

TOWN OF LYONS, COLORADO

ORDINANCE 1152

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING SECTION 18-6-10 OF THE LYONS MUNICIPAL CODE ADOPTING BY REFERENCE THE 2023 EDITION OF THE NATIONAL ELECTRIC CODE AS THE TOWN OF LYONS ELECTRIC CODE

WHEREAS; pursuant to C.R.S. Section 13-15-103 the Town has the authority to create and publish ordinances; and

WHEREAS, effective August 1, 2023, the Colorado State Electrical Board adopted the 2023 Edition of the National Electric Code ("NEC"), as promulgated by the National Fire Protection Association; and

WHEREAS, the Lyons Municipal Code ("LMC") Section 18-6-10 currently references the 2020 Edition of the NEC without exclusion; and

WHEREAS, the Town of Lyons Board of Trustees (the "Board") desires to adopt the 2023 Edition of the NEC without exclusion as required by law, and

WHEREAS, the Board held a public hearing with proper notice provided to consider the adoption of the NEC as required by law; and

WHEREAS, a copy of the NEC is available in the Town Clerk's Office at Town Hall, 432 5th Avenue, Lyons, Colorado for review and inspection by the public; and

WHEREAS, a public hearing was conducted on the date, time, and place noticed; and

WHEREAS, based on the evidence and testimony presented at the public hearing, the Board desires to enact an ordinance amending Section 18-6-10 of the LMC to adopt the 2023 Edition of the NEC in furtherance of health, public safety, and general welfare.

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 18, Article 15, Section 10 is hereby amended as follows (changes italicized and bold):

Sec. 18-15-10. - Adoption.

The National Electrical Code, **2023** edition, as published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA, 02169, as currently adopted by the State of Colorado ("NEC") is hereby adopted by reference as the Town of Lyons Electrical Code without modifications.

Section 3. Code Revisions. Because this Ordinance revises a section within a chapter 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 this Ordinance within the Lyons Municipal Code.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after publication following the final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 5th DAY OF SEPTEMBER 2023.

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

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk