

**TOWN OF LYONS, COLORADO
RESOLUTION NO. 2020-95**

A RESOLUTION OF THE TOWN OF LYONS, COLORADO REFERRING A BALLOT QUESTION CONCERNING WHETHER THE TOWN OF LYONS SHOULD REQUIRE THE TOWN AND TOWN CONTRACTORS TO ONLY USED SUBSTANCES ALLOWED IN THE MOST CURRENT U.S. DEPARTMENT OF AGRICULTURE NATIONAL ORGANIC PROGRAM "NATIONAL LIST OF ALLOWED AND PROHIBITED SUBSTANCES" ON PUBLIC LANDS TO TOWN VOTERS

WHEREAS, the Town of Lyons ("Town") is a statutory municipality organized under the laws of the State of Colorado; and

WHEREAS, C.R.S. § 31-11-104 authorizes citizens to initiate and ordinance for submission to the local governing body; and

WHEREAS, on May 1, 2020, the Town Clerk submitted to the Lyons Board of Trustees (the "Board") a petition for an initiated ordinance on the subject of requiring the Town and Contractors to only use substances allowed in the most current U.S. Department of Agriculture National Organic Program " National List of Allowed and Prohibited Substances" on public lands; and

WHEREAS, on May 18, 2020 the Board declined to adopt the initiated ordinance; and

WHEREAS, C.R.S. § 31-11-104 requires that if the proposed ordinance is not adopted by the legislative body, then shall refer the proposed ordinance, in the form petitioned for, to the registered electors of the municipality at a regular or special election held not less than sixty days and not more than one hundred fifty days after the final determination of petition sufficiency; and

WHEREAS, the Board of Trustees for the Town of Lyons deems it appropriate to submit the ballot question for the two Ballot Issues to the electorate of the Town

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

Section 1. There is hereby submitted to the properly qualified and registered electors of the Town of Lyons an initiated ordinance to read as follows:

TEXT OF INITIATED ORDINANCE

TOWN OF LYONS INITIATED ORDINANCE 7-5-25 REQUIRES THE TOWN OF LYONS AND ITS CONTRACTORS TO USE OR ALLOW TO BE USED ON PUBLIC LAND IT MANAGES ONLY SUBSTANCES ALLOWED IN THE MOST CURRENT U.S. DEPARTMENT OF AGRICULTURE NATIONAL ORGANIC PROGRAM "NATIONAL LIST OF ALLOWED AND PROHIBITED SUBSTANCES"

WHEREAS, members of the public including pregnant women, small children, the elderly, and immune system compromised individuals vary in their susceptibility to harm from synthetic herbicides and pesticides; and

WHEREAS, these chemicals are being applied each year for weed control, in public areas, such as Town parks, open space land, and along sidewalks and streets and in the commercial district; and

WHEREAS, the Town previously adopted an Integrated Weed Management Plan to require that prevention, cultural, mechanical, and biological weed control methods be employed first by the Town or its contractors; and

WHEREAS, many of the herbicides that have been used contain toxins known to effect human health and environment, in ways still under scientific investigation and not fully understood; and

WHEREAS, soil testing for several “non-persisting” synthetic herbicides in Lyons has measured residual levels over several months and into years after their application; and

WHEREAS, according to an official publication of Boulder County, Colorado, “Of the 48 most commonly used pesticides in schools and homes, 21 are possible human carcinogens, 27 cause reproductive effects, 31 affect the nervous system, 31 cause liver or kidney damage, 41 are sensitizers or irritants, and 17 cause birth defects; and

WHEREAS, this is new evidence of significant detrimental health issues to those employed in applying these chemicals, including some previously considered safe; and

WHEREAS, there is new evidence of significant detrimental health issues to those employed in applying these chemicals, including some previously considered safe; and

WHEREAS, alternative methods of chemical weed management are available, including pesticides and herbicides that approved for usage in U.S. organic farming; and

WHEREAS, Lyons parks are heavily used, and the Town wishes to manage them for weed control in a manner similar to that employed in organic farming in the U.S.

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

The Municipal Code of the Town of Lyons, Colorado is hereby amended by adding Chapter 7, Article 5 as follows:

Sec. 7-5-25. Allowed substances for weed control on the public properties in the Town of Lyons.

Commencing on January 1, 2021, all weed control conducted by the Town of Lyons or its contractors on Town-managed public property may use only substances allowed in the most current listing by the U.S. Department of Agriculture National Organic Program “National List of Allowed and Prohibited Substances.”

Section 2. The mail-in and paper ballots for said election shall carry the following designation, which shall be the title and submission clause:

Question 1. Shall the voters for the Town of Lyons adopt an ordinance requiring the Town of Lyons and its contractors to only use substances allowed in the

most current listing by the U.S. Department of Agriculture National Organic Program "National List of Allowed and Prohibited Substances" on Town-managed public property.

YES ____

NO ____

Section 3. The Town Clerk shall publish the initiated ordinance in a manner consistent with the publication of other ordinances before such election is held.

Section 4. In connection with the fixing of the ballot title, the Board of Trustees of the Town of Lyons finds and determines as follows:

A. The Town Board of Trustees finds that the general understanding of the effect of a "yes" or "no" vote on the Ballot Issue will be clear to the electors.

B. The ballot title for the Ballot Issue will not conflict with those titles selected for any other Town measure that will appear on the same ballot; and

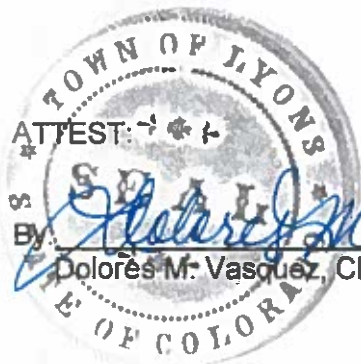
C. The ballot title for the Ballot Issue correctly and fairly expresses the true intent and meaning of the measure.

Section 4. The Town Clerk shall serve as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election on the Ballot Question, and shall take such action as may be required to comply with all applicable laws pertaining to the conduct of the election.

ADOPTED THIS 15th DAY OF JUNE 2020.

TOWN OF LYONS

By: 
Nicholas Angelo, Mayor



By: 
Dolores M. Vasquez, CMC - Town Clerk