

**TOWN OF TIMNATH, COLORADO**

**ORDINANCE NO. 79, SERIES 2009**

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 1, GENERAL PROVISIONS, OF THE TIMNATH MUNICIPAL CODE**

**WHEREAS**, the Town Council of the Town of Timnath ("Town") pursuant to C.R.S. § 31-15-103 has the power to make and publish Ordinances; and

**WHEREAS**, pursuant to that power, the Town Council has previously enacted Chapter 1. of the Timnath Municipal Code ("Code"); and

**WHEREAS**, in order to ensure Chapter 1, reflects the desires of the Town and includes provisions which are fair to all in enforcement and applicability, the Town Council desires to repeal and reenact that Chapter.

**NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:**

**Section 1.** Chapter 1 is repealed and reenacted to read as follows:

**CHAPTER 1  
General Provisions**

**ARTICLE 1: Code**

- 1.1.1: Adoption of Code
- 1.1.2: Purpose
- 1.1.3: Title and scope
- 1.1.4: Adoption of codes by reference
- 1.1.5: Repeal of ordinances not contained in Code
- 1.1.6: Matters not affected by repeal
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RECEPTION#: 20090083130, 12/09/2009 at  
10:45:06 AM,  
1 OF 13, R \$66.00 TD Pgs: 0  
Scott Doyle, Larimer County, CO

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



- 1.3.8: Altering or tampering with Code; penalties for violation
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**ARTICLE 8: Liens**

- 1.8.1: Unpaid charges a lien

**ARTICLE 1: Code.**

**1.1.1: Adoption of Code.** (Ord. 11-2002, 7-2007)

The published code known as the Timnath Municipal Code, (sometimes referred to herein as the “Code”) of which one (1) copy is now on file in the office of the Town Clerk and may be inspected during regular business hours, is enacted and adopted by reference as a primary code and incorporated herein as if set out at length. This copy may be in digital format if a computer to review the digital format is available to the public. This primary code has been promulgated by the Town of Timnath, Colorado, as a codification of all the ordinances of the Town of Timnath of a general and permanent nature for the purpose of providing an up-to-date code of ordinances, properly organized and indexed, in published form for the use of the citizens and officers of the Town.

**1.1.2: Purpose.** (Ord 7-2007)

The Town Council finds, determines and declares that the ordinances codified in this Code are necessary for the general health, safety and welfare of the community.

**1.1.3: Title and scope.** (Ord 7-2007)

This Code shall be known as the Timnath Municipal Code. This Code constitutes the adoption, compilation, revision and codification of all the ordinances of the Town of Timnath, of a general and permanent nature.

**1.1.4: Adoption of codes by reference. (Ord, 7-2007)**

Secondary codes may be adopted by reference, as provided by state law.

**1.1.5: Repeal of ordinances not contained in Code. (Ord 7-2007)**

This Code contains all ordinances and portions of ordinances of general legislation which are of a permanent nature. All other ordinances of a general nature which are not included in this Code and portions of ordinances inconsistent with any provision of this Code to the extent of such inconsistency are hereby repealed as of the effective date of the ordinance adopting this Code, except as hereinafter provided.

**1.1.6: Matters not affected by repeal. (Ord 7-2007)**

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1.1.5 above shall not affect any offense committed or act done, any penalty or forfeiture incurred or any contract, right or obligation established prior to the time said ordinances and parts of ordinances are repealed.

**1.1.7: Ordinances saved from repeal. (Ord 7-2007)**

1. The continuance in effect of temporary and/or special ordinances and parts of ordinances, although omitted from this Code, shall not be affected by such omission there from, and the adoption of the Code shall not repeal or amend any such ordinance or part of any such ordinance. Among the ordinances not repealed or amended by the adoption of this Code are ordinances:

- a. Creating, opening, dedicating, vacating or closing specific streets, alleys and other public ways.
- b. Naming or changing the names of specific streets and other public ways.
- c. Establishing the grades of specific streets and other public ways.
- d. Establishing the grades or lines of specific sidewalks.
- e. Annexing territory to or excluding territory from the Town.
- f. Dedicating or accepting any specific plat or subdivision.
- g. Calling or providing for a specific election.
- h. Authorizing specific contracts for purchase of beneficial use of water by the Town.
- i. Approving or authorizing specific contracts with the State, the County, other governmental bodies, or with others.
- j. Authorizing a specific lease, sale or purchase of property.
- k. Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- l. Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.
- m. Setting rates, tolls and charges for any water, sewer, utility or proprietary fee, unless otherwise specifically set forth in this Code.
- n. Appropriating money.
- o. Levying a temporary tax or fixing a temporary tax rate.
- p. Relating to salaries.
- q. Amending the Official Zoning Map.
- r. Changes in ordinances previously adopted concerning items listed in numbers 1-17 above.

