

**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 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 is amended by retitling the same as "Judicial Remedies," re-lettering said subsection (pertaining to injunctive relief) as subsection 1, and adopting a new subsection 2 to read:

2. Judicial Fine. In addition to injunctive relief, the Town, upon a finding that a user has violated or continues to violate any provision of these regulations, a wastewater discharge permit or order issued thereunder, or any other pretreatment standard, agreement or requirement, may apply to the Municipal Court for an order so declaring. Upon issuance of said order, the Municipal Court may impose a fine of up to \$2650 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 Code is amended as follows:

**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, agreement or requirement shall be liable to the Town for a maximum fine of \$2650.00 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.  
  
~~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.~~
3. 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. 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 1<sup>st</sup> day of Feb., 2022, by a vote of 7 ayes and 0 nays.



TOWN OF MORRISON:

  
Sean K. Forey, Mayor

Sean K. Forey, Mayor

ATTEST:



Ariana Neverdahl, Town Clerk






# Pretreatment of industrial wastewater.Ordinance .rev.2.1.22 ORD. 511

Final Audit Report

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