

TOWN OF LYONS, COLORADO

ORDINANCE NO. 1067

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING SECTION 13-3-90(C) OF THE LYONS MUNICIPAL CODE RELATED TO WATER TAPS FOR RESIDENTIAL FIRE SUPPRESSION SYSTEMS

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

WHEREAS, the Town owns and operates a municipal water utility; and

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

WHEREAS, pursuant to that power the Lyons Board of Trustees (“the Board”) previously enacted Chapter 13, Article 3, Section 90, Subsection (c) of the Lyons Municipal Code (“LMC”) entitled “Connection fees for property outside of the Town.” which provides for the conditions by which properties outside of the Town may connected to the Town’s water system; and

WHEREAS, a number of homes outside of the Town in unincorporated Boulder County are connected to the Town’s water system; and

WHEREAS, Boulder County regulations and Lyons Fire Protection District policies require the use of residential fire suppression systems; and

WHEREAS, such systems require larger water taps than those typically purchased for residential uses; and

WHEREAS, the Town does not currently have regulations permitting the enlargement of tap sizes for fire suppression systems; and

WHEREAS, Town Staff recommends regulations be implemented to allow for the enlargement of water taps to allow for residential fire suppression systems; and

WHEREAS, the Town Board of Trustees finds that is in the interest of the health, safety, and welfare of the citizens of the Town and users of the Town’s water system to amend Section 13-9-90(c) of the LMC to allow for the enlargement of water taps for residential fire suppression systems.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1: The above recitals are hereby incorporated by reference.

Section 2: Chapter 13, Article 3, Section 90, Subsection (c) of the Lyons Municipal Code entitled “Connection fees for property outside of the Town” is hereby amended in to read as follows:

c) Connection fees for property outside of the Town. It is the policy of the Town to extend its corporate boundaries in a manner that is consistent with the Town's utility service area. The Town shall not provide new connections or increases in size of existing connections for water services to properties outside of the corporate limits of the Town, unless such property is annexed into the Town prior to the provision of water service. Properties currently permitted to use Town water service may request from the Town to enlarge a 3/4 inch tap to a 1 inch tap, when required by Boulder County and/or Lyons Fire Protection District to install a Residential Fire Suppression System. Nothing in this Section shall affect or modify continued service to properties previously provided connection to the Town's water system in accordance with all applicable provisions of this Chapter. All use of water outside the Town's corporate limits shall be subject to the paramount rights of users within the Town's corporate limits and, in case there is insufficient water to provide for users both within and without the corporate limits, the Board of Trustees may reduce, curtail or discontinue the supply of water to consumers outside of the Town's corporate limits during such period of water shortage or scarcity.

Section 3: Code Revisions. Minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk, in consultation with the Town Attorney, is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

Section 4: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 5: 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.

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 Section 2 of this Ordinance within the Lyons Municipal Code.

Section 7. Effective Date. 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 21st DAY OF OCTOBER 2019.

INTRODUCED, PASSED AND ADOPTED AND ORDERED PUBLISHED THIS _____ DAY OF _____, 2019.

TOWN OF LYONS

By: _____
Mayor Connie Sullivan

ATTEST:

By _____
Town Clerk, Deb Anthony