



COPY

ORDINANCE NO. 317

**AN ORDINANCE PROVIDING THAT SANITARY SEWER RATES MAY BE ESTABLISHED OR AMENDED BY ORDINANCE OR RESOLUTION**

**WHEREAS**, the town of Sugar City owns and operates a sanitary sewer system for the benefit of its customers; and

**WHEREAS**, the town of Sugar City maintains a fund accounting system; and

**WHEREAS**, the revenues and expenditures of the sanitary sewer system exist within a proprietary fund, also known as an enterprise fund, which receives no tax revenue and which must be operated as a business enterprise; and

**WHEREAS**, the town of Sugar City previously adopted Ordinance No. 2008-SW in which the town issued a revenue bond; and

**WHEREAS**, the irrevocable ordinance mandates that the town maintain, enforce, and collect rates, fees, plant investment fees, availability fees, tolls and charges for the use of the system sufficient to pay all operating costs of the sanitary sewer system plus an amount equal or greater than one-hundred-ten percent (110%) of the principal and interest due on the revenue bond each year; and

**WHEREAS**, in order to comply with the mandates of Ordinance No. 2008-SW the rates and fees of the Town of Sugar City Sanitary Sewer System must be amended from time to time.

**NOW THEREFORE BE IT ORDAINED** by the Town of Sugar City Board of Trustees as follows.

1. The Board of Trustees of the Town of Sugar City may establish or amend all Town of Sugar City rates, fees, plant investment fees, availability fees, tolls and charges for the use of the system by ordinance or resolution.
2. Conflicts. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or amended to the extent necessary to conform with this ordinance.
3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court, such decision shall not affect the validity of the remaining portions of this ordinance.
3. Emergency Clause. The Town of Sugar City board of trustees finds that this ordinance is necessary for the immediate preservation of the public health and safety in order to allow amendments to the sanitary sewer rates and to comply with the revenue bond covenants established in Ordinance No. 2008-SW. This ordinance shall be in full force and effect upon publication.

INTRODUCED, READ IN FULL, PASSED, ADOPTED, APPROVED and ordered  
published this 9 day of August 2012.

TOWN OF SUGAR CITY

By Gerald R. Ross

Mayor

ATTEST:

Penelope A. Morgan  
Town Clerk / Deputy Clerk