

**TOWN OF MORRISON, COLORADO
NOTICE OF PUBLIC HEARING
BOARD OF TRUSTEES**

PUBLIC NOTICE IS HEREBY GIVEN pursuant to section 10-1K-2.B of the Morrison Municipal Code CRS 3123-304 of a public hearing of the Town of Morrison Board of Trustees at the following date, time and place:

Tuesday, February 1, 2022
Commencing at 6:00 pm

This will be a virtual meeting; no members of the Board will be physically present at any public location. Instead, the Board members and staff will attend by telephone conference call. The meeting is open to the public. In order to attend the meeting by telephone, call:

United States: +1 253 215 8782

Meeting ID: 833 1142 6722

Access Code: 240775

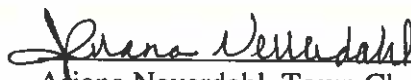
To attend via video: [CLICK HERE](#)

The hearing is for the purpose of considering adoption of Ordinance NO. 511 AN ORDINANCE AMENDING SECTION 8-3-4 OF THE MORRISON MUNICIPAL CODE, CONCERNING JUDICIAL ENFORCEMENT OF INDUSTRIAL PRETREATMENT REGULATIONS (Exhibit A)

Copies of the proposed Ordinance NO. 511 are available at the office of the Town Clerk, 321 Highway 8, Morrison CO, during normal business hours.

All persons are invited to attend the public hearing and give testimony. Written comments may be submitted to the Town Clerk in advance of the hearing at the Town offices, 321 Highway 8 in Morrison CO, or by email to aneverdahl@morrisonco.us.

GIVEN AND POSTED in the office of the Town Clerk this 26th day of January, 2022.


Ariana Neverdahl, Town Clerk

**TOWN OF MORRISON, COLORADO
BOARD OF TRUSTEES**

ORDINANCE NO. 511

AN ORDINANCE AMENDING SECTION 8-3-4 OF THE MORRISON MUNICIPAL CODE, CONCERNING JUDICIAL ENFORCEMENT OF INDUSTRIAL PRETREATMENT REGULATIONS

WHEREAS, the Town of Morrison is a Colorado home rule municipality operating under a Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected Board of Trustees; and

WHEREAS, the Board of Trustees has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

WHEREAS, in the exercise of this authority, the Board of Trustees has previously enacted Chapter 3 of Title 8 of the Morrison Municipal Code, entitled Industrial Pretreatment Regulations; and

WHEREAS, said regulations ~~require~~ensure that certain wastewater discharges to the Town's municipal wastewater system are appropriately pretreated before discharge, such as to protect the integrity of the wastewater treatment system; and

WHEREAS, the Board of Trustees wishes to amend the industrial pretreatment regulations to enhance the penalties for violation of the same.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Morrison, Colorado, that:

Section 1. Section 8-3-4 of the Morrison Municipal Code is hereby amended as follows:

The Title of Section 8-3-4 is amended to read: "Enforcement."

Section 8-3-4.A ~~of the Morrison Municipal Code~~ is amended by ~~re-lettering~~re-titling ~~the same as "Judicial Remedies,"~~ re-lettering said subsection (pertaining to injunctive relief) as subsection 1, and adopting a new subsection 2 to read: ~~as:~~

2. Judicial Fine. In addition to injunctive relief, the ~~T~~Town, upon a finding that a user has violated or continues to violate any provisions of these regulations, a wastewater discharge permit or order issued thereunder, or any other pretreatment standard or requirement, ~~the town~~ may apply to the ~~m~~Mmunicipal ~~e~~Ccourt for an order so declaring, ~~and u~~and Upon issuance of said order, the Municipal Court may impose a civil fine of up to \$1000 per incident, the amount of the fine to be determined by the court, in consideration of all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation,

corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

Section 2. Section 8-3-4.B of the ~~Morrison is e~~Code is amended as follows:

~~8-3-4.B. Judicial Enforcement.~~

~~In addition to any other remedies the Town may have for violation of the regulations, the Town shall have the following remedies and the following penalties shall apply:~~

~~D.B.~~ Civil Penalties AND FINES:

1. A user who has violated, or continues to violate, any provision of the regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum ~~fine~~civil penalty of one thousand dollars (\$1,000.00) per violation, per day. ~~In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation. The amount of the fine shall be determined and imposed by the Town Manager, in consideration of the severity of the incident, its effect on public health, wastewater operations, and whether the incident represents a violation of any agreement for the provision of wastewater service. Each day of a continuing violation shall be a separate violation for the purpose of this subsection.~~
 2. In addition, the Town may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.
 3. ~~In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.~~
 4. In the event a fine imposed by the Town Manager under this section is not paid when due, the Town, in addition to all other remedies provided under this chapter, may certify the unpaid amount to the County Treasurer for collection in the same manner as taxes pursuant to CRS 31-20-105 and 106.
- 4.5. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

Section 3. Severability. If any article, section, paragraph, sentence, clause or phrase of this ordinance, or the standards adopted herein is held to be unconstitutional or invalid for any reason, such decision will not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part or parts are declared unconstitutional or invalid.

Section 4. Effective Date. This ordinance shall take effect fifteen (15) days after adoption and publication as provided by Section 3.14 of the Home Rule Charter.

INTRODUCED, READ, PASSED AND ADOPTED this ____ day of _____, 2022, by a vote of _____ ayes and _____ nays.

TOWN OF MORRISON:

Sean K. Forey, Mayor

ATTEST:

Ariana Neverdahl, Town Clerk