

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1143

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING SECTION
13-2-80 OF THE LYONS MUNICIPAL CODE INCREASING THE MAXIMUM
CAPACITY OF CUSTOMER OWNED GENERATION OF ELECTRICITY TO 25
KILOWATTS**

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 2 Chapter 13, of the Lyons Municipal Code ("LMC") entitled "Electric Service" establishing an electric utility; 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, recent changes to the Town's electric rate structure have removed concerns that customers that do not produce their own electricity are subsidizing new customers who do produce their own electricity; and

WHEREAS, the Utility and Engineering Board has reviewed the municipal code and believes that allowing all customer owned generation of electricity to have a maximum capacity of 25 kilowatts is warranted; and

WHEREAS, the Board desires to amend Section 13-2-80 to allow all customer owned generation of electricity to have a maximum capacity of 25 kilowatts.

**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) and (b) of Section 80 of Article 2 of Chapter 13 are hereby amended to read:

Sec. 13-2-80. Customer-owned generation of electricity.

- (a) Applicability. This Section shall apply to all qualified service customers who own, operate or maintain their own eligible renewable energy generation equipment as defined by Section 40-2-124, C.R.S., including but not limited to photovoltaics, fuel cells and micro-turbines, in parallel with the Town's electric system in accordance with this Chapter. ~~Residential customer-owned generation system shall be limited to a maximum capacity of ten (10) kilowatts, except as provided in Subsection (b) below. Non-Residential~~ Customer-owned generation system shall be limited to a maximum capacity of twenty-five (25) kilowatts, except as provided in Subsection (b) below.
- (b) ~~Residential systems with a capacity greater than ten (10) kilowatts and Non-Residential~~ Systems with a capacity greater than twenty-five (25) kilowatts may be permitted following a case-by-case review of the proposed system specifications by the Town Administrator and may be subject to additional conditions or requirements. The Town may, at its sole discretion, approve or deny systems larger ~~than ten (10) kilowatts for residential customers and~~ twenty-five (25) kilowatts ~~for non-residential customers.~~ If interconnection is denied, the Town will provide a written technical or economic explanation of such denial to the customer.

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 2,3 and 4 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 _____ 2023.

**INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON
SECOND READING THIS ____ DAY OF _____ 2023.**

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, MMC – Town Clerk