

**TOWN OF LYONS, COLORADO
ORDINANCE NO. 705**

**AN ORDINANCE AMENDING TITLE 9 OF THE LYONS MUNICIPAL CODE TO
ADD A NEW SECTION 9-18-18 REQUIRING VOTER APPROVAL OF CERTAIN
ANNEXATIONS**

WHEREAS, the Colorado Municipal Annexation Act of 1965, C.R.S. §§ 31-12-101 *et seq.*, provides procedures by which municipalities may annex property within the corporate limits of the municipality; and

WHEREAS, at a special election of the Town held on September 12, 2000, a majority of the voters approved an advisory question instructing the Board of Trustees to consider for adoption an ordinance requiring certain annexations to be submitted to the voters for approval; and

WHEREAS, the Town desires to supplement the procedural requirements of the Act to require voter approval of certain annexations.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, BOULDER COUNTY, COLORADO, THAT:

Section 1. A new section 9-18-18 of the Lyons Municipal Code is hereby adopted to read in full as follows:

9-18-18: Annexations to be Approved by Voters.

- (A) No ordinance annexing property into the Town of Lyons shall be effective unless and until the ordinance is referred to the registered electors of the Town of Lyons, at a regular or special election, and such ordinance is approved by a majority of the registered electors voting thereon.
- (B) The following annexations shall be exempt from this section 9-18-18:
 - (1) Any annexation of property owned by the Town of Lyons.
 - (2) Any annexation of property smaller than 5 acres in size; provided that simultaneous or serial annexations of two or more properties that together comprise a parcel of 5 or more acres in size shall not be exempt from this section 9-18-18.
 - (3) Any annexation for which an annexation petition is both submitted to the Town Clerk prior to January 1, 2001 and the petition is found by the Board of Trustees on or before March 30, 2001, to be in substantial compliance with the Colorado Municipal Annexation Act in accordance with C.R.S. §§ 31-12-107(1) or 31-12-107(2), as applicable.

- (C) The applicant for an annexation that is subject to an election pursuant to this section shall pay the reasonable costs and expenses incurred by the Town in the calling, preparation, and conduct of the election. At the time of submission of a petition for an annexation that is subject to an election in accordance with this section, the applicant shall deliver to the Town an adequate monetary deposit, in an amount determined by the Town Clerk, to secure the applicant's full payment of the Town's cost and expense associated with the election. Where the ballot includes other ballot issues or questions, the applicant for annexation shall pay a share of the election costs proportionate to the number of ballot issues or questions. In the event that funds deposited by the applicant exceed the Town's actual costs and expenses of the election, the Town shall promptly refund any remaining deposited funds to the applicant following a final accounting by the Town Clerk of the cost and expense of the election.
- (D) All elections held pursuant to this section shall be conducted in accordance with the applicable statutory provisions governing the Board of Trustee's submission of referred municipal ordinances to the registered electors of the Town of Lyons. The date of any election required by this section shall be subject to the discretion of the Board of Trustees.

Section 2. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town of Lyons that the provisions of this Ordinance are severable.

Section 3. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AND PASSED ON FIRST READING THIS 18TH DAY OF DECEMBER, 2000.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 5th DAY OF MARCH, 2001.

TOWN OF LYONS, COLORADO


Richard Hinshaw, Mayor

ATTEST:


Teresa G. Andrews, Town Clerk