

TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 73, SERIES - 2009

AN ORDINANCE AMENDING SECTIONS 10.4 AND 10.24.B OF THE TIMNATH MUNICIPAL CODE CONCERNING PENALTIES FOR VIOLATING THE GENERAL OFFENSES OF THE TOWN AND CONCERNING PARKING OF EXCESS WEIGHT VEHICLES AND RECREATIONAL VEHICLES ON PUBLIC RIGHTS-OF-WAY

WHEREAS, the Town of Timnath, Colorado (the "Town"), is a political subdivision of the State of Colorado organized and existing as a home rule municipality pursuant to Section 6 of Article XX of the Colorado Constitution and the home rule charter for the Town ("Charter"); and

WHEREAS, pursuant to its home rule authority, the Town possesses the authority to prohibit and punish criminal offenses; and

WHEREAS, the Town Council has previously adopted ordinances proscribing certain criminal conduct and providing penalties therefore, codified as Chapter 10 of the Timnath Municipal Code (the "Code"), entitled General Offenses; and

WHEREAS, The Town Council has also previously adopted a general penalty provision, applicable to all violations of the Code, codified as Code Sections 1.4.2 and 1.4.3; and

WHEREAS, the Town Council finds that it is desirable and appropriate to cross-reference the general penalty provisions of Code Sections 1.4.2 and 1.4.3 in the penalty provision set forth in Chapter 10; and

WHEREAS, the Town Council finds that the current requirement for the parking of excess weight vehicles and recreational vehicles on public rights-of-way is too restrictive; and

WHEREAS, the Town Council desires to provide additional time for residents to unload and clean their excess weight vehicles and recreational vehicles prior to placing the vehicles in more permanent storage.

✓ **Please Return to:**
Town of Timnath
4800 Goodman Street
Timnath, CO 80547

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH:

Section 1. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Council.

Section 2. Section 10.4 of the Code, concerning penalties for violating those general offenses set forth in Chapter 10, is hereby amended as follows:

10.4. Penalty

Failure to comply with the terms of this Chapter shall constitute a criminal violation. Any person who is found guilty of, or pleads nolo contendere to the violation of, a criminal violation shall be subject to the criminal penalties set forth in Sections 1.4.2 and 1.4.3 ~~1-72~~ of this Code.

Section 3. Section 10.24.B of the Code, regarding parking of excess weight vehicles and recreational vehicles on public rights-of-way, is hereby amended as follows:

10.24 Parking Restrictions for Excess Weight Vehicles and Recreational Vehicles

B. No boat, boat trailer, tractor, trailer, semi-trailer, motor home, bus or detached/dismounted camper shall be kept or parked upon any public right-of-way or roadway, except for periods not exceeding seventy-two (72) ~~twenty-four (24)~~ hours in any calendar month.

Section 4. 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 Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or any parts be declared unconstitutional or invalid.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer


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shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 6. 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 AUGUST 5, 2009, AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY TITLE THIS 22ND DAY OF JULY, 2009.

MOVED , SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON AUGUST 5, 2009.

TOWN OF TIMNATH, COLORADO



Donna Benson, Mayor

ATTEST:



Milissa McGuire, Town Clerk