2. In compiling and preparing the ordinances of the Town for adoption and revision as part of the Code, certain grammatical changes and other changes were made in existing ordinances. It is the intention of the Town Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

**ARTICLE 2: Definitions and Usage.**

**1.2.1: Definitions.** (Ord 7-2007)

1. The following words and phrases, whenever used in the ordinances of the Town of Timnath and/or any codification of the same, shall be construed as defined in this Section, unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

*Board of Adjustment* means the Board of Adjustment of the Town of Timnath.

*Charter* means the Town of Timnath Home Rule Charter as amended from time to time

*C.R.S.* means Colorado Revised Statutes, including all amendments thereto

*Engineer* means the Town Engineer of the Town of Timnath.

*Law* denotes applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the Town, the Charter, rules and regulations of other entities with jurisdiction and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

*Manager* means the Town Manager of the Town of Timnath

*May* is permissive.

*Month* means a calendar month.

*Must and shall* are both mandatory.

*Oath* shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words swear and sworn shall be equivalent to the words affirm and affirmed.

*Ordinance* means a law of the Town; provided that a temporary or special law, administrative action, order or directive may be in the form of a resolution.

*Owner* includes any person who alone, jointly or severally with others or as agent, executor, trustee or other representative capacity has legal or equitable title to any property.

*Person* means natural person, joint venture, joint stock company, partnership, association, club, company, firm, corporation, business, trust or organization, or the manager, lessee, agent, representative, officer or employee of any of them.

*Personal property* is all property other than land and buildings attached to land. Cars, bank accounts, wages, securities, a small business, furniture, insurance policies, jewelry, patents, pets, and season baseball tickets are all examples of personal property. Personal property may also be called personal effects, movable property, goods and chattel.

*Planning Commission* means the Planning Commission of the Town of Timnath.

*Preceding and following* mean next before and next after, respectively.

*Premise* is a real estate term for land and the improvements on it, including a building, store, apartment, or other designated structure.

Property is anything that is owned by a person or entity, includes real and personal property.

*Real property* is land and things permanently attached to it, such as buildings, houses, stationary mobile homes, fences and trees. Real estate is also called real property. Anything that isn't real estate is personal property.

*Sidewalk* means the actual walkway and all of the area between the walkway and the pavement of the street, including but not limited to landscaped areas, drainage gullies and any other use of the area between the walkway and the street.

*State* means the State of Colorado.

*Statute* means Colorado Revised Statutes, including all amendments thereto.

*Street* includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the Town which have been or may hereafter be dedicated and open to public use for vehicular traffic; or such other public property so designated in any law of this State.

*Tenant and occupant*, applied to a building or land, includes any person who occupies all or a part of such building or land, whether alone or with others.

*Town* means the Town of Timnath, Colorado, or the area within the territorial limits of the Town of Timnath, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

*Town Council* means the Town Council of the Town of Timnath, Colorado.

*Written* includes printed, typewritten, photocopied or a facsimile, mimeographed or multigraphed, or otherwise reproduced in permanent visible form.

*Year* means a calendar year.

2. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such peculiar and appropriate meaning.

**1.2.2: Computation of time.** (Ord 7-2007)

Whenever a notice is required to be given or an act to be done a certain length of time before any proceedings shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted unless it is a Saturday, Sunday or legal holiday in which event the period shall run until the next day which is not a Saturday, Sunday or legal holiday. Whenever the period is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall not be counted in the computation.

**1.2.3: Title of office.** (Ord 7-2007)

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the Town, or his or her designated representative.

**1.2.4: Grammatical interpretation.** (Ord 7-2007)

The following grammatical rules shall apply to Town ordinances unless it is apparent from the context that a different construction is intended:

1. Any gender includes the other genders.
2. The singular number includes the plural and the plural includes the singular.
3. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

**ARTICLE 3: General.**

**1.3.1: Titles and headings not part of Code.** (Ord 7-2007)

Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code, may be inserted in supplements to the Code for the convenience of persons using the Code, and are not part of the Code.

