

effective 12/31/01



ORDINANCE NO. 359

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF LOCHBUIE TO PROVIDE FOR WATER RIGHTS DEDICATION

Whereas, authority is granted by the State of Colorado to the governing body of the Town of Lochbuie to provide water service, to accept the dedication of water rights, and to assess fees and charges for service provided by the Town; and

Whereas, the Town Board of Trustees has been advised by staff that guidance is needed for land owners seeking to annex or develop land within or adjacent to the Town with regard to the water rights dedication requirements and the fees and charges required to offset the Town's costs associated with water rights dedication and transfer to municipal use.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE THAT THE MUNICIPAL CODE IS HEREBY AMENDED FOR THE PURPOSE STATED ABOVE.

SECTION 1. The Lochbuie municipal code is hereby amended by the addition of the following provisions:

WATER RIGHTS DEDICATION

Sections:

- 1-1 Title.
- 1-2 Intent and purpose.
- 1-3 Definitions.
- 1-4 Dedication or Transfer Requirement.
- 1-5 Water and Sewer Demand Analysis.
- 1-6 Dedication of Water Rights For Parks and Open Space.
- 1-7 Exceptions.
- 1-8 Water Rights Dedication Procedure.
- 1-9 Agricultural and Open Space Property.
- 1-10 Option to Purchase.
- 1-11 Raw Water Irrigation.
- 1-12 Periodic Audit of Connections/Recalculation of Dedication Requirement.
- 1-13 Return Flows and Augmentation Plans.

Section 1-1. Title. This ordinance shall be known and may be cited as the "Lochbuie Water Rights Dedication Ordinance."

Section 1-2. Intent and Purpose.

(a) It is the intent and purpose of this ordinance to require the dedication or transfer of water rights to the Town sufficient to satisfy any new or additional demand for Town water service resulting from the extension of water service, annexation of land to the Town, or change in land use which will require new or additional water supply from the Town, and thereby to assure an adequate and stable supply of water to all Town water

users, to ensure the financial stability of the Town water utility, and to promote the general welfare of the public.

(b) Compliance with this ordinance shall be in addition to any other requirements for annexation or subdivision under the laws of the State of Colorado or ordinances of the Town.

Section 1-3. Definitions. As used in this ordinance, unless the context otherwise requires:

(a) "Annexation" means the act of attaching, adding, joining, or uniting a parcel of land to the legal entity known as the Town of Lochbuie.

(b) "Appurtenant" means belonging to, accessory or incident to, adjunct, appended, annexed to, or used in conjunction with.

(c) "Change in land use" shall include expansion of an existing use.

(d) "Consumptive use" means the amount of water consumed and which does not return to the stream system after use.

(e) "Conveyance of water rights" means the process by which legal title to water rights is transferred to the Town of Lochbuie by warranty deed, stock assignment, or record transfer.

(f) "Dedicate" or "dedication" means to appropriate an interest in land or water to some public use, made by the owner, and accepted for such use by or on behalf of the public.

(g) "Dwelling unit," means any building or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the Uniform Building Code.

(h) "Extension of water service" means any extension of the Town water service for which a tapping charge is assessed, or any increase in Town water service resulting from a change in use of property, an increased use of property, or an increase in irrigated area.

(i) "Group residence" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for occupancy by other than a single-family such as, but not limited to, nursing home, congregate residence, hospital, shelter, convent, monastery, dormitory, fraternity/sorority house, jail and similar facilities. For the purpose of this definition, transient rental units such as hotels and motels are not considered group residence.

(j) "Historical use affidavit" means a document which sets forth the following information concerning each water right proposed for dedication or transfer to the Town:

(1) The name(s) and address (es) of the owner(s);

