards imposed on treatment of municipal waste and the growth of the Town, the Town is now required to raise the monthly charges for wastewater service.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF GYPSUM, COLORADO, THAT SECTION 13.12.320 OF TITLE 13 IS HEREBY REPEALED, REPLACED, AND AMENDED AS FOLLOWS:

SECTION 1:

13.12.320 - Monthly service charge.

(a) Effective February 1, 2020, 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, and 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 \$39.22/month

Charge per each additional 0.1 EQR assigned \$3.92/month

In addition thereto, the following tiered rate shall apply:

- \$6.00/1,000 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 \$53.00/month

Charge per each additional 0.1 EQR assigned \$5.30/month

In addition thereto, the following tiered rate shall apply:

- \$6.00/1,000 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 \$58.83/month

Charge per each additional 0.1 EQR assigned \$5.88/month

In addition thereto, the following tiered rate shall apply:

- \$6.00/1,000 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 \$79.50/month

Charge per each additional 0.1 EQR assigned \$7.95/month

For all of the above specified rates, there shall not be an adjustment for fractional increments of less than 0.1 EQR.

In addition thereto, the following tiered rates shall apply:

- \$6.00/1,000 gallons for each 1,000 gallons used over 15,000 gallons per EQR, as determined by metered water deliveries

(5) The above wastewater charges are based upon the typical BOD, TSS and pH levels for the above occupancies. 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.

(6) 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) The monthly service charges shall be assessed for residential occupancies as follows:

(1) *In-town residential occupancies.*

Charge per one EQR assigned \$25.44/month

Charge per each additional 0.1 EQR assigned \$2.54/month

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

Charge per one EQR assigned \$28.62/month

Charge per each additional 0.1 EQR assigned \$2.86/month

(3) *Out-of-town residential occupancies.*

Charge per one EQR assigned \$38.16/month

Charge per each additional 0.1 EQR assigned \$3.82/month

(4) *Out-of-town residential occupancies utilizing an existing town-maintained lift station.* (No new connections will be permitted out of town that require town-maintained lift stations.)

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

Charge per 1.0 EQR for single-family residence and 0.25 EQR for ADU is \$31.80/month

Charge per each additional 0.1 EQR assigned for the single-family residence only is \$2.54/month

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

Charge per 1.0 EQR for single-family residence and 0.25 EQR for ADU is \$47.70/month

Charge per each additional 0.1 EQR assigned for the single-family residence only is \$3.82/month

SECTION 2:

Commencing January 1, 2021 and continuing annually for a period of five years thereafter, the monthly service charges described in Section 13.12.320 shall be raised six percent (6.0%) annually. At the end of the five-year period, the rates shall escalate annually at a rate of 1.5% over the Consumer Price Index for Denver-Aurora-Lakewood, All Urban Consumers (CPI-U); provided however, any rate adjustment of the CPI shall not be a negative number. If the CPI-U number is a negative number, the CPI-U shall be deemed 0.0% and the rate increase shall be deemed to be 1.5%.

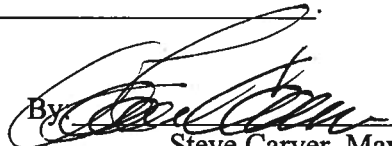
SECTION 3:

If any provision of this Ordinance shall be or become invalid or unenforceable, the remainder of the provisions shall not be affected thereby, and each and every provision shall be enforceable to the fullest extent permitted by law.

SECTION 4:

A public hearing on this ordinance shall be held on the 10 day of December, 2019 at 7:00 pm at the Gypsum Town Hall in Gypsum, Colorado.

INTRODUCED, READ AND ORDERED published by law by the Town Council of the Town of Gypsum, Colorado, at its regular meeting held in Town Hall in Gypsum, Colorado _____.

By: 
Steve Carver, Mayor

ATTEST:

By: 
Danette Schlegel, Town Clerk



Finally, adopted, passed and approved on 12/10/19,
2020.

By: *[Signature]*
Steve Carver, Mayor *Pro Tem*
Tom Edwards

ATTEST:

By: *[Signature]*
Danette Schlegel, Town Clerk

Finally, adopted, passed and approved on 1/14/2020,
2020.

