

TOWN OF GYPSUM, COLORADO

ORDINANCE NO. 03

SERIES 2026

AN ORDINANCE AMENDING AND REPLACING SECTIONS 13.01.070, 13.01.080, AND 13.01.200 TO CHANGE THE TERMINOLOGY FROM EQUIVALENT RESIDENTIAL UNIT (EQR) TO EQUIVALENT CAPACITY UNIT (ECU) AND TO INCREASE WATER TAP FEES; AND AMENDING AND REPLACING SECTIONS 13.02.030(6), 13.02.040(1)(B), 13.02.040(2)(B), 13.02.050, 13.02.060(1), 13.02.100, AND 13.02.190 TO CHANGE THE TERMINOLOGY FROM EQUIVALENT RESIDENTIAL UNIT (EQR) TO EQUIVALENT CAPACITY UNIT (ECU) AND TO INCREASE THE WATER DEDICATION FEE; AND AMENDING AND REPLACING SECTIONS 13.03.101(5), 13.03.130(1)(A), 13.03.150(4), 13.03.300, AND 13.03.330 TO CHANGE THE TERMINOLOGY FROM EQUIVALENT RESIDENTIAL UNIT (EQR) TO EQUIVALENT CAPACITY UNIT (ECU) AND TO INCREASE THE SEWER TAP FEE, AND TO REPEAL SECTION 13.03.310 AS BEING REDUNDANT

WHEREAS, the Town of Gypsum ("Town") is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town's Home Rule Charter effective October 21, 1982; and

WHEREAS, certain capital upgrades are required to comply with increased water treatment and wastewater treatment standards and to accommodate additional connections to the Town's water and wastewater systems; and

WHEREAS, to simplify and eliminate confusion as to the terminology of equivalent residential units (EQR) when applied to non-residential uses, the Town wishes to replace that term with equivalent capacity unit (ECU); and

WHEREAS, the value of water rights with a year-round dependable yield in the Eagle River Valley has increased and the Town wishes to establish a schedule for re-evaluating comparable water values to set the Water Dedication Fees of the Town.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

Section 1. Findings. The Town has considered the anticipated capital upgrades to its municipal water and wastewater systems as well as the anticipated costs of such upgrades and the anticipated increase in users to connect to such systems. The Town has further been advised of the changes in value of water rights with a year-round dependable yield that the Town requires to be dedicated to the Town in return for new or additional service demands. Based on these factors and to generally promote the health, safety, and welfare of the community, it

is in the best interests of the municipality to make certain changes to the Municipal Code as set forth herein.

Section 2. SECTION 13.01.070(1) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

- (1) *Metered uses—Inside and outside the town:* The town encourages the use of privately owned nonpotable (raw water) irrigation systems approved by the town for the irrigation of lawns, gardens and greenbelt areas. In pursuit thereof, a credit for the use of privately owned nonpotable (raw water) irrigation systems, for which there is no outside use, is contained in sections [13.02.050](#) and [13.02.200](#).

The monthly charge includes a service fee per service connection ("service fee") and a per gallon of use charge ("usage charge"), which is based on the total number of gallons above the amount included in the base service fee which are used within the billing period. In addition, while phase II, III, or IV water use restrictions are in effect, as provided in section [13.01.310](#), customers shall also incur charges ("drought surcharge") for water usage exceeding the number of gallons per ECU included in the service fee. Drought surcharges will be billed in addition to the service fee and usage charge. The per gallon rates will be applied per ECU designated for the use per ECU assigned in the town's discretion. The amount included in the base service fee is described below:

Section 3. SECTION 13.01.080 IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

- (1) Inside the town. Any applicant shall pay to the community development department a system development water tap charge of \$10,000.00 for each equivalent capacity unit (ECU) of demand necessary to serve the peak water service requirements of the premises as computed in accordance with the provisions of section [13.02.050](#); provided however, no reduction shall be made to the ECU demand hereunder if a raw water irrigation system is used under section [13.02.050](#). The system development water tap charge fee shall be increased by the sum of \$1,500.00 on January 1, 2028, and again by the same increase on January 1, 2029. This fee includes the labor, a proportionate cost of existing municipal facilities and cost of installing the corporation stop necessary or accessing the public works department's water main. The cost of the excavation, backfill, service line, stop box, meter pit, meter corporation stop and tap saddle are further responsibility of the applicant. The town may require in all annexation or subdivision improvement agreements, that the applicant pay additional fees for infrastructure specified by the town necessary to support new annexed tap connections, and/or pay thirty-percent (30%) per ECU of the tap fee (labelled "partial payment") at final plat approval to pay the town for its investment already existing and for upsizing that may be required with additional growth. The partial payment described above shall be increased to 30% of the

then existing system development charge on January 1, 2028, and again by the same increase on January 1, 2029. Such annexation infrastructure or fee determination shall be at the town's sole discretion.

