

Workshop 5:30 pm – 6:45

DRAFT AGENDA  
TOWN OF LYONS  
**7:00 P.M., TUESDAY, SEPTEMBER 3, 2019**  
BOARD OF TRUSTEES MEETING  
SHIRLEY F. JOHNSON COUNCIL CHAMBER  
LYONS TOWN HALL, 432 5<sup>TH</sup> AVENUE, LYONS, COLORADO

I. Discussion - Lodging Fees/STR

- I.1. Ordinance 1026 Adopting A New Article 10 In Chapter 4 Of The Lyon Municipal Code Imposing A Lodging Occupation Tax For The Town Of Lyons Effective June 1 2018 If Approved By The Registered Electors Of The Town Of Lyons At An Election To Be Held On April 3 2018

Documents:

[ORD\\_1026 L NEW LODGING TAX.PDF](#)

- I.2. Ordinance 1030 Amending Ordinance 1026 To Reflect A Later Effective Date Of January 1, 2019 For A Lodging Occupation Tax For The Town Of Lyons If Approved By The Registered Electors Of The Town Of Lyons At An Election To Be Held On April 3 2018

Documents:

[ORD\\_1030 AMENDING ORD 1026 LODGING TAX.PDF](#)

- I.3. Resolution 2018-11 Approving A Ballot Question To Be Submitted To The Voters At The Regular Mail Ballot Election To Be Held On April 3 2019 To The Imposition Of A Lodging Occupation Tax For The Town Of Lyons

Documents:

[2018-11 APPROVING BALLOT QUESTION LODGING TAX.PDF](#)

- II. Public Hearing - Ordinance 1066, An Ordinance Of The Town Of Lyons, Colorado Amending Chapter 16, Article 3 Of The Lyon Municipal Code To Add Artisan Manufacturing As A Permitted And Conditional Use In The Commercial Downtown Zone District

Documents:

[ORD 1066 - ARTISAN ZONING COVER \(002\).PDF](#)  
[ORD 1066 - ARTISAN ZONING.PDF](#)

“The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at [hr@townoflyons.com](mailto:hr@townoflyons.com) as soon as possible, but no later than 72 hours before the scheduled event.”

**TOWN OF LYONS,  
COLORADO**

**ORDINANCE NO. 1026**

**AN ORDINANCE OF THE TOWN OF LYONS ADOPTING A NEW ARTICLE 10 IN CHAPTER 4 OF THE LYONS MUNICIPAL CODE IMPOSING A LODGING OCCUPATION TAX FOR THE TOWN OF LYONS EFFECTIVE JUNE 1, 2018 IF APPROVED BY THE REGISTERED ELECTORS OF THE TOWN OF LYONS AT AN ELECTION TO BE HELD ON APRIL 3, 2018**

**WHEREAS**, the Town of Lyons ("Town") is a municipal corporation duly organized and operating pursuant to the laws of the State of Colorado; and

**WHEREAS**, C.R.S. 31-15-501(1)(c) authorizes the Town to levy occupation taxes within its borders; and

**WHEREAS**, registered electors of the Town will have the opportunity to vote on the adoption of the lodging occupation tax set forth in this Ordinance at the April 3, 2018 regular election, and this Ordinance will not take effect unless and until a majority of the registered electors approve such tax; and

**WHEREAS**, the provision of lodging rooms and accommodations, including camping or campsites, to the traveling public results in the increased use of Town streets and rights-of-way, increased traffic, increased demands upon municipal services such as police protection, and has substantial effect upon the health, safety, and welfare of the citizens of the Town of Lyons and upon the expenditures budgeted by the Town; and

**WHEREAS**, the classification of the provision of lodging as separate businesses and occupations is reasonable, proper, uniform, and nondiscriminatory; and the taxable amount hereby assessed is reasonable, proper, uniform, nondiscriminatory, and necessary; and

**WHEREAS**, the Board of Trustees desires and finds that is necessary to adopt a lodging occupation tax, to be spent on any lawful use, including but not limited to the cost of accounting for the impacts of short-term visitors to the Town, subject to approval by the registered electors of the Town at the April 3, 2018 regular election.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, BOULDER COUNTY, 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. Lodging Occupation Tax Adopted.** The Lyons Municipal Code is hereby amended to include a new Article 10 in Chapter 4, entitled Lodging Occupation Tax, to read in full as follows:

## Article Ten

### LODGING OCCUPATION TAX

#### Sec. 4-10-10 - Purposes.

The Board of Trustees hereby finds, determines and declares:

- (1) The Lyons Comprehensive Plan (2010) and Lyons Primary Planning Area Master Plan contain numerous guiding principles for economic sustainability of the Town, including the following: Provide enough revenue for the Town to provide the quality of services desired by residents and businesses; promote a business-friendly environment that encourages commercial and job growth; transition from a residential development-based economy to a commercial-based, localized economy; evaluate the potential to use taxing districts and other tools to finance public improvements to benefit tourism and/or business development; and make Lyons a retail and recreational destination for residents and visitors; and
- (2) The provision of lodging rooms and accommodations, including camping or campsites, to the traveling public results in the increased use of Town streets and rights-of-way, increased traffic, increased demands upon municipal services such as police protection, and has a substantial effect upon the health, safety and welfare of the citizens of the Town of Lyons and upon the expenditures budgeted by the Town, which is a matter of local concern; and
- (3) For the purposes of this Article, every person that furnishes a lodging room, or accommodation, or campsite for consideration in the Town of Lyons is exercising a taxable privilege. The purpose of this Article is to impose a tax that will be paid by every vendor providing such lodging room, accommodation, or campsite in the Town of Lyons, which tax will provide revenues to compensate the Town for the use of its services and facilities; and
- (4) The classification of the provision of lodging and campsites as separate businesses and occupations is reasonable, proper, uniform and nondiscriminatory; and the taxable amount hereby levied is reasonable, proper, uniform, nondiscriminatory, and necessary.