- (2) The amount of each water right or the number and class of shares of stock;
 - (3) If the water right is used for irrigation, the number of acres presently being irrigated and a legal description or map of the acreage irrigated;
 - (4) A copy of the stock certificate in any ditch or reservoir company which furnishes water and (unless this requirement is waived by the Town Administrator) all decrees or judgments determining or adjudicating each water right proposed for dedication or transfer to the Town and all other water rights appurtenant to the property;
 - (5) A copy of the document(s) by which the present owner(s) of each water right received title to the water right proposed for dedication or transfer to the Town and all other water rights appurtenant to the property;
 - (6) A copy of all diversion records for each water right proposed for dedication or transfer to the Town (unless this requirement is waived by the Town Administrator); and
 - (7) A description of the historical use of the water right, including the amount and time of diversions, and if the use was irrigation, a description of the type of irrigation, the number of acres irrigated, the crops grown, and a similar description of all other water rights used on the land irrigated.
- (k) "Laundromat" means one or more automatic coin-operated machines for the washing of clothes, including common use machines in apartment complexes.
- (l) "Lease" means any grant for permissive use, which results in the creation of a landlord-tenant or lessor-lessee relationship.
- (m) "Person" means an individual, a partnership, a corporation, a municipality, or any other legal entity, public or private.
- (n) "Raw Water Credit" means the number of SFEs for which dedication credit is provided by the Town for the dedication of a particular acceptable water right to the Town.
- (o) "Single Family Equivalent" or "SFE" means a number related to the volume of water necessary to meet the demand and consumptive use requirements of a single-family residential dwelling unit having 3.5 persons and having not more than two thousand five hundred (2,500) square feet of irrigated area. The demand for water represented by one SFE assumes that none of the following limits are exceeded:
- (1) An average annual requirement of 0.6 acre feet of diversion and use;
 - (2) A peak monthly demand of 25,000 gallons; and
 - (3) A peak daily demand of 900 gallons.

These amounts assume actual diversions, without transit losses throughout the year. Additional amounts may be required for dedication to ensure this amount can be delivered for use in Town.

The SFE unit value assigned to a single-family residential dwelling unit is 1. The SFE unit value assigned to other uses is based on the estimated volume of water consumptively used by such uses as compared to the volume of water consumptively used by an average dwelling unit. The SFE unit value assigned to specific uses is set forth in the table of SFE s which may be adopted and amended from time to time by Resolution of the Town.

- (p) "Sufficient priority" means that a water right has a date as of which it is entitled to use water in relation to other water rights deriving their supply from the same source which is sufficiently senior that it may reasonably be expected to provide a dependable water supply for the Town, even in a dry year, pursuant to the requirements of this ordinance. Factors to be considered in making this determination shall include, but not by way of limitation, the appropriation date and adjudication date of the water right, the decreed use(s), the historical use of the water right, the physical flow available, and the administrative practices of the office of the State Engineer.
- (q) "Town" means the Town of Lochbuie, Colorado.
- (r) "Town Administrator" means the Town Administrator of Lochbuie, Colorado.
- (s) "Town Board" means the Town Board of Lochbuie, Colorado.
- (t) "Town water service" means treated water service furnished by the Town.
- (u) "Town Water Board" means the Board of the Lochbuie Water Activity Enterprise.
- (v) "Transfer of water rights" means the conveyance of legal title to water rights to the Town in addition to referring to all actions required under the laws of Colorado to be brought in the Water Court to ensure the dedication requirement is fulfilled.
- (w) "Water Court Transfer Fee" means the estimated cost per SFE of court filing fees, publication fees, administrative, legal, engineering and other professional fees and costs and other reasonable and customary fees and costs associated with required proceedings in the Water Court or before the State Engineer or other similar State authorities for the Town to make full and lawful use of water rights dedicated to or acquired by the Town for use in its municipal water system. The Water Court Transfer Fee shall be collected upon approval of the first subdivision of the subject property or at such other time(s) as the Town may provide in written agreement with the landowner, or annexor or its successors.

- (x) "Water right" means a decreed right to use in accordance with its priority a certain portion of the waters of the State by reason of the appropriation of the same. It shall include both direct-flow and storage rights. It may also include conditional water rights if approved by the Town in its sole discretion.

Section 1-4. Dedication or Transfer Requirement.

(a) From and after the effective date of this ordinance, any person who seeks approval of any of the following:

- (1) an extension of water service;
- (2) annexation of land to the Town;
- (3) any change in land use, within or outside the limits of the Town, if such change in land use will increase the demand for Town water service;

