

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1131

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
AMENDING SECTION 4-1-30 OF THE LYONS MUNICIPAL CODE
TO ESTABLISH THE MILL LEVY BY RESOLUTION**

WHEREAS, pursuant to C.R.S. Section 13-15-103 the Town of Lyons, Colorado (the “Town”) has the authority to create and publish ordinances; and

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S.) Sections 39-5-128 and 39-1-111, local governments may annually certify the mill levy by resolution or ordinance; and

WHEREAS, pursuant to Lyons Municipal Code (LMC) Section 4-1-30 the Town is currently required to certify the mill levy via an ordinance; and

WHEREAS, in accordance with C.R.S. § 39-5-128, the Town is required to certify the mill levy on or before December 15 of each year; and

WHEREAS, because an ordinance requires a first reading, second reading with public hearing, and a thirty-day publication period it is difficult for the Town to certify the mill levy by December 15 and meet all required ordinance deadlines; and

WHEREAS, amending the LMC to permit the mill levy to be certified by resolution will better align the Town’s process with the State of Colorado deadlines; and

WHEREAS, the Town of Lyons Board of Trustee desires to enact an ordinance amending Section 4-1-30 of the LMC to allow the annual mill levy to be certified by resolution.

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

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

Section 2. Chapter 4, Article 1, Section 30, is hereby amended as follows (changes italicized and bold):

Sec. 4-1-30. - Rate of tax levy.

The Board of Trustees shall by ~~ordinance~~ **resolution** fix the rate of tax to be levied upon all the taxable property within the Town for municipal purposes and, through the Town Clerk, shall officially certify the said levy to the County Commissioners ~~by prior to November 1~~ **December 15** of each year. ~~Prior to passage of a resolution to fix the rate of tax to be levied upon all the taxable property within the Town for municipal purposes, the Board of Trustees shall conduct a public hearing on the resolution.~~

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 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 ____ DAY OF _____ 202_.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS ____ DAY OF _____ 202_.

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, CMC, Town Clerk