

TOWN OF LYONS, COLORADO

ORDINANCE 1125

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
AMEND CERTAIN SECTIONS OF THE LYONS MUNICIPAL CODE AND ADDING AN
ARTICLE 9 TO CHAPTER 2 CONCERNING CODE COMPLIANCE OFFICIALS**

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 visitors; and

WHEREAS, the Town does not currently have code provisions specifically outlining the authority of Code Compliance Officials of the Town in the Lyons Municipal Code ("LMC"); and

WHEREAS, it is necessary to update the LMC to create more effective code enforcement tools to ensure the health, safety, and welfare of the citizens of Lyons; and

WHEREAS, the Town of Lyons Board of Trustees (the “Board”) desires to amend certain sections of the LMC and to create a new Article 9, Chapter 2 of the LMC concerning Code Enforcement Officials.

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. Article 1, Chapter 2, Section 1 is hereby amended as provided in ~~strikeout~~ and italics below:

The following words and phrases, whenever used in this Code or the ordinances of the Town, shall be construed as defined in this Section, unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

....

~~Code Enforcement Officer~~ *Compliance Official* means an Agent of the Town of Lyons charged with enforcing the Lyons Municipal Code. The ~~Code Enforcement Officer~~ *Compliance Official* may also be referred to as the ~~Code Compliance Enforcement Official~~ or ~~Officer~~ or *Code Compliance Officer*.

....

Section 3. Article 9 of Chapter 2 is hereby created to read:

Article 9 – Code Compliance Officials

Sec. 2-9-10. – Created

There is hereby created the position of Code Compliance Official. All Code Compliance Officials shall be hired or contracted by the Town Administrator and may be employees, agents, or independent contractors of the Town. Code Compliance Officials may also be known as Code Enforcement Officials or Officers, or Code Compliance Officers.

Sec. 2-9-20. - Authority.

(a) Code Compliance Officials shall have the authority to enforce the following provisions of this Code:

- (1) Articles I, III, VII of Chapter 6 (Business Licenses and Regulations), which establish requirements for business licenses, peddler and solicitor licenses, trash hauler licenses, and miscellaneous licenses;
- (2) All articles of Chapter 7 (Health, Sanitation and Animals);
- (3) Parking infractions and non-moving violations of Chapter 8 (Vehicles and Traffic), for which the penalty is set forth in Section 8-1-50 of this Code;
- (3) Article XI of Chapter 10 (General Offenses: Noise);
- (4) All articles of Chapter 11 (Streets, Sidewalks and Public Property);
- (5) All articles of Chapter 16 (Zoning); and
- (6) Article VI of Chapter 18 (Building Regulations), which is the International Property Maintenance Code.

(b) As provided for in Section 1-5-10, Code Compliance Officials may obtain administrative search warrants to investigate violations of the Lyons Municipal Code

(c) Code Compliance Officials may issue administrative citations and Municipal Court summonses and complaints for violations of the provisions of this Code they are authorized to enforce pursuant to Subsection (a) hereof or as otherwise

provided for in this Code, provided however that Code Compliance Officials shall have no authority to detain or arrest individuals or impound property.

(d) Code Compliance Officials shall have the authority to perform all other actions as authorized by the Lyons Municipal Code.

Section 4. 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 5. 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 6. 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 7. 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 8. 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 _____ DAY OF _____ 2022.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS _____ DAY OF _____ 2022.

TOWN OF LYONS, COLORADO

Holly Rogin, Mayor

ATTEST:

Dolores Vasquez, MMC – Town Clerk