shall dedicate or transfer water rights to the Town of sufficient priority to produce after dedication or transfer of such water rights to the Town, 0.6 of an acre-foot of fully consumable water per year for each SFE unit calculated in accordance with subsection (d) of this Section, and which will be available for diversion and use after delivery at a point or points of diversion as the Town may designate for total consumption by the Town for municipal purposes, provided that waste water from in-house or in-building use will be treated by the Town's municipal wastewater treatment facilities or waste treatment facilities of equal efficiency and similar in return flow patterns. If wastewater from in-house or in-building use will not be treated by the Town's municipal wastewater treatment facilities or by waste treatment facilities of equal efficiency and similar in return flow patterns, the Town Administrator shall increase the dedication or transfer requirement so that, after dedication or transfer of such water rights to the Town, the water rights to be dedicated or transferred will produce an amount of fully consumable water per year for each SFE unit calculated in accordance with subsection (d) of this Section which is sufficient to ensure an adequate supply of water to satisfy the proposed use or uses. In the case of a request for annexation of land to the Town, the person who seeks approval of the annexation shall comply with this Section, except that if the annexation will not require an immediate extension of water service, the Town may determine not to require the person who seeks approval of the annexation to dedicate or transfer water rights to the Town until an extension of water service is requested or an increase in demand for Town water service is created.

(b) Any person required to dedicate or transfer water rights to the Town by subsection (a) of this Section, shall designate, on forms to be prescribed by the Town Administrator, all water rights proposed to be dedicated or transferred to the Town and shall give a legal description of the land for which an extension of water service is requested or for which approval of annexation or a change in land use or increase in water usage is sought; and, in addition, shall specify the proposed use or uses for which Town water service is requested and the number of SFE units required for such use or uses. The form shall be accompanied by historical use affidavit. If the total number of SFE units is greater than thirty SFE units, an historical use affidavit shall be required

together with a more detailed engineering analysis, acceptable to the Town, of the historical use and consumptive use of the water right(s) proposed for dedication or transfer to the Town and all other water, water rights, structures and structure rights historically used or appurtenant to or otherwise benefiting the same lands shall be required.

(c) Upon receipt of a form designating the water rights proposed to be dedicated or transferred to the Town, accompanied by an historical use affidavit and/or engineering analysis for each water right, the Town Administrator shall make a determination as to whether or not the water rights are sufficient to satisfy the requirements of subsection (a) of this Section. In determining whether or not the water rights are sufficient to satisfy the requirements of subsection (a) of this Section, the Town Administrator shall consult with the Town's engineers and/or attorneys or other persons knowledgeable in water rights.

(d) Except as provided in subsections (e) of this Section, the Town Administrator shall make the determination as to whether or not the water rights to be dedicated or transferred to the Town are sufficient to satisfy the requirements of subsection (a) of this Section based on the number of SFE units required for this proposed use or uses as determined from the Table of SFE Units. If at any time in the future any person required by this ordinance to dedicate or transfer water rights to the Town subsequently makes a change in the use of property provided with Town water service which would result in a greater number of SFE units than determined by the Town Administrator under this ordinance no water service shall be furnished unless additional water rights sufficient to comply with the provisions of this ordinance are dedicated or transferred to the Town.

(e) In the case of a proposed use which is not listed in the Table of SFE Units, the requirements of subsection (a) of this Section shall be satisfied by the dedication or transfer of water rights to the Town of sufficient priority as will produce, after dedication or transfer of such water rights to the Town, an amount of fully consumable water per year sufficient to supply the diversion requirements of such uses after delivery to the Town, as determined by the Town Administrator after consultation with the Town's engineers and/or attorneys or other persons knowledgeable in water rights.

(f) The dedication or transfer requirement shall be satisfied by the person seeking approval of the extension of water service, annexation or a change in land use, whether or not that person will be the ultimate user of the Town water service.

(g) All costs and expenses attendant to the Town's review of water demand and water rights, as well as conveyance or transfer of water rights to the Town and all fees and costs relating to the enforcement of or compliance with this ordinance shall be paid by the person required to dedicate or transfer water rights to the Town pursuant to this ordinance. All costs and expenses necessary to change such water rights so they can be diverted and used by the Town for municipal use or augmentation of such municipal uses shall be paid by the person required to dedicate or transfer water rights to the Town pursuant to this ordinance and the Town shall be the applicant or co-applicant in any application to change such water rights. The Town Board may, in its sole discretion, establish and adopt a schedule of costs and expenses to be paid by any person required to dedicate or transfer water rights to the Town if such person does not desire to complete

the necessary change of water rights at the time of dedication or transfer of the water rights to the Town. The schedule shall insure that the Town is fully compensated for the costs and expenses necessary to change the water rights so they can be diverted and used by the Town for municipal use and may be reviewed annually and updated as required. Upon dedication or transfer of the water rights to the Town and payment of the costs and expenses set forth in the schedule of costs and expenses, the Town Administrator may approve an extension of water service.