**Sec. 4-10-20 - Definitions.** When not clearly otherwise indicated by the context, the following words and phrases as used in this Article shall have the following meanings:

*Campsite* shall mean a specific site temporarily occupied by a person or group of persons within a campground as defined in this Code.

*Lodging* shall mean hotel rooms, motel rooms, lodging rooms, motor hotel rooms, guest rooms, bed and breakfast rooms, campsite, or other similar accommodations that are rented to persons for a period of less than thirty (30) consecutive days, but shall not include rentals under a written agreement for occupancy for a period of at least thirty (30) days.

*Monetary Consideration* means the transfer of funds from a person to a vendor, directly or indirectly, by whatever means, including the payment of cash, issuance of a check or similar negotiable instrument, or through a credit card service or online payment service in exchange for the provision of a lodging accommodation.

*Person* means an individual, partnership, firm, joint enterprise, limited liability company, corporation, estate or trust, or any group or combination acting as a unit, but shall not include the United States of America, the State of Colorado and any political subdivision thereof.

*Sale* means the furnishing for Monetary Consideration by any person of lodging within the Town.

*Tax* means the tax payable by the vendor or the aggregate amount of taxes due from vendor during the period for which the vendor is required to pay the occupation tax on the provision of lodging for Monetary Consideration under this Article.

*Taxpayer* means the vendor obligated to pay the tax under the terms of this Article.

*Town Administrator* means the Town Administrator or his or her designee.

*Vendor* means a person furnishing lodging for Monetary Consideration within the Town.

**Sec. 4-10-30 - Levy of Tax.** Effective June 1, 2018, there is hereby levied by the Town of Lyons an occupation tax on the provision of lodging upon every person or business that furnishes any hotel room, motel room, lodging room, motor hotel room, guest house room, bed and breakfast room, campsite, or other similar accommodation for Monetary Consideration for less than thirty (30) consecutive days within the Town of Lyons in the amount of two dollars (\$2.00) per day, per occupied lodging room, accommodation, or campsite.

**Sec. 4-10-40 - Exemptions.** The following transactions shall be exempt from the tax imposed by this Article:

- (1) Accommodations provided by the United States, the State of Colorado, its departments and institutions, and the political subdivisions of the State in their governmental capacities only;
- (2) Accommodations provided by those charitable, religious and eleemosynary organizations that have received from the Internal Revenue Service status under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization, while in the conduct of their regular charitable, religious or eleemosynary functions and activities; and
- (3) Accommodations provided to a person who is a permanent resident of a hotel, motel, apartment hotel, lodging house, motor hotel, guest house, bed and breakfast, campsite, or other similar business pursuant to a written agreement for a period of at least thirty (30) consecutive days.

- (4) Accommodations provided to a person without Monetary Consideration being paid to the vendor for such accommodations.

**Sec. 4-10-50 - Collection of Tax.**

- (1) Every vendor providing lodging taxable under this Article shall remit such tax on or before the date determined by the Town Administrator in accordance with applicable law on account of lodging provided in the preceding month. Said payment shall be accompanied by a return which shall contain such information and be in such form as the Town Administrator may prescribe.
- (2) The burden of proving that any transaction is exempt from the tax shall be upon the vendor.
- (3) If the accounting methods regularly employed by the vendor in the transaction of business, or other conditions, are such that the aforesaid returns made on a calendar month basis will impose unnecessary hardship, the Town Administrator may, upon request of the vendor, accept returns at such intervals as will, in the Town Administrator's opinion, better suit the convenience of the vendor and will not jeopardize the collection of the tax; provided, however, the Town Administrator may by rule permit a vendor whose monthly tax obligation is less than sixty dollars (\$60.00) to make returns and pay taxes at intervals not greater than three (3) months.
- (4) It shall be the duty of every vendor to maintain, keep and preserve suitable records of all sales made by the vendor and such other books or accounts as may be required by the Town Administrator in order to determine the amount of the tax for which the vendor is liable under the Article. It shall be the duty of every such vendor to keep and preserve for a period of three (3) years all such books, invoices and other records and the same shall be open for examination by the Town Administrator or his designee.

**Sec. 4-10-60 - Audit of Records.**

- (1) For the purpose of ascertaining the correct amount of the occupation tax on the provision of lodging due from any person engaged in such business in the Town under this Article, the Town Administrator or an authorized agent may conduct an audit by examining any relevant books, accounts and records of such person.
- (2) All books, invoices, accounts and other records shall be made available within the Town limits and be open at any time during regular business hours for examination by the Town Administrator or an authorized agent. If any taxpayer refuses to furnish any of the foregoing information voluntarily when requested, the Town Administrator may issue a subpoena to require that the taxpayer or its representative attend a hearing or produce any such books, accounts and records for examination.
- (3) Any exempt organization or person claiming exemption under the provisions of this Article is subject to audit in the same manner as any other person engaged in the lodging business in the Town.