**1.3.2: Authorized acts by agents, representatives.** (Ord 7-2007)

When an act is required by this Code or an ordinance, the same being such that it may be done as well by an agent or representative as by the principal, such requirement shall be construed to include all such acts performed by any authorized agent or representative.

**1.3.3: Construction of code.** (Ord 7-2007)

The provisions of this Code, and all proceedings under it, are to be construed with a view to affect their objectives and to promote justice.

**1.3.4: Repeal of ordinances.** (Ord 7-2007)

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

**1.3.5: Publication of ordinances.** (Ord 7-2007)

Publication of ordinances shall be governed by the Charter.

**1.3.6: Amendments to Code.** (Ord 7-2007)

Ordinances and parts of ordinances of a permanent and general nature, passed or adopted after the adoption of this Code, may be passed or adopted either in the form of amendments to the Code adopted with or without specific reference to the Code. However, in either case, all such ordinances and parts of ordinances shall be deemed amendments to the Code, and all of the substantive, permanent and general parts of said ordinances and changes made thereby in the Code shall be inserted and made in the Code as provided in Section 1.3.7 hereof.

**1.3.7: Supplementation of Code.** (Ord 7-2007)

1. The Town Clerk shall cause supplementation of the Code to be prepared and printed from time to time as the Clerk sees fit. All substantive, permanent and general parts of ordinances passed by the Town Council or adopted by initiative and referendum, and all amendments and changes in ordinances or other measures included in the Code prior to the supplementation and since the previous supplementation, shall be included.
2. It shall be the duty of the Town Clerk to keep up to date the copy of the book or digital format containing the Code required to be filed in the office of the Town Clerk for the use of the public.

**1.3.8: Altering or tampering with Code; penalties for violation.** (Ord 7-2007)

Any person who shall alter, change or amend this Code, except in the manner prescribed in this Article, or who shall alter or tamper with the Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby shall, upon conviction thereof, be punishable as provided by Section 1.4.2 of this Code.

**1.3.9: Severability.** (Ord 7-2007)

The provisions of this Code are declared to be severable, and if any section, provision or part thereof shall be held unconstitutional or invalid, the remainder of this Code shall continue in full force and effect, it being the legislative intent that this Code would have been adopted even if such unconstitutional matter had not been included therein. It is further declared that, if any provision or part of this Code, or the application thereof to any person or circumstances, is held invalid, the remainder of this Code and the application thereof to other persons shall not be affected thereby.

**1.3.10: Preparing Ordinances for Codification.** (Ord 7-2007)

In preparing ordinances to be included in the Timnath Municipal Code, the Town Clerk may correct obvious errors and inconsistencies including, but not limited to, correction of errors of punctuation, capitalization, grammar and spelling; correction of typographical errors; and correction of internal references. The Town Clerk shall make no change in the substance, effect, intent or meaning of any ordinance.

**ARTICLE 4: General Penalty.**

**1.4.1: Violations.** (Ord 7-2007)

It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required, in this Code.

**1.4.2: General penalty for violation.** (Ord 7-2007)

1. Unless otherwise specifically provided, whenever in this Code or any other ordinance of the Town or any section or an order, rule or regulation promulgated under the provisions of this Code or other ordinance of the Town any act is prohibited, made or declared to be unlawful, an offense, nuisance or misdemeanor, where no specific penalty is provided therefore, any person who shall be convicted of the violation of any such provision of this Code or other ordinance of the Town or of such orders, rules or regulations shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a period not exceeding one (1) year, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment for violation of any provision of this Code.
2. Except as hereafter provided, every person convicted of a violation of the Model Traffic Code for Colorado, as adopted by this Code, shall, in addition to administrative court costs which may be imposed, be punished by a fine not exceeding one thousand dollars (\$1,000.00); except any person convicted of violating Section 1101, Speed limits, when such person exceeded the lawful speed limit by twenty (20) miles per hour or greater, Section 1105, Speed contest, Section 1401(1), Reckless driving, Section 1409, Compulsory insurance, Section 1413, Eluding or attempting to elude a police officer, all being violations of the Model Traffic Code for Colorado as adopted by the Town, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both fine and imprisonment.
3. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Town or of this Code is committed, continued or permitted by any such person and shall be punished accordingly.

**1.4.3: Fines and penalties; plea of guilty or nolo contendere.** (Ord 7-2007)

Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge.

