

**TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. 1105**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,  
COMBINING THE STORM WATER FUND, THE STORM WATER  
MANAGEMENT FUND, THE STORM WATER CAPITAL IMPROVEMENT  
FUND AND THE STORM WATER CAPITAL IMPACT FUND.**

**WHEREAS**, the Town of Frederick has by the adoption of Ordinance No. 957, established the Storm Water Utility for the purpose of providing for the orderly development, operation and continued maintenance of storm water detention facilities and associated storm water channel improvements servicing the Town; and

**WHEREAS**, it is the intent of the Board of Trustees that the existing Storm Water Fund, Storm Water Management Fund, the Storm Water Capital Improvement Fund and Storm Water Capital Impact Fund are to be combined in the Storm Water Utility Fund; and

**WHEREAS**, in order to accomplish the above stated purpose of creating a unified Storm Water Fund, the Board of Trustees has determined that is appropriate to amend Sec. 13- 203, Sec. 13-204, Sec. 13-207 and Sec. 13-208 of the *Frederick Municipal Code*;

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1.** Section 13-203 of the *Frederick Municipal Code* is hereby amended to read as follows:

**“Sec. 203. Storm Water Utility Fund.**

There is hereby established the Storm Water Utility Fund. All monies received from storm water utility fees shall be paid into the Storm Water Fund. Such fund shall be used only for the purposes set forth in Section 13-204, and shall not be used for general governmental purposes.”

**Section 2.** Section 13- 204 of the *Frederick Municipal Code* is hereby amended to read as follows:

**“Sec. 13-204. Use of Storm Water Utility Fund.**

The Storm Water Utility Fund shall be used only to pay the costs of construction, operation and maintenance of the storm water system and the costs of administration of the storm water utility. The Town may pledge all or any portion of the fund, including revenues anticipated to be collected, to the payment of principal, interest, premium, if any, and reserves for general obligation bonds, revenue bonds or any other obligations lawfully issued or otherwise contracted for by the Town for the payment or other financing of costs of the storm water system, or for the purpose of refunding any obligations issued or otherwise contracted for such purposes.”

**Section 3.** Section 13-207, of the *Frederick Municipal Code* is hereby amended to read as follows:

**“Sec. 13- 207. Use of Storm Water Capital Expansion Fees.**

All monies received from storm water capital expansion fees shall be paid into the Storm Water Fund. Such monies shall be used only pay the costs of design and construction of capital improvements of the storm water system and the costs of capital equipment of the storm water utility as needed to serve new development and growth in the Town or the unincorporated areas of the County known as Evanston. Additional unincorporated areas of Weld County may be included through an IGA between the Town and the County. The Town may pledge all or any portion of the fund, including revenues anticipated to be collected, to the payment of principal, interest, premium, if any, and reserves for general obligation bonds, revenue bonds or any other obligations lawfully issued or otherwise contracted for by the Town for the payment or other financing of costs of the storm water system, or for the purpose of refunding any obligations issued or otherwise contracted for such purposes.”

**Section 4.** Section 13-208, of the *Frederick Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 13-208. Reserved.”**

**Section 5. Effective Date.** This ordinance shall be published and become effective as provided by law as of January 1, 2013.

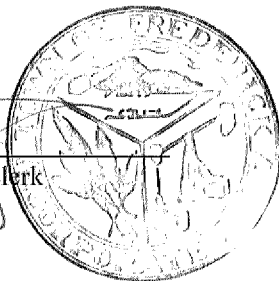
**Section 6. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

**Section 7. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 27<sup>th</sup>  
DAY OF November, 2012.

ATTEST:

By Meghan C. Martinez  
Meghan C. Martinez, Town Clerk



TOWN OF FREDERICK

By Tony Carey  
Tony Carey, Mayor