**Sec. 4-10-70 - Tax Overpayments and Deficiencies.** An application for refund of tax monies paid in error or by mistake shall be made within three (3) years after the date of payment for which the refund is claimed. If the Town Administrator determines that within three (3) years of the due date, a vendor overpaid the occupation tax on the provision of lodging, the Town Administrator shall process a refund or allow a credit against a future remittance from the same taxpayer. If at any time the Town Administrator determines the amount paid is less than the amount due under this Article, the vendor shall pay the difference together with the interest within ten (10) days after receiving written notice and demand from the Town Administrator. The Town Administrator may extend that time for good cause.

**Sec. 4-10-80 - Tax Information Confidential.**

- (1) All specific information gained under the provisions of this Article that is used to determine the tax due from a taxpayer, whether furnished by the taxpayer or obtained through audit, shall be treated by the Town and its officers, employees or legal representatives as confidential unless otherwise required by law. Except as directed by judicial order or as provided in this Article, no Town officer, employee, or legal representative shall divulge any confidential information. If directed by judicial order, the officials charged with the custody of such confidential information shall be required to provide only such information as is directly involved in the action or proceeding. Any Town officer or employee who knowingly divulges any information classified herein as confidential, in any manner, except in accordance with proper judicial order, or as otherwise provided in this Article or by law, shall be guilty of a violation hereof.
- (2) The Town Administrator may furnish to officials of any other governmental entity who may be owed sales tax any confidential information, provided that said jurisdiction enters into an agreement with the Town to grant reciprocal privileges to the Town.
- (3) Nothing contained in this Section shall be construed to prohibit the delivery to a taxpayer or their duly authorized representative a copy of such confidential information relating to such taxpayer, the publication of statistics so classified as to prevent the identification of particular taxpayers, or the inspection of such confidential information by an officer, employee, or legal representative of the Town.

**Sec. 4-10-90 - Forms and Regulations.** The Town Administrator shall have the authority to adopt, amend, alter, and repeal administrative rules and regulations as may be necessary for the proper administration of this Article and the collection and enforcement of the tax obligations imposed hereby. The Town Administrator is also authorized to prescribe forms to aid in the making of returns, the ascertainment, assessment and collection of said occupation tax on the provision of lodging, and in particular and without limiting the general language of this Article, to prescribe:

- (1) A form of report on the provision of lodging to be supplied to all vendors;
- (2) The records which vendors providing lodging are to keep concerning the tax imposed by this Article.

**Sec. 4-10-100 - Enforcement and Penalties.**

- (1) It shall be unlawful for any person to intentionally, knowingly, or recklessly fail to pay the tax imposed by this Article, or to make any false or fraudulent return, or for any person to otherwise violate any provisions of this Article. Each day, or portion thereof, that any violation of this Article continues shall constitute a separate offense.
- (2) A penalty in the amount of ten percent (10%) of the tax due or the sum of ten dollars (\$10.00), whichever is greater, shall be imposed upon the vendor and become due if the tax is not remitted as required by this Article, and one and one-half percent (1.5%) interest shall accrue each month on the unpaid balance. The Town Administrator is hereby authorized to waive, for good cause shown, any penalty assessed.
- (3) If any part of a deficiency is due to negligence or intentional disregard of regulations, but without intent to defraud, there shall be added ten percent (10%) of the total amount of the deficiency, and interest, from the vendor required to file a return. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added fifty percent (50%) of the total amount of the deficiency together with interest and in such case, the whole amount of the unpaid tax, including the additions, shall become due and payable ten (10) days after written demand by the Town Administrator.
- (4) If any vendor fails to make a return and pay the tax imposed by this Article, the Town may make an estimate, based upon available information of the amount of tax due and add the penalty and interest provided above. The Town shall mail notice of such estimate, by certified mail, to the vendor at his address as indicated in the Town records. Such estimate shall thereupon become an assessment, and such assessment shall be final and due and payable from the taxpayer to the Town Administrator ten (10) days from the date of service of the notice or the date of mailing by certified mail; provided, however, that within the ten (10) day period such delinquent taxpayer may petition the Town Administrator for a revision or modification of such assessment and shall, within such ten (10) day period, furnish the Town Administrator the documents, facts and figures showing the correct amount of such taxes due and owing.
- (5) Such petition shall be in writing and the facts and figures submitted shall be submitted either in writing or orally, and shall be given by the taxpayer under penalty of perjury. Thereupon, the Town Administrator may modify such assessment in accordance with the facts submitted in order to effectuate the provisions of this Article. Such assessment shall be considered the final order of the Town Administrator, and may be reviewed under the Rule 106(a)(4) of the Colorado rules of Civil Procedure, provided that the taxpayer gives written notice to the Town Administrator of such intention within ten (10) days after of the final order of assessment.

**Sec. 4-10-110 - Tax Lien.**

- (1) The tax imposed by this Article, together with the interest and penalties herein provided and the costs of collection which may be incurred, shall be and, until paid, remain a first and prior lien superior to all other liens on all the tangible personal property of a taxpayer within the Town and may be foreclosed by seizing under distraint warrant and selling so much thereof as may be necessary to discharge the lien. Such distraint warrant may be issued by the Town Administrator whenever the taxpayer is in default in the payment of the tax, interest, penalty or costs. Such warrant may be served and the goods subject to such lien seized by the Boulder County Sheriff or any duly authorized employee of the Town. The property so seized may be sold by the agency seizing the same or by the Town Administrator at public auction after ten (10) days have passed following an advertised notice in a newspaper published in the Town, in the same manner as is prescribed by law in respect to executions against property upon judgment of a court of record, and the remedies of garnishment shall apply.
- (2) The tax imposed by this Article shall be, and remain, a first and prior lien superior to all other liens on the real property and appurtenant premises at which the taxable transactions occurred.

