

**TOWN OF LYONS
COLORADO**

ORDINANCE 1101

**AN ORDINANCE OF THE TOWN OF LYONS AMENDING SECTION 7-1-90(d) OF
THE LYONS MUNICIPAL CODE CONCERNING SHOW CAUSE HEARINGS FOR
THE ABATEMENT OF NUISANCES**

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, the Town previously adopted regulations regarding the abatement of Nuisances in Chapter 7, Articles 1 of the Lyons Municipal Code (“LMC”); and

WHEREAS, it is necessary to update the LMC to modify the process for the appeals of administrative show cause hearings for the purposes of allowing appeals a show cause hearing to first be heard in the Town of Lyons Municipal Court; and

WHEREAS, The Lyons Board of Trustees desire to amend Section 90(d), Article 1, Chapter 7 of the LMC as set forth in this Ordinance, and determines that such amendments promote the health, safety, and welfare of the citizens of and visitors to the Town of Lyons.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE
TOWN OF LYONS, COLORADO:**

Section 1. Recitals Incorporated. The recitals set forth above are hereby incorporated by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Chapter 7, Article 1, Section 7(d) of the Lyons Municipal Code is hereby amended to read as follows:

(d) The order of the hearing officer made pursuant to Subsection (c) above shall be appealable to the Municipal Court within fourteen (14) days of the issuance of the order of the hearing officer. If the order of hearing officer is not appealed, the Municipal Court shall enter an order of default judgment adopting the order of the hearing officer. The decision of the Municipal Court shall be a final decision and may be appealed to the District Court pursuant to the Colorado Rules of Civil Procedure Rule 106(a)(4). Failure of a party in interest to timely appeal the decision of the Municipal Court constitutes a waiver by him or her of any right he or she may otherwise have to contest the Town's right to eliminate or remove the nuisance from

his or her property, and to charge the resulting costs against him or her and/or the property.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance 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 4. Repeal. All other ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Ordinance are hereby repealed, provided that such repeal shall not repeal any repealer clauses in such ordinances nor revive any ordinance thereby.

Section 5. Effective Date. This Ordinance shall become effective three hundred and sixty four (364) days after publication following final passage and otherwise in accordance with Section 2-2-160 of the Lyons Municipal Code.

Section 6. Codification 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.

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