

**Town of Erie
Ordinance No. 26-2021**

**An Ordinance of the Board of Trustees of the Town of Erie Granting
a Natural Gas Franchise to Black Hills Colorado Gas, Inc. d/b/a
Black Hills Energy**

Whereas, pursuant to C.R.S. §§ 31-32-101 through 103, the Town may grant to a utility company the right or privilege to operate a utility system within the Town or to use the streets or alleys of the Town for such purposes by ordinance after statutory notice and publication requirements have been met and after two readings of the ordinance;

Whereas, pursuant to Title 2, Chapter 8, Article A, of the Erie Municipal Code, electric and gas utility companies that sell, provide, or distribute electricity or gas must pay a fee to the Town as determined by a franchise agreement;

Whereas, Black Hills Energy has satisfied the statutory notice requirements as evidenced by the publisher's affidavit, and has agreed to pay a franchise fee of 3%; and

Whereas, this Ordinance has been read twice, first on October 12, 2021 and next on November 9, 2021.

Now Therefore be it Ordained by the Board of Trustees of the Town of Erie, Colorado, that:

Section 1. Approval. The franchise agreement with Black Hills Colorado Gas, Inc. d/b/a Black Hills Energy (the "Franchise Agreement") is approved in the form attached hereto, and the Mayor is authorized to execute the Franchise Agreement on behalf of the Town.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall 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 or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption, and the Franchise Agreement shall take effect as set forth in the Franchise Agreement.

Introduced on first reading this 12th day of October, 2021.

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk

Read, passed, adopted and ordered published on second reading this 9th day of November, 2021.

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk