

**TOWN OF LYONS, COLORADO
ORDINANCE 1095**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING SECTION
13-1-20 OF THE LYONS MUNICIPAL CODE FOR THE PURPOSES OF GRANTING
THE TOWN ADMINISTRATOR THE ABILITY TO PROMULGATE ADMINISTRATIVE
REGULATIONS**

WHEREAS, pursuant to Article XXV of the Colorado Constitution, the Town of Lyons Board of Trustees (the "Board") has the authority to establish and operate municipal utilities serving the Town of Lyons (the "Town") and pass rates, rules, and regulations governing the operation of those municipal utilities; and

WHEREAS; pursuant to C.R.S. Section 13-15-103 the Town has the authority to make and publish ordinances; and

WHEREAS, pursuant to that power the Board previously enacted Section 20, Article 1, Chapter 13, of the Lyons Municipal Code ("LMC") entitled "Control and management of Town utilities" establishing the duties and powers of the Town in regulating its municipal utilities; and

WHEREAS, in order to more efficiently manage and operate Town utilities, the Lyons Board of Trustees desires to amend the LMC to grant the Town Administrator, or their designee, the ability to promulgate administrative regulations interpreting and implementing the LMC with regard to Town utilities.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. The above recitals are hereby incorporated by reference.

Section 2. Section 13-1-20 of the Lyons Municipal Code is hereby amended from the previous Section 13-1-20 to read in full as follows:

The Board of Trustees shall constitute the policy-making and governing board of the Town Utility Departments. Subject to direction by the Board of Trustees, the Town Administrator, or their designee, shall have the immediate control and management of all matters pertaining to the operation and maintenance of the Electric Department, Water Department, Sewer Department, and Storm Water Utility and shall perform all acts that may be necessary for the prudent, efficient and economical management, protection and enforcement of the Town Utility Systems. The Town Administrator, or their designee, may create and approve forms, written administration interpretations and any other documentation deemed necessary to permit the administration of this Chapter. The Town Administrator, or their designee, shall have the authority to promulgate administrative regulations necessary to implement the provisions of the Article. In addition, the Board of Trustees shall have the power by motion or resolution to prescribe such other rules and regulations governing the powers and duties of the Town Administrator in the management of the Town Utility Departments and Systems

and to establish such other rates, rules and regulations not otherwise contained in this Chapter.

Section 3. Code Revisions. Because this Ordinance revises an entire Section of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. 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 or code hereby repealed prior to this ordinance taking effect.

Section 6. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 2 of this Ordinance within the Lyons Municipal Code.

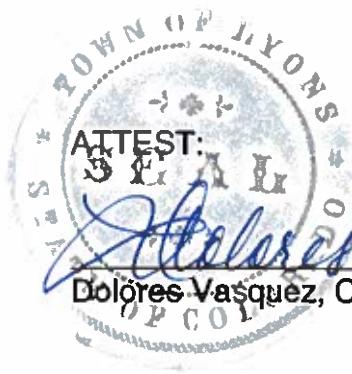
Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 19th DAY OF January 2021.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 1st DAY OF February 2021.

TOWN OF LYONS, COLORADO


Nicholas Angelo, Mayor



Dolores Vasquez, CMC – Town Clerk