

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1151

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
AMENDING SECTION 13-1-150 OF THE LYONS MUNICIPAL CODE
REGARDING LATE FEES ON UTILITY SERVICES**

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 1 Chapter 13, of the Lyons Municipal Code ("LMC") entitled "Administration and Enforcement" to administer the Town's utility services; and

WHEREAS, this section of the municipal code was recently amended and late fees were incorrectly lumped in with other delinquent account fees; and

WHEREAS, the Board desires to amend Section 13-1-150 to state that late fees shall be assessed on accounts that remain unpaid for more than 30 days rather than accounts that have been delinquent for more than 30 days.

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 150 of Article 1 of Chapter 13 is hereby amended to read:

Sec. 13-1-150. – Late Fees, Delinquent Account Fees and Interest.

(a) Accounts that remain unpaid for more than thirty (30) days from the billing date shall be assessed a Late Fee as set by the Board of Trustees in the Fees Schedule.

(b) Accounts that remain unpaid for sixty days (60) days or more from the billing date and which are not placed in a payment plan are considered "delinquent" and shall, in addition to the Late Fee, be assessed any or all of the following additional

fees as set by the Board of Trustees in the Fees Schedule: Meter Disconnect Fee, Meter Reconnect Fee during business hours, Meter Reconnect Fee after business hours.

(c) All fees, rates, penalties, and other charges imposed pursuant to this Chapter that remain unpaid for a period of more than thirty (30) days from their billing date shall be subject to and shall be assessed interest at a rate of six hundred sixty-six thousandth (.666) of a percent per month, non-compounded (eight (8) percent per annum) on all outstanding principal and interest owing. The Town Administrator shall have the authority to waive, release or reduce the amount assessed for interest where the Town Administrator finds that such an action will permit or facilitate the payment or collection of a delinquent account.

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 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