

ORDINANCE NO. 1265

AN ORDINANCE AMENDING THE “SCHEDULE OF SERVICE CHARGES” FOR GAS TARIFF NUMBER 3

WHEREAS, the Schedule of Service Charges for Gas Tariff Number 3 has been in effect since May 1, 2006; and

WHEREAS, the costs to the Natural Gas Department and System Enterprise to provide the services in the schedule exceed the current charges; and

WHEREAS, tampering with meters consumes time and resources of the Natural Gas Department and System Enterprise and the current Schedule of Service Charges does not include a charge for unauthorized meter tampering; and

WHEREAS, Article VII, Sec. 3 of the Charter of the City of Fort Morgan gives City Council the “power by ordinance to fix and regulate rates, fares and charges for service by public utility corporations...”; and

WHEREAS, in accordance with C.R.S. § 40-3.5-104 and the City’s adopted tariff sheets, notice of this updated Schedule of Service Charges was provided by the City at least 30 days prior to a Public Hearing held on the 19th day of April, 2022, at 6:00 p.m. at Historic City Hall located at 110 Main Street, Fort Morgan, CO 80701; and

WHEREAS, the amended “First Revised” Sheet No. 11, attached as Exhibit A, shall be incorporated as amended into the published Gas Tariff Number 3 of the City of Fort Morgan, Colorado, and the Gas Rates Sheet, attached as Exhibit B, shall be similarly amended to reflect the same.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE NATURAL GAS DEPARTMENT AND SYSTEM ENTERPRISE OF THE CITY OF FORT MORGAN, COLORADO, THAT:

Section 1. The Natural Gas Department and System Enterprise of the City of Fort Morgan, Colorado, does hereby adopt the “First Revised” Sheet No. 11, attached as Exhibit A, effective upon passage on Second Reading of this Ordinance.

Section 2. The Natural Gas Department and System Enterprise of the City of Fort Morgan, Colorado, does hereby further adopt the Gas Rates Sheet, attached as Exhibit B, effective upon passage on Second Reading of this Ordinance.

Section 3. Repeal. All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act

done or committed in violation of any Ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Validity. If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

Section 5. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof.

Section 6. Severability. In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 5th day of April, 2022.

THE BOARD OF DIRECTORS OF THE
NATURAL GAS DEPARTMENT AND SYSTEM
ENTERPRISE OF THE CITY OF FORT
MORGAN, COLORADO



By: Lyn Deal
President

ATTEST:


Secretary

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED the 19th day of April, 2022.



THE BOARD OF DIRECTORS OF THE
NATURAL GAS DEPARTMENT AND SYSTEM
ENTERPRISE OF THE CITY OF FORT
MORGAN, COLORADO


By: Lyn Deal
President

ATTEST:


John B. Larson

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, the duly appointed, qualified and acting Secretary of the City of Fort Morgan, Colorado, Natural Gas Department and System Enterprise, do hereby certify and attest that the foregoing **Ordinance No. 1265** was, as a proposed Ordinance duly and legally presented to the Board of Directors of the Enterprise at a regular meeting of the Fort Morgan City Council on the 5th day of April, 2022. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 9th day of April, 2022, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed Ordinance was again taken up and read a second time, duly and legally passed, approved and adopted by the Board of Directors of the Enterprise at a regular meeting of the City Council held on the 19th day of April, 2022. Within five (5) days after its final passage, said Ordinance was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

John Donnan
City Clerk