

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1109

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO
CREATING NEW SECTION 18-14-50 OF THE LYONS MUNICIPAL CODE TO
ALLOW FOR IN-KIND DEDICATIONS IN LIEU OF THE PARK FEE
REQUIRED BY LYONS MUNICIPAL CODE SECTION 18-14-10**

WHEREAS; pursuant to C.R.S. Section 13-15-103 the Town of Lyons (the "Town") has the authority to create and publish ordinances; and

WHEREAS, the Town previous adopted Chapter 18, Article 14 of the Lyons Municipal Code ("LMC") establishing a "Park Fee"; and

WHEREAS; LMC § 18-14-10 requires "[a]ny person applying for a building permit to construct a single-family residence, multi-family residence, apartment building or other residential building, however described, or to construct an addition to or enlarge an existing building, shall pay a park fee to the Town prior to the issuance of the building permit"; and

WHEREAS, the Town of Lyons Board of Trustees (the "Board") desires to create a process by which in-kind dedications may be accepted in lieu of a Park Fee for new, enlarged, or reconstructed residential units; and

WHEREAS, the Board finds that the proposed amendments to the LMC are in the best interests of the public health, safety, and welfare of the residents of the Town; and

WHEREAS, The Board has conducted a public hearing to consider evidence and testimony, thus providing adequate opportunity for interested residents to be heard; and

WHEREAS, the Board desires to enact an ordinance amending Chapter 18, Article 14 of the LMC to establish a process by which in-kind dedications may be accepted in lieu of a Park Fee for new, enlarged, or reconstructed residential units.

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. A new Subsection of Chapter 18, Article 14 is hereby created as follows:

Sec. 18-14-50. – In-Kind Dedication in Lieu of Park Fee

The Board of Trustees may, by resolution, accept an in-kind dedication to the Town of equal or greater value in lieu of the Park Fee required by Section 18-14-10 above.

Section 3. Code Revisions. Because this Ordinance a subsection within a chapter 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 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 16th DAY OF August 2021.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 7th DAY OF September 2021.

TOWN OF LYONS, COLORADO

Nicholas Angelo
Nicholas Angelo, Mayor

ATTEST:

Dolores Vasquez
Dolores Vasquez, CMC, Town Clerk

