

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

**ORDINANCE NO. 2023-684**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
LOCHBUIE, COLORADO, AMENDING ARTICLE II OF CHAPTER 4 OF  
THE LOCHBUIE MUNICIPAL CODE BY ADDING A NEW SECTION 4-2-  
70 ENTITLED TOWN FUNDS**

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

WHEREAS, Section 31-15-302, C.R.S., authorizes statutory municipalities to manage the financial affairs of the municipality and contemplates that each municipality may have one or more general fund and special fund(s) to make deposits to and from which to pay the expenses of the municipality; and

WHEREAS, the Town has historically maintained a general fund and separate funds known as (a) the water activity enterprise fund or “water fund” for the purposes outlined in Article I of Chapter 13 of the Lochbuie Municipal Code (“Code”) establishing the water activity enterprise, (b) the wastewater activity enterprise fund or “wastewater fund” for the purposes outlined in Article II of Chapter 13 of the Code establishing the wastewater activity enterprise, (c) the Conservation Trust Fund for the purpose of receiving and expending funds pursuant to Article 21 of Title 29, C.R.S., although such funds are not specifically called out in the Town’s Municipal Code; and

WHEREAS, in addition to the special funds as described above, the Town desires to establish additional special fund(s) for the purposes as set forth herein.

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

**Section 1.** **Addition of new Section 4-2-70 entitled “Town funds.”** Article II of Chapter 4, governing revenue and finance, is hereby amended by the addition of a new Section 4-2-70 to read as follows in its entirety:

**Sec. 4-2-70. – Town funds.**

- (a) Emergency reserves. An amount of each year's fiscal spending shall be reserved annually as required by any local or state law for declared emergencies and spent only in accordance with law. Unused emergency reserves shall apply to the succeeding fiscal year’s reserve.

- (b) General fund. The Town shall have a fund known as the general fund, which shall consist of the following:
- (1) All cash balances of the town not specifically belonging to any special fund of the town.
  - (2) All fixed assets of the town not specifically belonging to any special fund of the town.
- (c) Special funds. The Town shall have the following special funds. If the board of trustees finds and determines that there are amounts in any account in excess of the amount required to satisfy the purpose of such account, the board of trustees may, by Ordinance, authorize the transfer of such excess amount to any other account or any other fund of the town subject to any state law restrictions. It shall further be proper for the board of trustees to authorize the lending of amounts in excess of the immediate needs of any such fund to other funds of the town upon such terms and conditions as the board of trustees may prescribe.
- (1) Water fund. The town shall maintain a special fund, separate from the general fund, to be known as the water fund which shall be the depository for all receipts and revenues of the water activity enterprise of the Town established in Chapter 13 of this Code. There shall be such additional accounts within such fund as are necessary to segregate and identify assets of such fund set aside for particular purposes by ordinances or other actions of the board of trustees. Expenditures shall be made from such fund for the purpose of operating the water utility, providing extensions and betterments to the water utility and for such other purposes relating to the water utility as may be authorized by law.
  - (2) Wastewater fund. The town shall maintain a special fund, separate from the general fund, to be known as the wastewater fund which shall be the depository for all receipts and revenues of the wastewater activity enterprise of the Town established in Chapter 13 of this Code. There shall be such additional accounts within such fund as are necessary to segregate and identify assets of such fund set aside for particular purposes by ordinances or other actions of the board of trustees. Expenditures shall be made from such fund for the purpose of operating the wastewater utility, providing extensions and betterments to the wastewater utility and for such other purposes relating to the wastewater utility as may be authorized by law.
  - (3) Conservation Trust fund. A conservation trust fund shall be maintained pursuant to Article 21 of Title 29, C.R.S., and monies received from the state pursuant to such statutory provisions shall

be deposited in said fund and expended only for the purposes authorized pursuant to Article 21 of Title 29, C.R.S.,

- (4) Capital Improvement fund. The Town shall maintain a capital improvement fund which shall be the depository for funds of the Town designated for expenditures to satisfy the capital purchases and capital improvement needs of the town. All monies in this fund remaining unobligated at the close of each fiscal year shall be carried over into the succeeding fiscal year. Monies may be expended from this fund only by appropriation of the board of trustees.
- (5) Development Impact Fee funds. The Town shall maintain development impact fee funds which shall be a depository for fees imposed and collected pursuant to the Local Government Land Use Control Enabling Act, Sections 29-20-101 et seq., to defray capital costs directly related to proposed development. Within each fund, the Town shall separately account for the various impact fees collected and shall expend the amounts in such funds on capital improvements related to the purpose for which the fees are collected.

**Section 2. 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 3. 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 4. 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 5. 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 16 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only this 19 day of September, 2023.

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 September 19, 2023, and ordered published by title only one time by *The Brighton Blade* newspaper on September 28, 2023.

  
Heather Bowen, Town Clerk

