

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1069

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING
ARTICLE 4 OF CHAPTER 13 OR THE LYONS MUNICIPAL CODE FOR THE
PURPOSE OF INCREASING THE SERVICE RATES FOR WATER UTILITY SERVICE**

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

WHEREAS, the City of Longmont has increased the cost of treating water for the Town by 64 cents per 1,000 gallons over the past 5 years and will continue to increase rates an additional 82 cents per 1,000 gallons over the next 4 years; and

WHEREAS, the Board referred the question of raising water utility service rates and charges to the Utilities and Engineering Board ("UEB") pursuant to LMC Section 2-2-170; and

WHEREAS, pursuant to LMC Sections 2-2-170 and 2-8-200(b)(3), the UEB advised the Board that water utility service rates and charges would need to be raised by \$1.00 per thousand gallons to keep operating revenue greater than or equal to operating expenses; and

WHEREAS, the Board deems it necessary to raise rates to maintain a fiscally sound enterprise fund; and

WHEREAS, Sec 13-3-80 (a) (1) of LMC provides that the Town Clerk's Office shall maintain a schedule of the most current water utility rates; and

WHEREAS, the Board desires to update the schedule of water utility rates; and

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

WHEREAS, the Board has conducted a public hearing to consider evidence and testimony on the increases in the water utility services rates and charges 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. The metered water rate schedule is hereby amended from the previous Metered water rate schedule as shown on **Exhibit A**, to read in full as follows:

WATER		BASE/Unit	PER 1,000	1,000s
301	Residential	\$29.10	\$6.07	1-4
			\$7.35	NEXT 11
			\$9.25	16+
302	Units/Multi-family	\$20.37	\$6.07	1-3
			\$7.35	NEXT 7
			\$9.25	11 +
304	Flat rate	\$132.60	N/A	N/A
306	Reduced income	\$23.28	\$5.06	1-4
			\$6.08	NEXT 11
			\$7.60	16+
307	Residential	\$47.65	\$8.61	1-4
	outside town limits		\$10.53	NEXT 11
			\$13.38	16+
311	Commercial & irrigation	\$29.10 + \$4.85 per 1,000 gallons	\$6.90	All Uses Per 1000 Gallons
312	Fire Protection District	\$58.60	N/A	N/A

Section 3. 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 4. 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 5. 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 6. 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 4th DAY OF NOVEMBER 2019.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 18th DAY OF NOVEMBER 2019.

TOWN OF LYONS, COLORADO



Mayor Pro Tem Barney Dreistadt

ATTEST:



Debra K. Anthony, Town Clerk

