

**TOWN OF LOCHBUIE, COLORADO
COUNTIES OF WELD AND ADAMS, COLORADO**

ORDINANCE NO. 2024-687

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
LOCHBUIE, COLORADO, AMENDING SECTION 13-7-130 OF THE
LOCHBUIE MUNICIPAL CODE GOVERNING WASTEWATER
SERVICE CONNECTIONS OUTSIDE TOWN BOUNDARIES AND
DECLARING AN EMERGENCY**

WHEREAS, the Town of Lochbuie, Colorado is a Colorado statutory municipality which, as set forth in Section 13-2-10 of the Lochbuie Municipal Code, owns and operates an established wastewater activity enterprise or business represented by all of the Town's sewage and storm water collection, transmission, treatment, storage and disposal facilities, and related permits and contract rights, including without limitation interests in real and personal property, and all present or future improvements, extensions, enlargements, betterments, replacements and additions thereto together with the financial reserves, investments and deposits of the sewer fund of the Town; and

WHEREAS, Section 13-7-130 of the Lochbuie Municipal Code governs connections to the Town's wastewater service system from properties located outside of Town, which connections are discretionary with the Town other than as required by contract; and

WHEREAS, the Town Board of Trustees desires to amend Section 13-7-130 to clarify that the Town Board maintains complete discretion as to whether to allow extraterritorial connections to the Town's wastewater system and to eliminate a reference to a contract that has been superseded and replaced.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:

Section 1. Amendment of Section 13-7-130. Section 13-7-130 shall be amended as follows with additions in ALL CAPS and deletions shown as ~~strike-through~~:

Sec. 13-7-130. - Service connections outside Town.

THE TOWN BOARD OF TRUSTEES RETAINS DISCRETION ON WHETHER TO AUTHORIZE sewer taps ~~may be authorized~~ for lands outside of the Town's corporate limits AND THE CONDITIONS OF SUCH SERVICE, IF AUTHORIZED. NOTWITHSTANDING, SEWER TAPS FOR LANDS OUTSIDE OF THE TOWN'S CORPORATE LIMITS WILL BE AUTHORIZED IF AND AS CONTRACTUALLY REQUIRED OF THE TOWN, ~~provided that all such sewer taps shall be made pursuant to the Beebe Draw Wastewater Service Agreement dated November 4, 1997.~~

Section 2. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

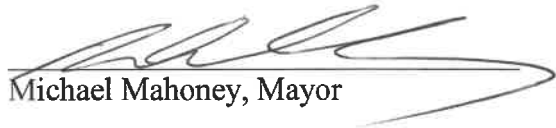
Section 3. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Emergency Declared; Effective Date. The Board of Trustees finds that the immediate effectiveness of this ordinance is necessary to (a) protect and ensure compatible use and development of land within and surrounding or near the Town, and (b) maintain the integrity and maximize efficiency of the operation of the Town wastewater services system. This Ordinance shall take effect immediately upon its adoption in accordance with Section 31-16-105, C.R.S.

ADOPTED by a ¾ vote of the members of Board of Trustees with 7 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only, this 2nd day of January, 2024.

TOWN OF LOCHBUIE, COLORADO


Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of January 2, 2024, and ordered published by title only one time by *The Brighton Blade* newspaper on January 11, 2024.

[SEAL]


Heather Bowen, Town Clerk