**Sec. 4-10-120 - Recovery of Unpaid Tax.**

- (1) The Town Administrator may also treat any such taxes, penalties, costs or interest due and unpaid as a debt due the Town from the taxpayer.
- (2) In case of failure to pay the taxes, or any portion thereof, or any penalty, costs or interest thereon, when due, the Town Administrator may recover at law the amount of such taxes, penalties, costs, the reasonable value of any attorney's time or the reasonable attorney's fees charged, plus interest, in any county or district court of the county wherein the taxpayer resides or had a principal place of business (at the time the tax became due) having jurisdiction of the amount sought to be collected.
- (3) The return of the taxpayer or the assessment made by the Town Administrator shall be *prima facie* proof of the amount due.
- (4) Such actions may be actions in attachment, and writs of attachment may be issued to the Boulder County Sheriff, and in any such proceeding no bond shall be required of the Town Administrator, nor shall any sheriff's deputy require of the Town Administrator an indemnifying bond for executing the writ of attachment or writ of execution upon any judgment entered in such proceedings. The Town Administrator may prosecute appeals in such cases without the necessity of providing bond therefor.
- (5) It shall be the duty of the Town Attorney, when requested by the Town Administrator, to commence action for the recovery of taxes due under this Article and this remedy shall be in addition to all other existing remedies, or remedies provided in this Article.

- (6) The Town may certify the amount of any delinquent tax, plus interest, penalties and the costs of collection, as a charge against the property at which the taxable transaction occurred to the Boulder County Treasurer for collection in the same manner as delinquent *ad valorem* taxes.

**Sec. 4-10-130 - Status of Unpaid Tax in Bankruptcy and Receivership.** Whenever the business or property of a taxpayer subject to this Article shall be placed in receivership, bankruptcy or assignment for the benefit of creditors, or seized under distraint for taxes, all taxes, penalties and interest imposed by this Article and for which the taxpayer is in any way liable under the terms of this Article shall be a prior and preferred lien against all the property of the taxpayer, except as to other tax liens which have attached prior to the filing of the notice, and no sheriff, receiver, assignee or other officer shall sell the property of any person subject to this Article under process or order of any court, without first ascertaining from the Town Administrator the amount of any taxes due and payable under this Article, and if there be any such taxes due, owing and unpaid, it shall be the duty of such officer to first pay the amount of the taxes out of the proceeds of such sale before making payment of any monies to any judgment creditor or other claimants of whatsoever kind or nature, except the costs of the proceedings and other preexisting tax liens as above provided.

**Sec. 4-10-140 - Hearings, Subpoenas and Witness Fees.**

- (1) Hearings before the Town Administrator pursuant to provisions in this Article shall be held pursuant to procedures for such hearings adopted by the Town Administrator. Any subpoena issued pursuant to this Article may be enforced by the Lyons Municipal Judge pursuant to Section 13-10-112(2), C.R.S. The fees of witnesses for attendance at hearings shall be the same as the fees of witnesses before the District Court, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Town Administrator, such fees shall be paid in the same manner as other expenses under the terms of this Article, and when a witness is subpoenaed at the instance of any party to any such proceeding, the Town Administrator may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Town Administrator, at his discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena issued as aforesaid shall be served in the same manner as a subpoena issued out of a court of record.
- (2) The Lyons Municipal Judge, upon the application of the Town Administrator, may compel the attendance of witnesses, the production of books, papers, records or memoranda, and the giving of testimony before the Town Administrator or any duly authorized hearing officers, by an action for contempt, or otherwise, in the same manner as production of evidence may be compelled before the court.

**Sec. 4-10-150 - Depositions.** The Town Administrator or any party in an investigation or hearing before the Town Administrator may cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions

in courts of this State and to that end compel the attendance of witnesses and the production of books, papers, records or memoranda.

**Sec. 4-10-160 - Statute of Limitation.**

- (1) Except as otherwise provided in this Section, the taxes for any period, together with interest thereon and penalties with respect thereto, imposed by this Article shall not be assessed, nor shall notice of lien be filed, or distraint warrant be issued, or suit for collection be instituted, or any other action to collect the same be commenced, more than three (3) years after the date on which the tax was or is payable. Nor shall any lien continue after such period, except for taxes assessed before the expiration of such three (3) year period, notice of lien with respect to which has been filed prior to the expiration of such period.
- (2) In case of a false or fraudulent return with intent to evade taxation, the tax, together with interest and penalties thereon, may be assessed, or proceedings for the collection of such taxes may be commenced at any time.
- (3) Before the expiration of such period of limitation, the taxpayer and the Town Administrator may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing.

**Sec. 4-10-170 - Exemption From Revenue Limitation.** The occupation tax on the provision of lodging imposed by this Article was approved by the electors of the Town of Lyons on April 3, 2018. As a part of said approval, the revenues are to be collected and spent as a voter approved revenue change, notwithstanding any revenue or expenditure limitations contained in Article X, Section 20, of the Colorado Constitution.