- (2) Special service area. The applicant shall pay an additional system development surcharge for each ECU of demand in any special service areas that may be designated by the town, and such fee shall be determined in the town's discretion and due at building permit.
- (3) Outside the town. The applicant shall pay to the community development department a system development water tap charge of \$20,000.00 for each equivalent capacity unit (ECU) of demand necessary to serve the peak water service requirements of the premises as computed in accordance with the provisions of section 13.02.050. The system development water tap charge fee shall be increased by the sum of \$3,000.00 on January 1, 2028, and again by the same increase on January 1, 2029. This fee includes the labor, a proportionate cost of existing municipal facilities and cost of installing the corporation stop necessary or accessing the water department's water main. The cost of the excavation, backfill, service line, stop box, meter pit, meter corporation stop and tap saddle are further responsibility of the applicant. The town may require the applicant pay additional fees for infrastructure specified by the town necessary to support new annexed tap connections, and/or pay \$6,000.00 per ECU of the tap fee at final plat approval to pay the town for its investment already existing and for upsizing that may be required with additional growth. The partial payment described above shall be increased to 30% of the then existing system development charge on January 1, 2027, and again by the same increase on January 1, 2028. Any infrastructure necessary or fee determination shall be at the town's sole discretion.
- (4) Accessory dwelling units shall not be subject to water tap fees, but are subject to monthly service fees per section 13.01.070.
- (5) Notwithstanding the language contained within this section, in any situation where the number of ECU exceeds ten (10) for a single service connection or project, the Town shall have the discretion to negotiate and extend a payment plan that allows staged payments. The decision of the Town Council as to whether to extend a payment plan and the reasonableness of any such payment plan shall be within the Town's sole discretion and shall be final.

Section 4. Section 13.01.200 IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

13.01.200 Tap size.

The minimum size tap allowed to be installed within the town's water service area shall have an inside diameter set by the public works director or designee and which shall be considered sufficient to supply one equivalent capacity unit (ECU) of demand.

Section 5. Section 13.02.030(6) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

(6) *Equivalent capacity unit* or *ECU*, as used in this chapter, is a statistical volume of water applied to all uses, be they residential, commercial, industrial or other and means a number related to the volume of water consumptively used by a single-family residence housing a statistical average of three and one-half persons and having not more than 2,500 square feet of irrigation. The demand for water represented by 1.0 ECU assumes that none of the following limits are exceeded:

(a) An average annual requirement of 0.54 acre feet;

(b) A peak monthly water demand of 15,000 gallons; and

(c) A peak daily demand of 900 gallons. The consumptive use, for water uses not associated with use at a single-family residence, is considered to be equal to a volume of water, expressed in ECU units, as determined by the town with guidance by the schedule provided in the table of ECUs under section 13.02.050. The town shall have sole and exclusive discretion in determining whether the basic dedication requirement should be increased or decreased, on a case-by-case basis, after consideration of the place, method, efficiency and operation of wastewater treatment for the use served. Provided however, for residential uses it is not the intent hereof for the town to reassess the dedication requirement should such limits be exceeded. Residential units shall only be reassessed upon the addition of fixtures, habitable space or a material enlargement of lawn size.

Section 6. Section 13.02.040(1)(b) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

(b) If in-lieu-of fees are required, the water dedication in lieu of fee shall be \$15,000 per ECU. The town may require that the applicant deposit 30% of the water dedication fee due at annexation. The amount of the cash in lieu water dedication fee shall be reassessed on a bi-annual basis taking into account the value of comparable dependable year-round water supplies and their transfer costs for use within the Town's municipal water system.

