

**TOWN OF LYONS, COLORADO
ORDINANCE 1081**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING SECTION
13-4-80(H) OF THE LYONS MUNICIPAL CODE FOR THE PURPOSES OF
EXTENDING THE DEADLINE FOR INSTALLATION OF A SEWER SAMPLING PORT
TO SEPTEMBER 30, 2020**

WHEREAS, pursuant to Article XXV of the Colorado Constitution, the Town of Lyons Board of Trustees (the "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, on February 18, 2020, the Board passed ordinance 1074 which created the requirement that all nonresidential business which were in the "high" business surcharge category for Biochemical Oxygen Demand ("BOD") must install, maintain, and operate, at its sole expense, a suitable sampling port in its sewer line as) by June 30th, 2020.

WHEREAS, on March 13, 2020, pursuant to C.R.S. § 24-33.5-709 and LMC Section 2-5-30 the Mayor of Lyons proclaimed a local disaster emergency for the municipal limits of the Town of Lyons, Colorado (the "Proclamation")due to the public health crisis created by Corona Virus Disease 2019 ("COVID-19"), and

WHEREAS, on March 16, 2020, the Board of Trustees (the "Board") passed Resolution 2020-51 which extended and modified the Proclamation; and

WHEREAS, the local disaster emergency created by COVID-19 has caused extreme financial hardship for Town residents and businesses; and

WHEREAS, requirement for installation of a sewer sampling port may create additional financial distress during this period of hardship; and

WHEREAS, in recognition of the financial hardships created by the COVID 19 crisis, Board desire to amend Section 13-4-80(h) of the LMC to allow for an extension of time to September 30, 2020 for the requirement that all nonresidential customers who fall into the high category to install, maintain, and operate, at its sole expense, a suitable sampling port in their sewer line; and

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

WHEREAS, the Board has conducted a public hearing to consider evidence and testimony on LMC Code Amendments as set forth below thus providing adequate opportunity for interested residents and customers to be heard.

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. Section 13-4-80(h) of the Lyons Municipal Code is hereby amended from the previous Section 13-4-80(h) to read in full as follows:

(h) All nonresidential customers who fall into the high category must install, maintain, and operate, at its sole expense, a suitable sampling port in its sewer line as described in subsection (j) by September 30, 2020. During the time between the effective date of this amendment and September 30, 2020, businesses in the high category should work with the Town to take actions to help reduce pollutants as may be reasonable in the context of the limitations imposed by the COVID-19 crisis.

Section 3. 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 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, 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 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 6th DAY OF April 2020.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 20th DAY OF April 2020.

TOWN OF LYONS, COLORADO

Barney Dreisadt
Barney Dreisadt (Apr 22, 2020)

Connie Sullivan, Mayor



Delofes Vasquez
Delofes Vasquez, MMC – Town Clerk






Ordinance 1081 Extension on Requirement to Install Sampling Port (Board Edits 4-20-2020)

Final Audit Report

2020-04-22

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