

## **TOWN OF LYONS, COLORADO**

### **ORDINANCE 1123**

#### **AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING CHAPTER 13 ARTICLE 1 OF THE LYONS MUNICIPAL CODE CONCERNING ELECTRIC SERVICE LINE UNDERGROUNDING**

**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 1 Chapter 13, of the Lyons Municipal Code ("LMC") entitled "Administration and Enforcement" establishing a policy to administer the municipal utilities; and

**WHEREAS**, the Town's Electric Department (the "Department") is a publicly owned electric utility engaged in the retail sale of electricity in the state of Colorado; and

**WHEREAS**, the Town is continuing to pursue the undergrounding of its electric distribution system to improve safety, wildfire mitigation, and aesthetics; and

**WHEREAS**, the Town requires new electric service lines to be placed underground; and

**WHEREAS**, upgrades to an existing service line would be an appropriate time to have an existing service line placed underground; and

**WHEREAS**, it is in the best interests of the public health, safety, and welfare of the Town that this Ordinance changing the rules and regulations for electric service connections be passed and enactment of accompanying amendments be made; and

**WHEREAS**, The Board will conduct a public hearing to consider evidence and testimony concerning this additional subsection to Article 1, 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.     Section 270 of Article 1 of Chapter 13 is hereby amended to include:

(f) An owner of an existing electric connection may request that their service be increased to a higher amp service, a larger service connection wire, to move their existing service line, or to add additional service line for an Accessory Dwelling Unit. Such request shall require that the owner underground their service line at their expense from the transformer to the service panel.

Section 3. Section 270 of Article 1 of Chapter 13 is moved to be numbered Section 110 of Article 1 of Chapter 13.

Section 4. Sections 110 through 270 of Article 1 Chapter 13 are renumbered accordingly.

Section 5. 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 6. 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 7. Repeal. Any and all ordinances, resolutions, 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 8. 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 2,3 and 4 of this Ordinance within the Lyons Municipal Code.

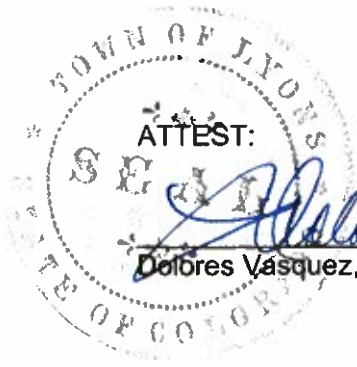
Section 9. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

**INTRODUCED AND PASSED ON FIRST READING THIS 20<sup>TH</sup> DAY OF JUNE 2022.**

**INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 5<sup>th</sup> DAY OF July 2022.**

TOWN OF LYONS, COLORADO





ATTEST:

  
Dolores Vasquez, MMC – Town Clerk

Hollie  
Holly Rogin, Mayor

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Section 7. Repeal. Any and all ordinances, resolutions, 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.

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TOWN OF LYONS, COLORADO

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Holly Rogin, Mayor

ATTEST:

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Dolores Vasquez, MMC – Town Clerk