Section 7. Section 13.02.040(2)(b) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

- (b) If in-lieu-of fees are required, the water dedication in lieu of fee shall be \$15,000 per ECU. The amount of the cash in lieu water dedication fee shall be reassessed on a bi-annual basis taking into account the value of comparable dependable year-round water supplies and their transfer costs for use within the Town's municipal water system. The town may require that the applicant pay water right dedication fees as follows, in the town's discretion:
- (i) For the estimated ECUs, but not less than at a rate of one ECU per non-residential lot; and
 - (ii) Applicant shall pay 30% of the estimated water right dedication at annexation. The remaining water right dedication, at the fee then existing, shall be paid at final plat or at building permit, whichever occurs first.

Section 8. Section 13.02.050 IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

13.02.050 - Dedication requirement—Table.

The basic water rights dedication requirement shall be 1.0 acre foot of historic consumptive use per year, over the course of a full calendar year, for a water right, or water rights, of sufficient legal priority and season of use to service each equivalent capacity unit (ECU) of demand as calculated under the Table of ECUs below, as determined by the Town in its sole discretion. The actual annual demand of 0.54 acre feet of consumptive use water assumes actual diversions, without transit losses, throughout the year; it is assumed that the 1.0 acre foot of historic consumptive use water is necessary to satisfy said demand after reasonable transfer and transit losses. The determination of suitability of a water right for transfer or the cash-in-lieu of water right dedication shall be determined in the Town's reasonable discretion. Consistent with Section 13.02.060, such dedicated amount shall not be less than the total amount of water, expressed in ECUs, necessary to meet the total water demand requirement of the new or expanded water use(s). Payment in lieu of water right dedication will be at the sole discretion of the Town and at a rate of payment consistent with the provisions of Section 13.02.100(1).

TABLE OF ECUs

Nature of Facility to Be Served		ECU
1.	Residential with Potable Irrigation	
	A. Residential unit up to 550 square feet consisting of a studio or one-bedroom/sleeping area with up to 1,000 square feet of irrigated lawn and garden watered by sprinkler or drip irrigation.	0.50
	B. Residential unit between 551 and 1,000 square feet consisting of up to two-bedrooms/sleeping area with up to 1,000 square feet of irrigated lawn and garden watered by sprinkler or drip irrigation.	0.70

	C. Residential unit between 1,001 and 3,000 square feet consisting of up to four-bedrooms/sleeping area with up to 2,500 square feet of irrigated lawn and garden watered by sprinkler or drip irrigation.	1.0
	D. Residences over 3,000 square feet: Each additional 100 square feet of living space.	0.0175
	E. Each additional 100 square feet of irrigated lawn and garden by sprinkler or drip irrigation.	0.03
2.	Residential with Non-potable Irrigation (Applying 50% reduction)	
	A. Residential unit up to 550 square feet consisting of a studio or one-bedroom/sleeping area.	0.25
	B. Residential unit between 551 and 1,000 square feet consisting of up to two-bedrooms/sleeping area.	0.35
	C. Residential unit between 1,001 and 3,000 square feet consisting of up to four-bedrooms/sleeping area.	0.50
	D. Each additional 100 square feet of living space.	0.0175
3.	Generally	
	A. Each additional bedroom over four bedrooms.	0.15
	B. An annual average water demand equal to 0.54 acre-feet.	1.0
	C. An average monthly peak water demand equal to 15,000 gallons.	1.0
	D. A peak daily demand of 900 gallons.	1.0
	E. Each coin-operated washing machine up to 12 lbs. capacity.	0.35
	F. Common area irrigation and amenities such as swimming pools, club houses and laundry facilities to be assessed on a case-by-case basis, at the Town's sole discretion, in addition to the ECU values expressed above.	
4.	There shall be no partial ECU credit granted for irrigation area less than the limit in the above table. Any uses described in subparagraph 1 of this table, above, which do not utilize municipal water for any irrigation shall be:	
	A. Entitled to a reduction in ECU rating of 0.5 ECU per 2,500 square feet of lawn or landscaping which is irrigated with non-potable water from a non-municipal system. The maximum credit which can be obtained for residential uses is 50 percent of the total ECU dedication requirement due from the project	