**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. 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.

**Section 6. Effective Date.** The Lodging Occupation Tax imposed by this Ordinance shall not take effect unless and until a majority of the registered voters voting in the regular

election on April 3, 2018 vote "yes" in response to a ballot question referred to the voters by a resolution of the Town of Lyons Board of Trustees no later than February 5, 2018.

**Section 7. Safety Clause.** The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lyons, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**INTRODUCED AND PASSED ON FIRST READING THIS 2<sup>ND</sup> DAY OF JANUARY, 2018.**

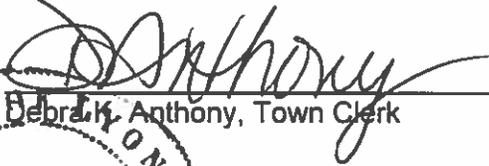
**INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 16<sup>TH</sup> DAY OF JANUARY, 2018.**

TOWN OF LYONS, COLORADO



\_\_\_\_\_  
Connie Sullivan, Mayor

ATTEST:



\_\_\_\_\_  
Deborah Anthony, Town Clerk



**TOWN OF LYONS,  
COLORADO**

**ORDINANCE NO. 1030**

**AN ORDINANCE OF THE TOWN OF LYONS AMENDING ORDINANCE 1026 TO REFLECT  
A LATER EFFECTIVE DATE OF JANUARY 1, 2019 FOR A LODGING OCCUPATION TAX  
FOR THE TOWN OF LYONS IF APPROVED BY THE REGISTERED ELECTORS OF THE  
TOWN OF LYONS AT AN ELECTION TO BE HELD ON APRIL 3, 2018**

**WHEREAS**, the Town of Lyons ("Town") is authorized pursuant to C.R.S. § 31-15-501(1)(c) to levy occupation taxes within its borders; and

**WHEREAS**, at its regular January 16, 2018 meeting, the Board of Trustees referred and approved a ballot issue concerning the imposition of a lodging occupation tax for submission to the Town's registered electors for the April 3, 2018 regular mail ballot election via Resolution 2018-11, which ballot issue included an effective date of June 1, 2018 should the tax be approved; and

**WHEREAS**, pursuant to Ordinance No. 1026, which was finally adopted on January 16, 2018, the Board adopted a new Article 10 to Chapter 4 of the Lyons Municipal Code to impose a lodging occupation tax, which Ordinance will not take effect unless and until a majority of the registered voters voting at the regular election on April 3, 2018 vote "yes" in response to the related ballot issue; and

**WHEREAS**, Ordinance No. 1026 specifies that the lodging occupation tax will be in effect on June 1, 2018 if the voters approve the related ballot issue; and

**WHEREAS**, after further consideration at a special meeting held on January 29, 2018, the Board adopted Resolution 2018-20, which repealed Resolution 2018-11 and the ballot issue referred therein, and approved and referred a revised ballot issue on the lodging occupation tax that included a later effective date of January 1, 2019; and

**WHEREAS**, at its special meeting held on January 29, 2018, the Board directed that Ordinance 1026 be amended to reflect the later effective date of January 1, 2019 set forth in the ballot issue referred by Resolution 2018-20.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, BOULDER COUNTY, 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. Effective Date of Lodging Occupation Tax in Ordinance 1026 Amended.** Section 4-10-30 of the Lyons Municipal Code, as set forth in Ordinance 1026, is hereby amended to read in full as follows:

**Sec. 4-10-30 - Levy of Tax.** Effective January 1, 2019, there is hereby levied by the Town of Lyons an occupation tax on the provision of lodging upon every person or business that furnishes any hotel room, motel room, lodging room, motor hotel room,

guest house room, bed and breakfast room, campsite, or other similar accommodation for Monetary Consideration for less than thirty (30) consecutive days within the Town of Lyons in the amount of two dollars (\$2.00) per day, per occupied lodging room, accommodation, or campsite.

**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. 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 this Ordinance within the Lyons Municipal Code.

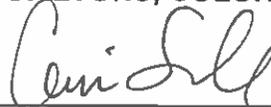
**Section 6. Effective Date.** The Lodging Occupation Tax, as amended by this Ordinance, shall not take effect unless and until a majority of the registered voters voting in the regular election on April 3, 2018 vote "yes" in response to a ballot question referred to the voters by a resolution of the Town of Lyons Board of Trustees.

**Section 7. Safety Clause.** The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lyons, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**INTRODUCED AND PASSED ON FIRST READING THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2018.**

**INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 20<sup>th</sup> DAY OF FEBRUARY 2018.**

TOWN OF LYONS, COLORADO



\_\_\_\_\_  
Connie Sullivan, Mayor

ATTEST:

  
\_\_\_\_\_  
Debra K. Anthony, Town Clerk

**TOWN OF LYONS, COLORADO  
RESOLUTION 2018-11**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO  
APPROVING A BALLOT QUESTION TO BE SUBMITTED TO THE VOTERS AT THE  
REGULAR MAIL BALLOT ELECTION TO BE HELD APRIL 3, 2018 RELATED TO THE  
IMPOSITION OF A LODGING OCCUPATION TAX FOR THE TOWN OF LYONS**

**WHEREAS**, the Town of Lyons ("Town") will conduct a regular mail ballot election on Tuesday, April 3, 2018; and

**WHEREAS**, the Lyons Board of Trustees has the authority, and desires to place on the April 3, 2018 election ballot a question concerning the imposition of a lodging occupation tax in the Town; and

**WHEREAS**, Article X, Section 20 of the Colorado Constitution, authorizes the Town of Lyons to refer the question herein submitted to a vote of the registered electors of the Town of Lyons as a "revenue change;" and

**WHEREAS**, the Board of Trustees is of the opinion that it is in the best interests of the citizens of the Town of Lyons to adopt a lodging occupation tax, to be spent on any lawful use, including but not limited to the cost of accounting for the impacts of short-term visitors to the Town, to be collected and spent by the Town notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution; and

**WHEREAS**, the Board of Trustees is of the opinion that such question should properly be decided by the registered electors of the Town of Lyons.