(h) Any determination made by the Town Administrator pursuant to this Section shall be submitted by him to the Town Board, which shall review the determination of the Town Administrator at its next regular or special meeting, and the determination of the Town Administrator shall not become final until the same has been ratified by the Town Board. Any interested person shall have the Opportunity to be heard before the Town Board prior to its decision.

Section 1-5. Water and Sewer Demand Analysis and Procedure. The Applicant shall include with the Annexation Petition, or subdivision submittal if the property has already been annexed, a written analysis sufficient to allow the Town to fully evaluate the probable water demand and consumption and the sewer service requirements for the property to be developed, based on the specific development plan proposed by the Applicant. The analysis shall include the entire property and shall specify the use of all land in the property. Water demands and consumption shall be estimated separately for each use category (e.g. single-family residential, multi-family residential, commercial, office, industrial, parks, schools or others), and irrigation demands and consumptive use shall be set forth separately for each use category which is applicable to the property. This analysis shall be evaluated by the Town's engineers, and upon their acceptance and determination that the development can physically and reasonably be serviced by the Town water rights meeting. The dedication requirements in this ordinance shall be submitted to the Town for its consideration.

(a) The Town may waive the foregoing demand analysis, in whole or in part, if, in its judgment, the Town has sufficient information and experience with other similar developments to adequately evaluate the probable water demands and consumption and the sewer service requirements for the property and the Town and the owner, Applicant or developer agree on applicable criteria for the property.

(b) It is the policy of the Town that no water service shall be extended or increased until such time as the water rights dedication requirement has been fully satisfied.

Section 1-6. Dedication of Water Rights for Parks and Open Space. If the owner of any property proposed to be annexed or on which the land use is proposed to be changed, dedicates property to the Town pursuant to this ordinance to be used for open space, park, school, aesthetic, recreation, or irrigation purposes, the owner shall also comply with the provisions of this ordinance for the property to be dedicated.

Section 1-7. Exceptions.

(a) The Town Board may substitute or waive any conditions or requirements deemed necessary to meet the purposes of this ordinance.

(b) This ordinance does not apply to an extension of water service for which the dedication or transfer requirement has been previously satisfied where there is no increase in demand over that presently approved.

Section 1-8. Water Rights Dedication Procedure.

(a) At the time of annexation or approval of any new or additional use of existing annexed lands, all water rights appurtenant to the property shall be offered to the Town for dedication. The Town may also in its discretion, and using the criteria set forth in this ordinance, consider and accept for dedication of other water rights offered by the landowners or applicant, which are not appurtenant to the land to be annexed. The Town shall determine whether the appurtenant and/or non-appurtenant water rights will be accepted, rejected or accepted in part by the Town for dedication.

(b) The Town shall evaluate the water rights offered for dedication and determine whether or not the water rights are of sufficient priority and are to be accepted based upon the following additional criteria: priority date, historical point of diversion, location of historical use, historical yield, historical consumptive use and return flows, the contribution to historical consumptive use of other water rights or sources of water supply, future use of the land historically irrigated including future irrigation, considerations with respect to title, anticipated difficulties with transferring and delivering the water rights to appropriate points of diversion, places of storage and municipal uses, the Town's contractual obligations and arrangements and the need for any new contractual obligations that affect the transfer and delivery of water rights to the Town, expected needs of the Town and of the Town's municipal water supply system, composition of the Town's water rights portfolio at the time of the proposed annexation, and any other factors deemed appropriate by the Town. Preference shall be given to tributary water rights historically delivered to and used within the Beebe Draw drainage basin.

(c) The Town shall have the right, in its sole discretion, to accept or reject any water rights proposed for dedication or transfer to the Town in accordance with the provisions of this ordinance. If the Town Administrator determines that the water rights proposed for dedication or transfer to the Town fail to satisfy the dedication or transfer requirement, the following alternatives, or combination thereof, may be used to otherwise satisfy the dedication or transfer requirement:

(1) The person required to dedicate or transfer water rights to the Town may satisfy that requirement, if the Town Board so approves, by payment to the Town of the then existing Water Resource Development Fee, a fee established by the Town to recover the estimated cost to the Town to acquire water rights of sufficient priority to satisfy the dedication or transfer requirement, including the fees and costs to transfer and deliver such water rights to the Town for municipal use.