	(however, if credit for any percentage of total ECU is obtained under this Code provision, by irrigation from non-potable water from a non-municipal system, then the Town shall proportionately reduce the water delivered for the residential use). No credit is given for non-residential uses;	
	B. Prohibited from having more than one outside hose bib which shall be placed on the front of the residence and shall not be used for any watering of lawns and gardens; and	
	C. Subject to an irrigation plan disclosure statement as described in Section 13.02.200.	
5.	Hotels, motels and lodging; unit ECU's include washing machines within the facility that service the lodging, except as described in part D, below.	
	A. Manager's unit: Uses single family or multi-family classification as applicable.	0.60
	B. Each additional room without cooking or kitchen facilities.	0.20
	C. Each additional room with cooking or kitchen facilities.	0.25
	D. Coin-operated washing machine 12-pound capacity or less.	0.30
6.	Dormitories (per each rental bed space) without laundry or kitchen facilities.	0.10
7.	Recreational vehicle parks:	
	A. For each camping or vehicle space without sewer hook-up.	0.35
	B. For each camping or vehicle space with sewer hook-up.	0.40
	C. For common facilities, pump-out and water filling stations, and related facilities, the Town will assess demand based on anticipated volume.	
8.	Bars and restaurants:	
	A. For businesses with less than 25 seats.	1.50
	B. For each additional seat.	0.04
9.	Churches and nonprofit organizations with no residents or regular eating facilities	1.00
10.	Commercial retail stores and offices with no process water, no residences, and no eating facilities including two restrooms which have a total of two lavatories and two toilets (one each per restroom):	1.00

	A. For each additional toilet or urinal with manual flush.	0.30
	B. For each additional toilet or urinal with continuous flow.	1.00
	C. For each additional lavatory.	0.15
	D. For each shower or bath or combination.	0.30
	E. For each manual operated drinking fountain.	0.10
	F. For each continuous flow drinking fountain.	1.00
	G. If less than two restrooms, the Town may adjust the EQR rating to reflect the actual fixtures used.	
11.	Industrial, including warehouses which include two restrooms which have a total of two lavatories and two toilets (one each per restroom):	1.00
	A. For every 350 gallons/day of process water with not more than 15 percent consumptive use. Process water includes manufacturing use of water that bottle, consumes, uses, or exports, in any way, water delivered which does not return to the Town's wastewater system.	1.00
	B. For each additional toilet or urinal with manual flush.	0.30
	C. For each additional toilet or urinal with continuous flow.	1.00
	D. For each additional lavatory.	0.15
	E. For each shower or bath or combination.	0.30
	F. For each mop sink.	0.10
	G. For each manually operated drinking fountain.	0.10
	H. For each continuous flow drinking fountain.	1.00
12.	Schools including principal's administrative office and school staff but not including cafeteria, gymnasium or athletic field facilities:	
	A. Up to 50 students.	1.00
	B. Each additional student.	0.02
	C. Cafeteria, gymnasium and athletic requirements determined on a case-by-case basis at the Town's sole discretion. The foregoing shall be based on the projected maximum usage of the school facilities and shall be subject to a periodic audit as required by Section 13.02.200.	
13.	Swimming pools up to 25,000 gallon capacity:	
	A. Year-round operation	1.00

	B. Summer only (less than six months).	0.50
	C. For each additional 500 gallons of capacity.	0.02
	D. Spa or hot tub with a capacity not exceeding 500 gallons	0.10
	E. Spa or hotub: Each additional 100 gallon capacity	0.02
14.	Fire protection sprinkler systems.	0.00
15.	Irrigation by sprinkler or drip system:	
	A. Residential per 100 square feet.	0.03
	B. Commercial per 100 square feet.	0.03
	C. Commercial or residential irrigation of more than 5,000 square feet of lawn or landscaping subject to special rates imposed by the Town at the Town's sole discretion.	
16.	Car Washes:	
	A. All car washes will be based on water delivery requirements and consumptive use projections with ECUs to be determined by the Town at the Town's sole discretion.	
17.	Commercial laundromats	
	A. Each washer up to 12-pound capacity.	0.35
	B. For each additional pound of capacity over 12 pounds	0.015
18.	Frost Free hydrants: No more than one such hydrant shall be located on the front and rear of a building without Town consent. In the event such hydrants are used for filling water tanks, water delivery requirements and consumptive use projections with ECUs to be determined by the Town at the Town's sole discretion.	

