

TOWN OF TIMNATH

ORDINANCE NO. 23, SERIES 2008

AN ORDINANCE OF THE TOWN COUNCIL OF THE  
TOWN OF TIMNATH, COLORADO, AMENDING  
CHAPTER 16, ARTICLE 2 OF THE TIMNATH TOWN  
CODE

**WHEREAS**, the Town Council ("Council") of the Town of Timnath, Colorado ("Town") is vested with authority pursuant to Article XX of the Colorado Constitution, its home rule charter, and the Colorado Revised Statutes to adopt and enforce ordinances for the protection of the public health, safety and welfare; and

**WHEREAS**, in the exercise of this authority the Council has previously enacted portions of the Town Code governing the design and placement of fences; and

**WHEREAS**, the Council desires to amend Article 2 of Chapter 16 of the Town Code to provide for a change in the definition of allowable fences in residential areas, and

**WHEREAS**, Current Town Code Section 16.2.17 currently severely limits fencing types in residential development, and

**WHEREAS**, the Council believes that to maintain and enhance the livability of residential areas of Timnath, Section 16.2.17 should be amended regarding height and style of fencing in residential areas.

THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

**Section 1.** Chapter 16, Article 2, Section 17.B.2.b. of the Timnath Municipal Code ("Code") is hereby amended to read in its entirety as follows:

- b. Fences used in front yard areas between the front building line and the front property line shall be at least 50 percent open. Allowable open fences are split rail, wrought iron, picket or other standard residential fences of a similar nature approved by the Town building official or designee.

**Section 2.** Chapter 16, Article 2, Section 17.B.5.a. of the Code is hereby amended to read in its entirety as follows:

- a. No more than 42 inches high between the front building line and the front property line. Walls shall not be solid except for retaining walls.

**Section 3.** Chapter 16, Article 2, Section 17.B.5.b. of the Code is hereby amended to read in its entirety as follows:

- b. No more than 42 inches high if located on a side yard line in the front yard; such area defined as being between the front building line and front property line, except if required for demonstrated unique security purposes, satisfactory to the Town building Official or designee. Fences and walls shall not be solid, except for retaining walls.

**Section 4.** Chapter 16, Article 2, Section 17.B.5.c. of the Code is hereby amended to read in its entirety as follows:

✓ Town of Timnath  
Community Development  
4800 Goodman Street  
Timanth, CO 80547

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- c. No more than 6 feet high for an opaque privacy fence located on a rear property line or on a side yard line in the rear or side yard, such area defined as being between the front building line and the rear property line.

**Section 5. Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.


**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 upon adoption at second reading, as provided by Section 3.5.5 of the Charter.


INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON FEBRUARY 20, 2008, AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY TITLE THIS 6th DAY OF FEBRUARY, 2008.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 20th DAY OF FEBRUARY, 2008.

TOWN OF TIMNATH, COLORADO

  
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Donna Benson, Mayor

ATTEST:

  
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Linda N. Salas, Town Clerk