(2) The Town Administrator may, in his discretion, negotiate with the new user to establish other terms or conditions, which will comply with the dedication or transfer requirement.

(d) A person required to dedicate or transfer water rights to the Town pursuant to this ordinance, upon notice by the Town Administrator that the Town Board has ratified the determination that the water rights to be dedicated or transferred are sufficient to satisfy the requirements of subsection (a) of Section 4 or that the Town has otherwise accepted the water rights for dedication or transfer, shall dedicate or transfer the water rights required to satisfy the provisions of this ordinance by delivering documents to the Town Administrator sufficient to make a conveyance of such water rights to the Town. If all proceedings required under the laws of the State of Colorado to change the water rights so that they can be diverted and used by the Town for municipal use have not been completed, legal title to the water rights shall be transferred to the Town, but no extension of water service shall be furnished except as provided in subsection (e).

(e) No extension of water service, including any new or additional water service, shall be furnished until the requirements of this ordinance have been complied with; provided, however, that if there are matters pending resolution in court concerning the water rights which have been dedicated or transferred, or if there is other delay beyond the control of the person required to transfer or dedicate water rights to the Town by this ordinance, the Town Administrator may approve an extension of water service prior to entry of the final decree or resolution of that issue, if ratified by the Town Board.

(f) In the event the water rights offered to the Town for dedication provide Raw Water Credits in excess of those required to be dedicated to the Town by this policy, the person required to dedicate the water rights shall offer any excess water rights for sale to the Town at current fair market value. The Town may enter into a written agreement to purchase all or part of any such excess water rights. In the event the Town does not purchase all of such excess water rights at that time, the Town may require such person to grant to the Town a right of first refusal to purchase such excess water rights in the future.

Section 1-9. Agricultural and Open Space Property. If the owner of the property proposed to be annexed or for which the land use is proposed to be changed, desires to retain the land, or any portion thereof, in agricultural production or as open space prior to development, such owner may be permitted to lease back, on an annual basis and for irrigation, aesthetic and recreational purposes only, all or a portion of the water rights dedicated or transferred to the Town pursuant to this Ordinance. The terms of the lease shall be negotiated with the Town Administrator.

Section 1-10. Option to Purchase.

(a) Time. Prior to any extension of service, any person required to comply with the provisions of this Ordinance shall also grant to the Town the option for one year to purchase any and all water rights which are appurtenant to the land to be annexed, or on which the land use is proposed to be changed, but which are in excess of the dedication or transfer requirement of this ordinance. The option may be exercised by the Town at

any time for a period of one year following the date of the grant to the Town with regard to any or all of the water rights subject to the grant.

(b) Price.

(1) The purchase price shall be that price agreed upon by the parties. If the parties cannot agree upon a purchase price within thirty days after notice of the Town's intent to exercise its option is received by the owner, the Town may contract for an appraisal at the Town's expense to establish the price that reflects the fair market value of the water right(s).

(2) The appraisal, if any, shall be conducted by one appraiser appointed by the Town, one appraiser appointed by the owner of the water rights, and a third appraiser who shall be appointed by both parties. The average of the three appraisals shall be the purchase price.

(c) Right of First Refusal.

(1) Grant of Right. In addition to the grant to the Town of the option to purchase water rights as provided in subsection (a), any person required to comply with the dedication or transfer requirement shall also grant to the Town a right of first refusal regarding any water rights subject to said option to purchase. If the Town for any reason should choose not to exercise its option to purchase water rights as provided in subsection (a), the Town shall have the right of first refusal in the event the water rights are to be sold separately from the land, for a period of ten years following annexation or final approval of a development plan.

(2) Notice Period. If the owner of the water rights subject to the right of first refusal wishes to sell the water rights to a third party, the owner shall give the Town at least ninety days' notice of the owner's intention to effect a sale of the water rights by delivering to the Town a bona fide written offer to purchase made by a third party.

(3) Exercise of Right. During the ninety-day notice period provided for in subsection (c)(2), the Town shall enjoy its right of first refusal entitling it to purchase the water rights proposed for sale. If within ninety days following notice by the owner of the intention to sell such water rights, the Town chooses to exercise its right to purchase, then the Town shall pay to the owner the amount tendered to the owner in the bona fide offer by the third party. In the event that the Town determines not to exercise its right to purchase the water rights offered for sale, the owner shall be free to sell the water rights to the third party; provided, however, that any such sale to the third party shall be for a price which is at least equal to that price which was tendered to and refused by the Town.