- (1) Uses which are connected to the wastewater facilities of the Town will be evaluated by location of the waste water return point in setting, modifying, or determining dedication requirements, in the Town's sole discretion. Additionally, all uses which compute to be more than 3.0 ECU per tap connection are subject to review, calculation and assessment on an ad hoc basis by the Town after consideration of the anticipated water to be used.
- 2) Notwithstanding part 2 of the above table, per sections 13.01.080(1) and 13.03.130 of the Code, no reduction in system development water tap fees or sewer tap fees shall be given for use of a raw water irrigation system.
- 3) Notwithstanding the table above, the Town shall not charge water dedication fees for any Accessory Dwelling Unit (ADU) associated with a residential unit for which a water tap fee has been obtained.
- 4) **Section 9.** Section 13.02.060(1) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

- (1) Water rights dedication requirements as determined and set forth in section [13.02.040](#) herein must be serviced by water rights capable of increasing the overall yield of the town's water supply system, as determined by the town, in its discretion. Sufficient water rights must be dedicated so as to enable the town to divert a quantity of water, at a point of diversion specified by the town, equal to the total demand required, and as set forth in section [13.02.050](#), to fully serve the applicant's full development water requirements from the town's water system, taking into account the period of service required for the applicant's uses. In many instances, the yield of (a) dedicated water right(s) may be reduced due to terms and conditions imposed in administrative or judicial proceedings confirming the town's ability to use said water rights(s). Accordingly, an applicant shall, prior to dedication to the town, estimate to the town's satisfaction the amount of yield that is subject to such reduction. The applicant shall consult with the town's water attorney and/or engineering consultant in making such estimate. The estimated loss in yield shall be accounted for in any water rights dedication requirement, in addition to the rates per ECU, pursuant to section [13.02.050](#).

Section 10. SECTION 13.02.100 IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

- (a) The applicant, in order to comply with the basic water rights dedication requirement, at the Town's request, will pay the Town a fee equal to \$15,000.00, or a fraction thereof, for each equivalent capacity unit (ECU) of demand required to satisfy the total water demand or water right needs of the applicant, as determined by the town. Water right dedication fees may be paid between annexation and issuance of final plat, at the current water right dedication fee then existing. Of said water right dedication fee, \$5,000.00 per equivalent capacity unit (ECU), 30 percent for each equivalent capacity unit (ECU), shall be due to the Town at annexation, as credit toward future water dedication fees determined at the time that the dedication requirement fee is finally paid. The remaining balance of the water right dedication fees at the fee then applicable per equivalent capacity unit (ECU) shall be due to the Town prior to recording final plat; or

Section 11. SECTION 13.02.190 IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

13.02.190 - Raw water irrigation.

- (1) It is a policy of the town to encourage the use of nonpotable water for irrigation of lawns, gardens and greenbelt areas. In pursuit thereof, a credit for the use of nonpotable irrigation systems has been made in the table of ECUs contained in section [13.02.050](#), above. To receive credit developer shall, prior to preliminary plan approval:

- (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 and seniority to provide a reliable source of irrigation water for the uses intended;

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

(c) Cause covenants and a plat note on the final plat to be recorded which provides notice to lot purchasers that:

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

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

(iii) Prohibits more than one hosebib to be located on any structure and that hosebib shall be located on the front of the structure and visible from a public right-of-way and shall not be used for irrigation purposes; and

(iv) Contains such other terms and conditions which the town reasonably requires.

(d) Developer 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 or that a court of competent jurisdiction shall have first issued a declaration that the realignment or modification may be made.

(2) The developer or his successors that own and control the nonpotable irrigation systems ("raw water responsible party") shall have a continuing obligation and responsibility to operate, protect, maintain, repair, and replace all such nonpotable irrigation systems to ensure that an adequate legal and physical raw water irrigation supply is maintained for all uses that have been credited with a reduction of ECU rating under section 13.08.060. The town shall have the right to review such raw water systems on a periodic basis for compliance with these provisions. In the event the town determines, in its sole and exclusive discretion, that the raw water irrigation system is not adequately being operated, protected, maintained, repaired, and replaced, the town may:

(a) Require the raw water responsible party to submit a plan to remedy an insufficiency with adequate security;

(b) Satisfy additional water right dedication requirements under the Code; or

(c) The town may cure such deficiencies and charge the full costs of such remedial actions back to the raw water responsible party. In the event the town elects this option, it shall have the right to levy a surcharge on treated water deliveries to repay these costs and expenses.