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

**Section 1.** The Board of Trustees hereby refers and approves the following ballot question for submission to the registered electors and to appear on the April 3, 2018 regular mail ballot election:

**SHALL TOWN OF LYONS TAXES BE INCREASED BY \$48,500.00 ANNUALLY (FIRST FULL FISCAL YEAR INCREASE) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER THROUGH THE ADOPTION OF A TOWN OCCUPATION TAX ON THE SHORT-TERM RENTAL (LESS THAN 30 CONSECUTIVE DAYS) OF ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE ROOM, BED AND BREAKFAST ROOM, ELIGIBLE CAMPSITE, OR OTHER SIMILAR ACCOMMODATION LOCATED IN THE TOWN IN THE AMOUNT OF TWO DOLLARS (\$2.00) PER DAY EFFECTIVE JUNE 1, 2018, AND SHALL ALL REVENUES DERIVED FROM SUCH OCCUPATION TAX BE COLLECTED AND SPENT ON ANY LAWFUL MUNICIPAL PURPOSE, INCLUDING BUT NOT LIMITED TO THE COST OF ACCOUNTING FOR THE IMPACTS OF**

SHORT-TERM VISITORS TO THE TOWN, WITH SUCH REVENUES TO BE COLLECTED AND SPENT AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATIONS CONTAINED IN ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**Section 2.** If a majority of all the votes cast at the election shall be for the measure, the measure shall be deemed passed, and the Town of Lyons shall be authorized to collect, retain, and expend the full lodging occupation tax revenues in accordance with the approved measure and to budget and appropriate such revenues and expenditures apart from any other expenditure of the Town of Lyons which may be limited pursuant to Article X, Section 20 of the Colorado Constitution, and notwithstanding the passage of any other State of Colorado initiative limiting such collection or expenditure, the revenues authorized for expenditure by the passage of this measure shall not be counted in any such expenditure limitation.

**Section 3.** For purposes of C.R.S. § 31-11-111, this Resolution shall serve to set the title and content for the ballot question set forth herein and the ballot title for such question shall be the text of the question itself.

**Section 4.** The Town Clerk is authorized to correct typographical errors and omissions and to cause to be entered into any blanks of the ballot question the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.

**Section 5.** The Town Clerk of the Town of Lyons shall give public notice of the election on the question hereby submitted (a) by causing a notice to be published in the Lyons Recorder as provided by law, (b) by mailing to "all registered voters" at each address within the Town of Lyons at which a voter is registered at least 30 days before the election a notice entitled "Notice of Election on a Referred Measure." This notice shall include only: (a) the election date and hours for voting, (b) the ballot title, (c) the text of the measure to be voted upon, (d) the office address and telephone number of the Town Clerk, and (e) two summaries, not more than 500 words each, one for and one against the measure, of written comments filed with the Town Clerk no later than 45 days before the election. No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the measure to be voted upon. The Town Clerk shall maintain on file and accurately summarize all relevant written comments.

**Section 6.** The Town Administrator, Town Attorney, and Town Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including the taking of all reasonable and necessary action to cause such approved ballot question to be printed and placed on the ballot for the April 3, 2018 regular mail ballot election.

**Section 7.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section,

paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution.

**Section 8.** This Resolution shall take effect upon its approval by the Board of Trustees.

ADOPTED THIS 16<sup>TH</sup> DAY OF JANUARY, 2018.

TOWN OF LYONS, COLORADO

By: \_\_\_\_\_

Connie Sullivan, Mayor

APPROVED TO FORM:

By: \_\_\_\_\_

Town Attorney



By: \_\_\_\_\_

Deb Anthony, Town Clerk

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: VII. 1.  
Meeting Date: 9/03/19**

**TO: Mayor Sullivan and Members of the Board of Trustees**

**FROM: Paul Glasgow, AICP**

**DATE: 8/30/19**

**ITEM: ORDINANCE 1066, AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING CHAPTER 16, ARTICLE 3 OF THE LYONS MUNICIPAL CODE TO ADD ARTISAN MANUFACTURING AS A PERMITTED AND CONDITIONAL USE IN THE COMMERCIAL DOWNTOWN ZONE DISTRICT.**

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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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**I. REQUEST OR ISSUE:**

This is the second reading and public hearing for a PCDC and citizen-initiated request to update the Lyons Municipal Code, section [16-3-210 CD Commercial Downtown District](#). The proposed ordinance would add a definition for Artisan Manufacturing (AM) to the zoning code permitting a low impact manufacturing as a permitted use in the Commercial Downtown (CD) zone district. It would be a principal use when not modifying the existing footprint of a building. If a business classified as an artisan manufacturer desires to modify a building footprint, then a conditional use would be required.

