

**TOWN OF LYONS, COLORADO  
ORDINANCE NO. 1209**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO,  
AMENDING CHAPTER 16, ARTICLE 11 OF THE LYONS MUNICIPAL CODE  
CONCERNING WIRELESS COMMUNICATIONS FACILITIES**

**WHEREAS**; pursuant to C.R.S. Section 31-15-103 the Town of Lyons (the "Town") has the authority to make and publish ordinances; and

**WHEREAS**, pursuant to 47 U.S.C. Section 332(c)(7), the Town retains the right to exercise generally-applicable regulations to concerning the placement, construction, and modification of wireless communications facilities ("WCFs") within the Town; and

**WHEREAS**, pursuant to that authority, the Board of Trustees for the Town of Lyons ("the Board") previously enacted Chapter 16, Article 11 of the Lyons Municipal Code ("LMC"), which regulates the placement, construction, and modification of WCFs in Lyons; and

**WHEREAS**, 47 U.S.C. Section 332(c)(7)(B)(i)(II) prohibits local governments from enacting regulations that prohibit or have the effect of prohibiting the provision of personal wireless services. In the context of this prohibition, between 2009 and 2020, the Federal Communications Commission has promulgated a variety of rules which establish "shot clocks" within which local governments must respond to applications for the placement, construction, or modification of WCFs; and

**WHEREAS**, pursuant to 47 C.F.R. Section 1.6100(c)(3), local governments are required to respond within sixty days to applications which do not substantially change the physical dimensions of a WCF or its support structure and involve the collocation, like-for-like replacement, or removal of transmission equipment ("eligible facilities requests" or "EFRs"); and

**WHEREAS**, as passed by the General Assembly and signed into law by Governor Polis, HB25-1056 established new regulations and preemptions of local authority concerning the construction and modification of WCFs; and

**WHEREAS**, as modified by HB25-1056, C.R.S. Section 29-27-405(1) prohibits local governments like the Town from requiring permits for applications which meet the federal requirements for an EFR; and

**WHEREAS**, notwithstanding the prohibition on permits for EFR applications, C.R.S. Section 29-27-405(2) allows local governments to enforce any generally-applicable and non-discriminatory building, electrical, fire, or other safety requirements – including any permits required by those rules – for any WCF applications, including applications which meet the federal requirements for an EFR; and

**WHEREAS**, in the interest of the health, safety, and welfare of the citizens of the Town, and visitors to the Town, the Board determines that there is need to clarify the process for applications which meet the federal requirements for an EFR within the Town, and to ensure that all other applicable Town ordinances and policies concerning the placement, construction, and modification of WCFs within the Town, by amending Chapter 16, Article 11 of the LMC as more fully set forth herein.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS,  
THAT:**

Section 1. The recitals set forth above are hereby incorporated by reference.

Section 2. Chapter 16, Article 11 of the LMC is hereby amended as reflected below (deletions in strikethrough and additions in underline):

\* \* \*

Sec. 16-11-40. – Operational standards.

\* \* \*

(e) Permits. Consistent with C.R.S. § 29-27-405(2), the Town may ensure that all work on WCFs – including Eligible Facilities Requests – within the Town that impacts public safety is conducted in accordance with all generally-applicable and non-discriminatory Town building, electrical, fire, or other safety permit requirements as follows:

(1) All work on WCFs which occur within or otherwise impacts any Town rights-of-way by its very nature impacts public safety including without limitation the need to ensure the structural stability of facilities and associated infrastructure, ensuring adequate sightlines for both pedestrian and vehicular traffic, and the need control and re-route traffic; and

(2) If the Town Administrator or their designee determines that any work to be conducted on a WCFs located on private property impacts public safety – including without limitation the need to ensure the structural stability of facilities and associated infrastructure – the Town may require generally applicable permits in accordance with this section.

\* \* \*

Sec. 16-11-60. – Review procedures and requirements.

No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an Applicant, reviewed and approved by the Town in accordance with ~~this Section. All WCFs, except Eligible Facilities Requests, shall be reviewed pursuant to~~ the following procedures:

\* \* \*

(e) Decision on WCF Applications. Except for Eligible Facilities Requests, which are subject to the procedures of paragraph (g), below, any decision to approve, approve, with conditions, or deny an application for a WCF shall

be in writing, supported by substantial evidence in the written record, and shall be issued by the Town as follows:

(1) For Small Cell Facilities installed on an existing tower of base station: within sixty (60) days;

(2) For Small Cell Facilities installed on a new tower or base station or the collocation or modification of an existing WCF: ninety (90) days ; or

(3) For all other WCFs: one hundred fifty (150) days.

(4) The applicable timeframe for review may be tolled if the Town determines that it cannot reasonably and adequately review the application and is also reviewing a previously submitted land use application related to housing intended to provide affordable or attainable housing, renewable energy projects, projects of governmental entities, or any other project that state federal, or local law establishes a timeline for review.

(5) The timeframes for review under this subsection shall apply only to applications for WCFs under this Article, and any other application specific to a specific wireless site, and shall not apply to any building, right-of-way, or any other non-wireless site-specific permit issued by the Town pursuant to the provisions of this Code. Unless agreed to by applicant and the Town, if a decision on the application is not issued according to the timeframe provided above, the application shall be deemed approved and the permit shall be issued. If the approval is for a concealed WCF, the written decision shall specifically identify that the WCF is a concealed facility.

(ef) Administrative Review Procedures for Eligible Facilities Requests.

\* \* \*

(fg) Abandonment and Removal. Prior to approval, affidavits shall be required from the owner of the property and from the Applicant acknowledging that each is responsible for the removal of a WCF, including Related Accessory Equipment, that is abandoned or is unused for a period of six (6) months.

~~(g) Decision. Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing, supported by substantial evidence in a written record, and shall be provided to the Applicant within ten (10) days of the decision. If the approval is for a concealed WCF, the written decision shall specifically identify that the WCF is a concealed facility.~~

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Section 3. Sections affected by the code revisions may be renumbered as appropriate.

Section 4. Code Revisions. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

Section 5. 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 6. Repeal. Any 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 7. 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 8. 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 1<sup>st</sup> DAY OF December 2025.**

**INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS 15<sup>th</sup> DAY OF December 2025.**

TOWN OF LYONS, COLORADO

Hollie Rogin  
Hollie Rogin, Mayor

ATTEST:

Dolores Vasquez  
Dolores Vasquez, CMC, Town Clerk

