

**STATE OF COLORADO
TOWN OF PAONIA, COLORADO**

ORDINANCE NO. 07-2023

AN ORDINANCE ESTABLISHING WASTEWATER/SEWER RATES AND CHARGES

WHEREAS, pursuant to the Water Activity Law, Title 37, Article 45.1, C.R.S., and Section 13-4-10 of the Paonia Municipal Code ("PMC" or "Code"), the Town of Paonia ("Town") has established the Town Water and Sewer Enterprise ("Enterprise") consisting of the Town's water and sanitary sewer facilities and properties, now owned or hereafter acquired, whether situated within or without the Town boundaries, including all present or future improvements, extensions, enlargements, betterments, replacements or additions thereof or thereto, with all of the authority, powers, rights, obligations and duties as may be provided or permitted by the Colorado Constitution, Water Activity Law, and as may be further prescribed by ordinance or resolution of the Town; and

WHEREAS, to maintain its enterprise status, the Enterprise must at all times and in all ways, conduct its affairs so as to continue to qualify as a "water activity enterprise" within the meaning of Section 37-45.1-102, C.R.S., and as an "enterprise" within the meaning of Article X, Section 20, of the State Constitution, including the inability to levy taxes to pay bonds or any other expenses of the Enterprise or water and sewer systems; and

WHEREAS, PMC § 13-5-230 authorizes the Board of Trustees (the "Board") to establish by ordinance all wastewater/sewer rates and charges and the effective date of said rates and charges; and

WHEREAS, the Board has made a thorough review of its existing wastewater/sewer rates and charges; and

WHEREAS, in view of the above recitals, the Board finds that the rates levied for wastewater/sewer services must be calculated to meet the cost of providing wastewater/sewer services, including maintenance, capital reinvestment, and related debt service to avoid deficit spending, and therefore desires to adjust water rates and charges to offset such costs, as set forth below in this resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO:

Section 1. Section 13-5-230 of the Paonia Municipal Code is hereby repealed in its entirety and replaced to read as follows:

Sec. 13-5-230. - Monthly wastewater/sewer service charge.

All wastewater/sewer service charges shall be established from time to time by ordinance of the Board of Trustees and notice of such charges shall be published in a newspaper of general circulation in the County to inform all users of such charges.

A copy of this Ordinance shall also be mailed to the owners of properties outside the boundaries of the Town of Paonia using the wastewater/sewer system at the last known address of said owners as shown in the records of the Town.

Section 2. Pursuant to Section 13-5-230 of the Paonia Municipal Code, as amended herein, the following wastewater/sewer rates are hereby adopted, and shall be charged by the Town of Paonia and paid by users for use of the Town's wastewater/sewer systems:

A) Wastewater/Sewer Rate within the Town

The in-Town wastewater/sewer rate shall be increased by **two** dollars (**\$2.00**) from **fifty-five** dollars (**\$55.00**) to **fifty-seven** dollars (**\$57.00**) per month for each residential unit and increased by **two** dollars (**\$2.00**) from **sixty** dollars (**\$60.00**) to **sixty-two** dollars (**\$62.00**) per month for each commercial unit within the boundaries of the Town of Paonia.

B) Wastewater/Sewer Rate outside the Town

The out-of-Town wastewater/sewer rate shall be increased by **five** dollars (**\$5.00**) from **sixty** dollars (**\$60.00**) to **sixty-five** dollars (**\$65.00**) per month for each residential and commercial unit outside the boundaries of the Town of Paonia.

C) Wastewater/Sewer Standby Fee

The wastewater/sewer standby fee shall be increased by **five** dollars (**\$5.00**) from **fifty-five** dollars (**\$55.00**) to **sixty** dollars (**\$60.00**) per month for each unit.

D) Notice

1. Notice of the wastewater/sewer rates shall be given by publication of this Ordinance in a newspaper of general circulation in the County so as to inform all users of such changes.

2. A copy of this Ordinance shall also be mailed to the owners of properties outside the boundaries of the Town of Paonia using the wastewater/sewer system at the last known address of said owners as shown in the records of the Town.

E) Effective Date

The wastewater/sewer rates set forth herein shall become effective on January 1, 2024, to reflect on the first bill in February 2024.

INTRODUCED, READ, APPROVED, ADOPTED AND ORDERED TO BE PUBLISHED at a regular meeting of the Board of Trustees of the Town of Paonia, Colorado, on this 12th day of December 2023.

ATTEST:

Samira M Vetter

Samira M. Vetter, Town Clerk



Mary Bachran

Mary Bachran, Mayor

Approved as to form and contents:

By: */s/ Nicolas Cotton-Baez*

Kelly PC, Town Attorney