**I. RECOMMENDED ACTION / NEXT STEPS:**

Consider public input and pass Ordinance 1066 on second reading. If approved, the ordinance would go into effect 30 days following publication.

**II. FISCAL IMPACTS:**

Artisan manufacturing (AM) would diversify permitted use options in the commercial downtown zone district.

AM would fit in the intent of the downtown commercial zone district:

The CD District is intended to reflect the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community with zero-lot-line development. The desired character for the Commercial

Downtown District includes retail uses and restaurants on the first floor of buildings, with offices and residential uses on the upper floors.

Artisan manufacturing uses displace or outcompete retail and restaurants uses they may also bring employees and increase tenancy in downtown buildings. Artisan Manufacturing could impact sales and property taxes.

### **III. BACKGROUND INFORMATION:**

PCDC has considered artisan manufacturing since 2014. PCDC recognized that permitting artisan zoning would allow Lyons to take advantage of economic shifts in the manufacturing sector, i.e. where large scale manufacturers are being replaced or supplemented by small more nimble manufacturers. PCDC recognized this change could harness manufacturing industry changes and harness the emerging creative economy. They suspect integrating non-nuisance manufacturing uses with a public serving component into Lyons' downtown could improve activity in the Downtown and increase both business and employment options and improve tenancy in the commercial downtown.

### **IV. LEGAL ISSUES:**

The proposed ordinance has been properly noticed and by accommodating innovations in land use and development practices that were not contemplated at the time of adoption of this Chapter it complies with section [16-15-50 Text amendment approval criteria](#) of the Lyons Municipal Code.

### **V. CONFLICTS OR ENVIRONMENTAL ISSUES:**

NA

#### Attachments:

1. PCDC Resolution 5 and Ordinance 1066

**TOWN OF LYONS, COLORADO  
ORDINANCE NO. 1066**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING CHAPTER 16,  
ARTICLE 3 OF THE LYONS MUNICIPAL CODE TO ADD ARTISAN MANUFACTURING AS A  
PERMITTED AND CONDITIONAL USE IN THE COMMERCIAL DOWNTOWN ZONE  
DISTRICT**

**WHEREAS**, pursuant to C.R.S. § 31-23-301 the Town of Lyons (“the Town”) has the authority to zone, rezone, change, supplement and revise zoning classifications or designation of property and regulate land uses within the Town; and

**WHEREAS**, pursuant to C.R.S. § 31-15-103 the Town of Lyons (“the Town”) has the authority to make and publish ordinances; and

**WHEREAS**, the Town is authorized by C.R.S. § 31-23-301 to regulate zoning and land use within the Town’s boundaries, and the Town has in fact adopted a comprehensive zoning scheme; and

**WHEREAS**, the Lyons Comprehensive Plan establishes a goal of economic sustainability through promoting a business-friendly environment that encourages commercial and job growth, and creating an environment in which local business may prosper; and

**WHEREAS**, the Planning and Community Development Commission (PCDC) determined that certain changes to Article 3 of Chapter 16 of the Lyons Municipal Code (LMC) are required to promote economic development within the commercial downtown zone district to permit small-scale artisan manufacturing with a retail component, a use which was not contemplated at the time of the passage of the *Lyons Zoning Regulations*, and directed staff to prepare this Ordinance; and

**WHEREAS**, Section 16-15-10 of the LMC authorizes the PCDC to initiate text amendments to Chapter 16 of the LMC titled *Lyons Zoning Regulations*; and

**WHEREAS**, the text of Chapter 16 of the LMC shall not be amended unless such amendment complies with any of the criteria set forth in § 16-15-50 of the LMC, which, among other criteria, permits an amendment that furthers the implementation of the goals and objectives of the Comprehensive Plan and to accommodate innovations in land use and development practices that were not contemplated at the time of adoption of *the Lyons Zoning Regulations*; and

**WHEREAS**, pursuant to §16-15-30(f) of the LMC (“Step 6: PCDC Public Hearing and Action on Zoning Amendment”), the PCDC held a public hearing on the Application, and following the conclusion of said hearing, adopted Resolution 2019-PCDC-5, recommending that the Board of Trustees proceed with the consideration and adoption of this Ordinance; and

**WHEREAS**, as set forth in Resolution 2019-PCDC-5, PCDC has determined that the Application complies with the criteria set forth in § 16-15-50 of the LMC by furthering the

implementation of the goals and objectives of the Comprehensive Plan and to accommodate innovations in land use and development practices that were not contemplated at the time of adoption of *the Lyons Zoning Regulations*; and

**WHEREAS**, as required by law, the Board of Trustees conducted a duly noticed public hearing on the Application, considered the evidence presented, and approved this Ordinance; and

**WHEREAS**, the Town Clerk is in possession of the publisher’s affidavits of publication concerning the notice of public hearings before the PCDC and the Board of Trustees on the Application and this Ordinance; and

**WHEREAS**, pursuant to Article 23 of Title 31, C.R.S., as amended, the Board of Trustees finds that the amendments to the Town’s zoning regulations as set forth in this Ordinance further the public health, safety, convenience and general welfare of the community; generally conform with the Town’s Comprehensive Plan, as amended and updated; and otherwise meet the applicable criteria set forth in Chapter 16 of the LMC; and

**WHEREAS**, approval of this Ordinance on first reading is intended only to confirm that the Board of Trustees desires to comply with state law and the LMC by setting a public hearing in order to provide the public an opportunity to present testimony and evidence regarding the Application. Approval of this Ordinance on first reading does not constitute a representation that the Board of Trustees, or any member of the Town Board, supports, approves, rejects, or denies this Ordinance.