Section 1-11. Raw Water Irrigation. It is a policy of the Town to encourage the use of non-potable water for irrigation of lawns gardens and greenbelt areas. In pursuit thereof, a credit for the use of non-potable irrigation systems shall be made in the Table of SFEs approved by the Town. To receive credit, the applicant shall prior to preliminary plan approval do the following:

(a) Provide an opinion letter from a qualified attorney, professional engineer or hydrologist which represents that the water rights to be used in a raw water irrigation system are adequate in character, amount, location and seniority to provide a reliable source of irrigation water for the uses intended at that location;

(b) Demonstrate to the Town's satisfaction that the use of water rights owned by the applicant will not materially injure the Town's water rights;

(c) Cause covenants and a Plat Note on the Final Plan to be recorded which provides notice to lot purchasers that:

(1) Municipal water supplies shall not be used for irrigation use absent further compliance with this chapter;

(2) Prohibits cross-connection of potable and irrigation water systems;

(3) Prohibits more than one hosebib to be located on any structure and that hosebib shall be located on the front of the structure and shall not be used for irrigation purposes; and

(4) Contains such other terms and conditions which the Town reasonably requires.

(d) Applicant shall not realign or modify any existing irrigation ditches in conjunction with the development of a raw water irrigation system without first presenting to the Town evidence that written consent to such activity has been provided by all owners of the ditch or lateral.

Section 1-12. Periodic Audit of Connections/Recalculation of Dedication Requirement. The Town shall have the right to, upon reasonable notice and at reasonable times, inspect any premises connected to the municipal water system of the Town to verify that connections or water using features or uses are not being made of municipal water for which water right dedication fees or compliance has not been made. In the event new or expanded facilities or uses are being made of Town water for which compliance with this ordinance has not been made, the Town shall recompute the dedication requirement and bill such to the owners or a charge due and collectible as requirement of continued water service. Schools shall be subject to a review of projected maximum usage every five years.

Section 1-13. Return Flows and Augmentation Plans. The Town shall have dominion and control of all water supplied through its system, subject to reasonable use thereof by its customers in compliance with applicable water service licenses, inclusion agreements or the Town's ordinances. Such dominion and control shall continue without interruption as to all wastewater, return flows, runoff, sewage or tail water attributable to or originating in water supplied through Town facilities. The Town shall have the exclusive right to recapture such return flows or claim credit there from for change, replacement, augmentation, substitute supply or any other lawful purpose, and the Town's dominion and control over water shall continue to attach to all such return flows even after they return to the ground or to any natural stream

system or ditch or reservoir system. All return flows from water supplied through Town facilities remain the property of the Town. No credit for such return flows after first use shall be given to any person dedicating or transferring water rights to the Town pursuant to this Ordinance. The Town retains the sole authority to determine the yield of all water, water rights, and augmentation plans which are offered to the Town for any purpose.

SECTION 2. Effect. This Ordinance shall be deemed to supercede any provisions in the Lochbuie Municipal Code or any other Ordinances or Regulations adopted by the Town of Lochbuie, which are inconsistent with the provisions hereof.

SECTION 3. Repealer. All ordinances, resolutions, bylaws, orders and other instruments, or parts thereof, inconsistent herewith are hereby repealed. This repealer shall not be construed to revive any ordinance, resolution, bylaw, order or other instrument, or part thereof, heretofore repealed.

SECTION 4. 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 sections of this Ordinance. The Board of Trustees hereby declares that it would have passed the Ordinance, including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections subsections, sentences, clauses or phrases could subsequently be declared invalid.

SECTION 5. Recording and Authentication. This Ordinance, immediately upon its adoption, shall be numbered and recorded in the Town books and records kept for that purpose, and shall be authenticated by the signatures of the Mayor and Town Clerk.

SECTION 6. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the adopted Ordinance available for inspection by the public during regular business hours.

Introduced, read and passed on this day of October 18, 2001, by the Board of Trustees of the Town of Lochbuie.

Published in full on November 3, 2001, in the Brighton Standard Blade, as required by law.

(S E A L)

TOWN OF LOCHBUIE

By: Lois Lanter Mayor Bob Long
Lois Lanter, Mayor

ATTEST:

Darick Dockins
Darie Dockins, Town Clerk