

TOWN OF LYONS, COLORADO

ORDINANCE 1160

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, REPEALING SECTION 13-1-60 OF THE LYONS MUNICIPAL CODE REGARDING DEPOSITS FOR NEW UTILITY ACCOUNTS

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, the managing of utility deposits has become increasingly complex, including the requirement to maintain and pay interest to customers who have paid a utility deposit; and

WHEREAS, Town Staff believes the administrative burden of requiring utility deposits is not worth the benefit received by the Town of requiring them.

WHEREAS, the Board desires to repeal the requirements for utility deposits contained in LMC §§ 13-1-50(c)(5) and 13-1-60.

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 Subsection 50 (c) (5) of Article 1 of Chapter 13 of the LMC is repealed.

Section 3. Section 60 of Article 1 of Chapter 13 of the LMC is hereby repealed.

Section 4. Subsequent Sections Renumbered. Sections and subsections affected by the deletions are renumbered accordingly.

Section 5. 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 6. 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 7. 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 that 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 before this ordinance taking effect.

Section 8. 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 9. 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 6th DAY OF May 2024.

**INTRODUCED, AMENDED, PASSED, ADOPTED, AND ORDERED PUBLISHED ON
SECOND READING THIS _____ DAY OF _____ 2024.**

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez, MMC – Town Clerk