

TOWN OF LYONS, COLORADO

ORDINANCE 1098

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING SECTIONS 13-1-80(B) AND 13-1-270 OF THE LYONS MUNICIPAL CODE CONCERNING THE WATER RIGHTS DEDICATION REQUIREMENTS FOR MODIFICATIONS OF EXISTING WATER CONNECTIONS AND TAP LICENSES

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 3, Chapter 13, of the Lyons Municipal Code (“LMC”) entitled “Water Service” establishing a water utility; and

WHEREAS, pursuant to the Town’s Intergovernmental Agreement with the City of Longmont for Treated Water Services, Town is required to provide water tap fees and water right shares equivalent to the amount of water used by the water utility; and

WHEREAS, the Town would like to document the water tap fees and water rights dedication requirements more clearly for any person redeveloping or substantially modifying an existing property; and

WHEREAS, it is in the best interests of the public health, safety, and welfare that the Ordinance requiring water rights dedications be passed and enactment of accompanying amendments be made; and

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. Article 1 of Chapter 13, Section 270 is hereby amended to include subsections f and g as follows:

- (f) As a condition of authorizing development activity, additional water rights and connection fees may be required to be transferred to the Town prior to the issuance of a building permit based upon the type of use to

be developed, the tap size required, and the potential consumption of water. The amount of additional connection fees shall follow the table in Section 13-3-90. The amount of additional water rights shall be based upon the ratio of the flow rate to the cross-sectional area of the tap, as listed in the following schedule:

Additional Water Rights Required

| Tap Size Required for Specific Use¹ | Additional Water Rights | |
|---|--|---------------------------|
| | Acre Maximum Metered Use (Feet) | Per Year (Gallons) |
| ¾-inch | 1 | 270,000 |
| 1-inch | 2 | 540,000 |
| 1½-inch | 4 | 1,080,000 |
| 2-inch | 7 | 1,890,000 |
| 3-inch | 16 | 4,320,000 |
| 4-inch | 28 | 7,560,000 |

¹ * For tap sizes that are not listed above, the amount of additional water rights shall be established by the Town Administrator, or their designee, subject to the approval of the Board of Trustees.

(g) The Town shall have no responsibility to provide water in excess of the maximum gallons for the tap size. In the event the maximum number of gallons is exceeded, water service to the property shall be subject to penalties, lien or termination as specified in Sections 13-1-130, 13-1-140 and section 13-1-150, unless additional shares are transferred to the Town. Water uses that require more than the maximum number of gallons of water per year as indicated on the schedule above shall be assessed an additional water service charge of two dollars and seventy-five cents (\$2.75) per one thousand (1,000) gallons in excess of the base amount. This shall be in addition to the normal monthly service charges.

Section 3. Article 1 of Chapter 13, Section 80 (b) is hereby amended to read as follows:

Application for connection license. Any person seeking to connect any building, structure or property to any Town Utility System, **or any person redeveloping or substantially modifying an existing property**, shall apply for and obtain approval of a connection or tap license prior to any connection. A standard application form shall be approved by the Town Administrator, or their designee, and the application form shall require: 1) a detailed description of the utility service requested; 2) the location and identification of the property to be served; 3) the work proposed to be performed to permit connection to the Town Utility System; 4) the point at which the proposed

connections shall be made; 5) identification of the land uses and/or dwelling units to be served by the connection; 6) an estimation of the demand to be placed upon the Town Utility System by the connection, and 7) any other information deemed necessary or desirable by the Town Administrator, or their designee, to ensure compliance with this Chapter. Incomplete applications shall not be accepted or processed.

Section 4. Article 1 of Chapter 13, Section 10 is hereby amended to include:

Substantially Modifying means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement.

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 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 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 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 and 3 of this Ordinance within the Lyons Municipal Code.

Section 9. Effective Date. This Ordinance shall take effect immediately and be published by title as provided by C.R.S. Section 31-16-105.

INTRODUCED AND PASSED ON FIRST READING THIS _____ DAY OF _____, 2021.

**INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS ____ DAY
OF _____, 2021.**

TOWN OF LYONS, COLORADO

Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez - CMC, Town Clerk