

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS, COLORADO**

ORDINANCE NO. 2022-675

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
LOCHBUIE, COLORADO, AMENDING LOCHBUIE TOWN CODE
SECTION 6-1-150 GOVERNING BUSINESS LICENSES AND SECTION
19-7-520 GOVERNING LAND USE REGULATIONS AS SUCH
PROVISIONS RELATE TO FAMILY CHILD CARE HOMES**

WHEREAS, the Town of Lochbuie (the “Town”) is a statutory municipality, governed by its elected Mayor and Board of Trustees; and

WHEREAS, the State of Colorado has enacted new legislation regarding family child care homes; and

WHEREAS, the Town Board of Trustees desires to amend the Lochbuie Municipal Code to conform with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Board of Trustees.

Section 2. Amendment of Section 6-1-150 of the Lochbuie Municipal Code. Section 6-1-150 of the Lochbuie Municipal Code is hereby amended to read as follows with additions shown as all caps:

Sec. 6-1-150. – Exemptions.

Except as otherwise noted, the licenses herein required shall not apply to newsboys and newsgirls, food truck permittees as provided in Section 19-7-280, suppliers of products for resale by a licensed person, OR FAMILY CHILD CARE HOMES; nor when a business, trade, occupation or profession does not provide the livelihood of the person so engaged and annual gross receipts do not exceed six hundred dollars (\$600.00); nor in any case where a business or activity is otherwise assessed by the Town a franchise fee or application, license or permit fee or is under contract with the Town.

Section 3. Amendment of Section 19-7-520 of the Lochbuie Municipal Code. The definition of “family child care home” in Section 19-7-520 of the Lochbuie Municipal Code is hereby amended to replace the definition of “family child care home” with the following:

Family child care home means a facility licensed as such by the State for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen years who are not related to the head of such home.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 5. 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 Lochbuie, 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 relationship to the proper legislative object sought to be obtained.

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. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of 6 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 19 day of July, 2022.

TOWN OF LOCHBUIE, COLORADO


Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of July 19, 2022 and ordered published by title only one time by *The Brighton Blade* newspaper on July 28, 2022.

[SEAL] Heather Meierkort
Heather Meierkort, Town Clerk

