

ORDINANCE NO. 11

SERIES 2009

AN ORDINANCE AMENDING SECTION 13-1-120(a)(3) OF THE CRESTED BUTTE MUNICIPAL CODE BY AMENDING THE RATES FOR WATER USE ABOVE THE "BASE ALLOTMENT" TO \$3.00 PER 1,000 GALLONS FOR THE THIRD 5,000 GALLON BLOCK

WHEREAS, the Town of Crested Butte, Colorado is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Town Council has established tiered service charges for metered water usage above the base allotment for the provision of water services to properties located within the Town;

WHEREAS, on November 17, 2008, the Town Council adopted Ordinance No. 24, 2008 (the "Ordinance") whereby the Town approved adjustments to these charges;

WHEREAS, said Ordinance incorrectly amended the rates for water usage above the base allotment to \$2.75 per 1,000 gallons of usage for the third 5,000 gallon block;

WHEREAS, such amendment in the Ordinance was a clerical error, as evidenced by the title of the Ordinance, and was intended to amend the rates for water usage above the base allotment to \$3.00 per 1,000 gallons of usage for the third 5,000 gallon block; and

WHEREAS, the Town Council has found that the amendments contained herein accomplish the goals of correcting the foregoing clerical error and are necessary to protect the health, safety and welfare of the inhabitants of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Correct the Metered Water Rates. Section 13-1-120 (a)(3) of the Code is hereby amended by deleting such section in its entirety and replacing it with the following new section:

"(3) The third five thousand- gallon block, multiplied by the applicable EQR and fraction thereof, shall be charged three dollars (\$3.00) for each additional one thousand (1,000) gallons of usage or portion thereof."

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 17th DAY OF AUGUST, 2009.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 8th DAY OF SEPTEMBER, 2009.

**TOWN OF CRESTED BUTTE,
COLORADO**

By: 

Alan Bernholtz, Mayor

ATTEST:



Eileen Hughes, Town Clerk

(SEAL)