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

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

Section 2. Based on the evidence in the record and testimony provided at the public hearing, the Board of Trustees specifically finds that: (a) the Application complies with the criteria set forth in § 16-15-50 of the LMC by furthering the implementation of the goals and objectives of the Comprehensive Plan and to accommodate innovations in land use and development practices that were not contemplated at the time of adoption of the Lyons Zoning Regulations.

Section 3. Section 16-1-160 of the LMC, entitled “Definitions,” is amended to read as follows.

	Zone District				
Sec. 16-1-160. - Definitions.	C	CD	CEC	LI	GI
For purposes of this Chapter, the following terms shall have the meanings indicated:					

<p><i>Artisan studio and gallery</i> means the workshop or studio of an artist, craftsman, sculptor or photographer, which workshop is primarily used for onsite production of unique custom goods through the use of hand tools or small-scale equipment, and may be used as an accessory gallery or for sales.</p>		P	P		
<p><b>Artisan Manufacturing means the small-scale firms that focus on direct sales rather than the wholesale market, who are involved in the on-site production of hand-fabricated or hand manufactured through the use of hand tools or small scale, light mechanical equipment. Artisan production includes fabrication and textiles such as apparel manufacturing, jewelry making, wood and metal working, pottery and glass making, and equivalents typically not permitted in non-industrial zone districts.</b></p> <p><b>Artisan manufacturing is intended to be compatible with surrounding commercial development. An allowance for public viewing or customer service space is required, such as teaching, equipment rentals or showrooms and ancillary sales of goods produced on-premises.</b></p> <p><b>In general, artisan manufacturing limits external impacts associated with nuisances such as odor, vibration, smoke, gas, dust, sound, soot, heat, glare or lighting. It also limits utility usage. All activities except loading and outdoor product displays shall occur within buildings; outdoor storage/repair is prohibited. Loading docks service doors should not face residential uses.</b></p>		P/C			
<p><i>Light industrial</i> means <del>nonpolluting-uses</del> engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial means uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. <b>Light industrial uses are generally non-polluting and do not have external impacts on surrounding areas such as excessive noise, light, air, water, pesticide, and solid waste pollution.</b> Light industrial shall not include uses such as heavy manufacturing, mining and extracting</p>	C		C	C	P

rubber refining, primary metal or related industries.					
<i>Studio</i> means a workspace for artists or artisans, including individuals practicing one (1) of the fine arts or skilled in an applied art or craft.	<i>P</i>	<i>P</i>	<i>P</i>		<i>P</i>
<i>Workshop and custom small industry</i> means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstery, restoration of antiques and other art objects or other similar uses.			<i>P</i>		

Section 4. Section 16-3-210 of the LMC, entitled “CD Commercial Downtown District,” is amended to read as follows.

- (a) Intent. The CD District is intended to reflect the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community with zero-lot-line development. The desired character for the Commercial Downtown District includes retail uses and restaurants on the first floor of buildings, with offices and residential uses on the upper floors.
- (b) Principal Uses. Permitted principal uses in the CD District shall be as follows:
  - (1) Accessory building or use.
  - (2) Business use, including but not limited to the following:
    - a. Club or lodge.
    - b. Entertainment facility.
    - c. Financial institution.
    - d. Gallery.
    - e. Hotel or motel.
    - f. Museum.
    - g. Professional office.
    - h. Personal service shop, such as barber shop, beauty parlor, computer repair shop, dry-cleaning outlet, self-service laundry, shoe repair shop or television or small appliance repair shop.
    - i. Recreational facility.
    - j. Restaurant, bar or other eating and drinking place.
    - k. Retail store, such as bakery, department store, discount store, drug store, furniture store, gift shop, grocery store or pet store.
    - l. Studio.

**m. Artisan Manufacturing that does not alter the footprint of the existing building**

**n. Artisan studio and gallery**

- (3) Residential use, but only if a business use occupies the portion of the building immediately adjacent to the street frontage.
- (4) Keeping, harboring, boarding, caring for or maintaining not more than four (4) dogs over the age of three (3) months.

(c) Conditional Uses. Permitted conditional uses in the CD District shall be as follows:

- (1) Church.
- (2) Day care center.
- (3) Medical or dental office or clinic.
- (4) Municipal administrative office.
- (5) Use with drive-up window.

**(6) Artisan Manufacturing that does alter the footprint of the existing building**

(d) Prohibited Uses. Prohibited uses in the CD District shall include those uses that cause **excessive air**, water, **pesticide**, or **solid waste** pollution or create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat and glare. Prohibited uses shall include, but not be limited to, the following:

- (1) Automobile sales and repair.
- (2) Gasoline station.
- (3) Minor or major automotive repair.
- (4) Mortuary or funeral chapel.
- (5) Use with drive-up window.

(e) Development Standards. Development standards in the CD District shall be as follows:

- (1) Minimum lot area: three thousand (3,000) square feet.
- (2) Minimum lot frontage: fifty (50) feet.
- (3) Minimum setbacks:
  - a. Front yard - zero (0) feet.
  - b. Side yard - zero (0) feet.
  - c. Rear yard - zero (0) feet, or twenty-five (25) feet if abutting a residential district.
- (4) Maximum building height: forty (40) feet.

Section 5: 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 6: 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 7. 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 8. 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 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