Section 12. SECTION 13.03.010(5) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

- (5) *Equivalent capacity unit or ECU* means a number related to the volume of water consumptively used by a unit as further defined in sections [13.02.030](#) and [13.02.050](#), table of ECUs.

Section 13. SECTION 13.03.130(1)(a) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

13.03.130 - Service inside and outside municipal limits of town.

- (1) *Inside Gypsum.* Tap fees shall be assessed based on the table of ECUs set forth in section [13.02.050](#) and the tap fee shall be \$14,000.00 per ECU; provided, however, no reduction shall be made to the ECU demand hereunder if a raw water irrigation system is used under section [13.02.050](#). The tap fee shall be increased by the sum of \$1,500.00 on January 1, 2028, and again by the same increase on January 1, 2029.
- (2) *Outside Gypsum.* Tap fees shall be assessed based on the table of ECUs set forth in section [13.02.050](#) and the tap fee shall be set as determined by the town, but shall not be less than \$21,000.00 per ECU; provided, however, no reduction shall be made to the ECU demand hereunder if a raw water irrigation system is used under section [13.02.050](#). The tap fee shall be increased by the sum of \$2,250.00 on January 1, 2028, and again by the same increase on January 1, 2029.
- (3) *Tap fee expiration.* Tap fees paid at building permit issuance, whether for inside or outside of Gypsum's municipal boundaries, are good for one and one-half years from building permit issuance. The town may require in all annexation agreements, subdivision improvement agreements, or out-of-town sewer service agreements, that the applicant pay additional fees either for infrastructure specified by the town necessary to support new tap connections, and/or pay thirty percent (30%) of the then existing tap connection fee as a partial payment of the tap fee at final plat approval to pay the town for its investment already existing and for upsizing that may be required with additional growth. Such infrastructure or fee determination shall be at the town's sole discretion.
- (4) *Surcharge fees.* The applicant shall pay any additional tap fee surcharge for each ECU of demand as required by the applicant's subdivision improvement agreement. The additional tap fee surcharge shall be due at building permit, unless otherwise provided in the subdivision improvement agreement.

Section 14. SECTION 13.03.150(4) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

(4) Notwithstanding the language contained within this section, in any situation where the number of ECU exceeds ten (10) for a single service connection or project, the Town shall have the discretion to negotiate and extend a payment plan that allows staged payments. The decision of the Town Council as to whether to extend a payment plan and the reasonableness of any such payment plan shall be within the Town's sole discretion and shall be final.

Section 15. SECTION 13.03.300 IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

13.03.300 - Classification of customers for tap fees and service fees.

Customers shall be classified according to the "table of ECUs" set forth in section [13.02.050](#); notwithstanding the foregoing, paragraph numbers 3, 4, 15(a) and 15(b) of the table of ECUs, which are ECU assessments for irrigation purposes shall not be considered in the computation of the wastewater tap fee and service charges.

Section 16. SECTION 13.03.310 IS HEREBY REPEALED.

Section 17. SECTION 13.03.330 IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

Monthly service charge.

(1) The monthly service charges shall be assessed for commercial occupancies on an ECU basis as is specified in section [13.02.050](#), as assigned by the building permit for the occupancy or if no ECU was assigned, and subject to a flow limitation and rate structure as assigned in the town's discretion.

(a) Wastewater charges will be set by the town council and are based upon the typical BOD, TSS and pH levels for specific occupancies. To the extent such BOD, TSS and pH levels are exceeded, as is specified in section [13.03.090](#), the town, in its sole discretion, may sample wastewater discharge, and assess any penalties as provided for in section 13.03.380.

(b) 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 20 percent 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 [13.01.070](#), [13.01.080](#), and [13.02.050](#).

(2) The monthly service charges to be assessed for residential will be set and periodically updated by the town council.

Section 18. Public Inspection. Copies of this ordinance is available for public inspection at the office of the Gypsum Town Clerk.

Section 19. Public Hearing: A public hearing on this Ordinance shall be held on the 10th day of March, 2026, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 20. Effective Date. This Ordinance shall become effective as a permanent Ordinance ninety (90) days after publication, following final adoption after a public hearing held on the 10th day of March, 2026, at 7:00 p.m., at the Town of Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

Section 21. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.