

**TOWN OF LYONS,  
COLORADO**

**ORDINANCE 1055**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING SECTION 13-3-90 OF THE  
LYONS MUNICIPAL CODE FOR THE PURPOSES OF CREATING A WATER RIGHTS DEDICATION  
REQUIREMENT**

**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 of Lyons ("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 3, Chapter 13, of the Lyons Municipal Code ("LMC") entitled "Wastewater Service" establishing a water utility; and

**WHEREAS**, the Board referred the question of amending the water utility rules and regulations concerning water rights dedication requirements to the Utilities and Engineering Board ("UEB") pursuant to LMC Section 2-2-170; and

**WHEREAS**, the Town is required to provide water rights shares to equivalent to the amount of water used by the water utility; and

**WHEREAS**, under the current requirements, insufficient water shares have been dedicated to the Town to allow for future development of the Town with sufficient water resources; and

**WHEREAS**, the UEB recommended that the Board adopt new requirements for water rights dedication pursuant to LMC Section 2-2-170 ("the Ordinance"); 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

**WHEREAS**, The Board has conducted a public hearing to consider evidence and testimony concern the requirement for water rights dedication, and other proposed changes to Article 3, Chapter 13 of the LMC 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 recitals set forth above are incorporated as if set fully forth herein.

**Section 2.** Article 3 of Chapter 13, Section 90 is hereby amended from the previous Article 3 of Chapter 13, Section 90, to read in full as follows:

Sec. 13-3-90. - Connection or tap fees and Water Rights Dedication Requirement

Unless otherwise approved by the Board of Trustees as permitted by this Code, the following tap fees for water service from the public water system shall be collected on all new connections or taps. All consumers shall pay, in addition to the applicable connection or tap fee, all costs and expenses of installation of water service, including labor, materials, equipment, supplies, acquisition of easements

and rights-of-way and a Town-approved water meter. All new connections or taps shall meet the water rights dedication requirements of Section 17-14-10 except: (1) where the application of Section 17-14-10 would conflict with the express provisions of any subdivision improvements agreement or other development agreement; or (2) where the Board of Trustees, in its sole discretion, determines that the connection in question will not negatively impact the Town's water supply in such a way as to require the dedication of water rights. The dedication of water rights to the Town shall be made prior to the issuance of the building permit for the approved development.

**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.

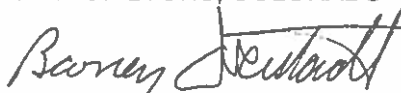
**Section 6. Codification of Amendments.** The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Sections 2 and 3 of this Ordinance within the Lyons Municipal Code.

**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 19<sup>th</sup> DAY OF FEBRUARY 2019.**

**INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 18<sup>th</sup> DAY OF MARCH 2019.**

TOWN OF LYONS, COLORADO

  
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Gennie Sullivan, Mayor

Barney Dreistadt, Mayor Pro Tem

