

**TOWN OF LYONS, COLORADO
ORDINANCE 1177**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,
AMENDING ARTICLE 4 OF CHAPTER 13 OF THE LYONS MUNICIPAL CODE
FOR THE PURPOSE OF INCREASING THE SERVICE RATES FOR
WASTEWATER UTILITY SERVICE BY THE CONSUMER PRICE INDEX (CPI)**

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 of Lyons (the "Town") and pass rates, rules, and regulations governing the operation of those municipal utilities; and

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

WHEREAS, pursuant to that power, the Board previously enacted Article 4, Chapter 13, of the Lyons Municipal Code ("LMC") entitled "Wastewater Service," establishing a wastewater utility; and

WHEREAS, pursuant to LMC Section 31-4-70(f), a periodic Consumer Price Index or inflation rate adjustment shall be made every January 1st; and

WHEREAS, the Board referred the question of raising wastewater utility service rates and charges to the Utilities and Engineering Board ("UEB") pursuant to LMC Section 2-2-170; and

WHEREAS, pursuant to LMC Sections 2-2-170 and 2-8-200(b)(3), the UEB approved a motion to recommend that the board increase both the wastewater base fee and rates by the recommended amount to meet the consumer price index ("CPI") adjustment as called for in the LMC; and

WHEREAS, the Board deems it necessary to raise rates to maintain a fiscally sound enterprise fund; and

WHEREAS, it is in the best interests of the public health, safety, and welfare that this amendment to the wastewater utility services rates and charges be made; and

The Board has conducted a public hearing to consider evidence and testimony on the increases in wastewater utility service rates and charges, thus providing an adequate opportunity for interested residents and customers to be heard.

NOW, 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. Article 4 of Chapter 13, Section 13--4-70 is hereby amended from the previous Article 4 of Chapter 13 to read in full as follows:

Sec. 13-4-70. - Service rates and charges.

(a) Rates and charges for wastewater services. Rates and charges shall be imposed for the use of the Town wastewater system and sewage treatment plant in accordance with the following schedule. All monthly charges stated in this Section are for a "unit," as defined in this Article.

<i>Type of Consumer</i>	<i>Monthly Charge Per Unit</i>
Residential consumers with metered Town-provided water service	\$25.20 base fee/month plus an amount equal to the sum of the consumer's water usage for the utility bills issued January 1, February 1 and March 1, divided by 3; and then multiplied by \$15.05 for every 1,000 gallons of average water used for such three-month period
Nonresidential consumers with metered Town-provided water service	\$25.20 base fee/month plus an amount equal to \$14.75 for every 1,000 gallons of water used during such billing period.
Consumers with flat rate Town- provided water service	\$109.60 base fee/month

(b) Surcharge added. A surcharge may be added to the rates and charges specified in this Section in accordance with other provisions of this Article.

(c) Meter adjustments. In the event that (1) a new customer becomes responsible for service any time following January 1 of any year, or (2) an existing customer demonstrates, to the Town Administrator's satisfaction, that a water leak or malfunctioning meter has improperly affected actual use during the most recent period of December 1 to March 1, then the Town Administrator may estimate and adjust the customer's meter usage for purposes of this Section by using the average usage for all residential users within the Town for the entire calendar year. Adjustments for an existing customer shall extend only to bills for that calendar year and only for bills subsequent to the time when the error is brought to the attention of the Town Administrator. In the event that the customer disagrees with the Town Administrator's estimation, the customer may elect to continue payment of monthly wastewater charges pursuant to the applicable provision of Paragraph (a)(1) or (a)(2) above until such time that actual water consumption and billing amounts are obtained for service during the period of December 1 to March 1.

(d) Monthly minimum user fees. In the event that any owner of a wastewater connection or tap purchased or otherwise granted or transferred to the owner after March 7, 1998, fails to connect or otherwise install such connection or tap and commence wastewater service to the owner's property within eighteen (18) months from the date of purchase or grant

transfer of the wastewater tap, the owner shall pay each month, commencing on the first monthly billing period following such owner's failure, the minimum monthly rate or charge as set forth in this Section.

(e) Periodic CPI rate adjustment. On January 1 of each year, any flat rate or standard monthly service charge per unit provided in this Section shall be adjusted in accordance with the estimated Consumer Price Index (CPI) as established by the U.S. Bureau of Labor Statistics for the Denver/Boulder metropolitan area. Rates shall be rounded to the nearest five-cent increment. This Article shall be amended to reflect each periodic CPI rate adjustment, provided that failure to amend the rate contained in this Chapter shall not limit, preclude, or prevent the operation and application of such periodic adjustment commencing each January 1.

Section 3. Codification Amendments. The codifier of the Town's Municipal Code is hereby authorized to make such numerical, technical, and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Lyons Municipal Code.

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 in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that 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 heretofore repealed or superseded and 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 the taking effect of this ordinance.

Section 6. Effective Date. Except as otherwise expressly provided herein, the provisions of 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 _____ 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, CMC, Town Clerk