

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1097

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING SECTION 13-3-90
OF THE LYONS MUNICIPAL CODE CONCERNING A WATER RIGHTS DEDICATION
REQUIREMENT**

WHEREAS, pursuant to Sections 31-15-401 and 31-23-301, C.R.S., the Town of Lyons ("the Town") has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its residents; and

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

WHEREAS, the Board previously enacted Article 3, Chapter 13, of the Lyons Municipal Code ("LMC") entitled "Water Service" establishing a water utility; and

WHEREAS, the Town is required to provide water rights shares equivalent to the amount of water used by the water utility; and

WHEREAS, a review of the 2010 IGA with Longmont and a confirmation in the Nov 2020 Water letter from Longmont has shown that the Town will have sufficient water rights to cover the estimated 5 or 6 properties that are considered "Pre-Existing Commitments" as described in the Longmont Water IGA; and

WHEREAS, as a result of this discovery, the Board desires to amend Section 13-3-90 to no longer require "Pre Existing Commitments" to dedicate water upon requesting at water tap; and

WHEREAS, the Ordinance does not impact the requirement for water rights dedication upon subdivision, annexation, or subdivisions agreements requiring water rights dedication; and

WHEREAS, it is in the best interests of the public health, safety, and welfare that the Ordinance requiring water rights dedications be passed and enactment of accompanying amendments be made; and

WHEREAS, The Board has conducted a public hearing to consider evidence and testimony concern the requirement for water rights dedication, and other proposed changes to Article 3, Chapter 13 of the LMC thus providing adequate opportunity for interested residents and customers to be heard.

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

Section 1. Incorporation of Recitals. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. Subsection a of Article 3 of Chapter 13, Section 90 is hereby amended from the previous Subsection a of Article 3 of Chapter 13, Section 90, to read in full as follows:

Sec. 13-3-90. - Connection or tap fees and Water Rights Dedication Requirement

(a) Unless otherwise approved by the Board of Trustees as permitted by this Code, the following tap fees for water service from the public water system shall be collected on all new connections or taps. All consumers shall pay, in addition to the applicable connection or tap fee, all costs and expenses of installation of water service, including labor, materials, equipment, supplies, acquisition of easements and rights-of-way and a Town-approved water meter.

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.

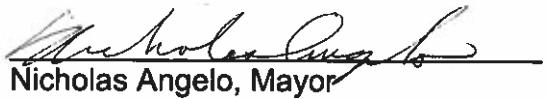
Section 6. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Sections and 3 of this Ordinance within the Lyons Municipal Code.

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 10th DAY OF February 2021.

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

TOWN OF LYONS, COLORADO


Nicholas Angelo, Mayor

ATTEST:


Dolores Vasquez, MMC – Town Clerk

TOWN OF LYONS, COLORADO

Nicholas Angelo, Mayor

ATTEST:


Dolores Vasquez - MMC, Town Clerk