

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1147

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
AMENDING SECTION 13-3-70 OF THE LYONS MUNICIPAL CODE
REMOVING THE REQUIREMENT TO PAY A MONTHLY BASE CHARGE
FOR THE USE OF THE TOWN'S BULK WATER STATION**

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 Services" establishing a water utility; and

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

WHEREAS, the Town recently purchased a new automated bulk water dispensing system that has the option to sell water via a credit or debit card; and

WHEREAS, the Utilities and Engineering Board has reviewed the municipal code and fee structures in surrounding communities and believes that moving away from a rate structure requiring a monthly base rate to a structure that includes fixed costs in the usage rate is a reasonable option; and

WHEREAS, the Board desires to amend Section 13-3-70 by removing the requirement that the rate for bulk water includes a monthly base rate.

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 70 of Article 3 of Chapter 13 is hereby amended to read:

Sec. 13-3-70. - Filling of water tanks

(a) It shall be unlawful to fill any water tank greater than fifty (50) gallons in size from any connection or tap of the public water system. This Section shall not apply to:

(1) The Town, its departments, boards, commissions, agents, and employees in the performance of any municipal or governmental function, including the sale of water as permitted by Subsection (b) below; or

(2) Any governmental or quasi-governmental fire protection district whose service area includes the Town, or other department providing aid to the Lyons Fire Protection District, in the filling of water tanks and firefighting equipment used in firefighting operations and training.

(b) Notwithstanding the provisions of Subsection (a) above, the Town may, but shall not be obligated to, provide a source for filling any private water tank, and such water shall be available for purchase by residents of the Town and others at a rate set by resolution of the Board of Trustees. The Board of Trustees may terminate or limit the availability of such water sales or adjust any rate at any time by 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 the 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