**1.4.4: Penalty for violations of ordinances adopted after adoption of Code.** (Ord 7-2007)

Any person who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in the Code by a supplement, shall, upon conviction thereof, be punishable as provided by Sections 1.4.2 or 1.4.3 unless another penalty is specifically provided for the violation.

**1.4.5: Interpretation of unlawful acts.** (Ord 7-2007)

Whenever in this Code any act or omission is made unlawful, it is also unlawful to cause, allow, permit, aid, abet or suffer such unlawful act or omission. Concealing or in any manner aiding in the concealing of any unlawful act or omission is similarly unlawful.



**1.4.6: Authority to suspend fines; assess court costs. (Ord 7-2007)**

The Municipal Judge shall have the authority to suspend all or any portion of any fine upon finding of good cause therefore. The Municipal Judge shall assess court costs as the Judge determines are reasonable.

**1.4.7: Authority to issue summons, complaints or penalty assessments (ord. 21-2007)**

For the purposes of this Code, tender by a peace officer or other service of a summons, complaint or penalty assessment notice shall constitute notice to the defendant to appear in Municipal Court at the time specified on such summons, complaint or penalty assessment notice or pay the required fine within the time specified and to appear in court at any further time set by the court for arraignment, trial or other hearings. No person shall fail to appear at such times or pay the fine within the time specified.

**ARTICLE 5: Inspections.**

**1.5.1: Entry. (Ord 7-2007)**

Whenever necessary to make an inspection to enforce any ordinance, or whenever there is probable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the Town, any public official of the Town may, upon presentation of proper credentials and upon obtaining permission of the occupant or if unoccupied, the owner, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him or her by ordinance. In the event the occupant, or if unoccupied, the owner, refuses entry to such building or premises, or the public official is unable to obtain permission of such occupant or owner to enter such building or premises, the public official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**1.5.2: Authority to enter premises under emergency. (Ord 7-2007)**

Law enforcement officers certified with the State, members of the Poudre Fire Authority, other fire departments operating under a mutual assistance agreement or automatic aid agreement with the Town, certified emergency medical technicians and paramedics during the course of employment with a governmental agency are hereby granted the authority to enter private residences within the Town without invitation from the occupant or occupants of the residence at any time such person has reasonable grounds to believe a medical emergency is in progress within the subject premises and the occupant or occupants of such premises are incapable of consenting to the entry because of such medical emergency.

**ARTICLE 6: Seal.**

**1.6.1: Seal description. (Ord 7-2007)**

The common seal of the Town shall be of circular shape in the center of which shall be the word "Seal" and with the words "The Town of Timnath, Colorado" surrounding the word "Seal," and said seal above described is hereby established and declared to be the seal of the Town.

**1.6.2: Town Clerk to be custodian of seal. (Ord 7-2007)**

Said seal shall be kept in the office of the Town Clerk, who shall be the custodian thereof. It shall be the duty of the Town Clerk to affix said seal to all instruments hereinafter mentioned;

provided, however, that any other person who shall have been specifically directed so to do by resolution of the Town Council may affix said seal to any such instrument.

**1.6.3: Seal to be affixed where.** (Ord 7-2007)

Said seal shall be affixed to all transcripts, orders or certificates which it may be necessary or proper to authenticate, under the provisions of the statutes in such cases made and provided, or any ordinance of the Town, and said seal shall be affixed to every contract or other instrument requiring the seal of the Town under any law of the State, or any ordinance of the Town.

**ARTICLE 7: Unclaimed Property.**

**1.7.1: Purpose.** (Ord 7-2007)

The purpose of this Article is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the Town.

**1.7.2: Definitions.** (Ord 7-2007)

Unless otherwise required by context or use, words and terms in this Article shall be defined as follows:

*Owner* means a person or entity, including a corporation, partnership, association, governmental entity other than the Town, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the Town.

*Unclaimed property* means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the Town and which has not been claimed by its owner for a period of more than two (2) years after it became payable or distributable.

**1.7.3: Surplus and obsolete property; definition.**

All items of surplus and obsolete property owned by the Town shall be disposed of by public sale or otherwise at the discretion of the Finance Department according to established administrative procedures approved by the Town Manager. For the purposes of this Section, *surplus and obsolete property* shall mean all items of personal property previously purchased by the Town or converted to Town use through the procedures described in this Section which in the judgment of the Finance Department are no longer useful or necessary for the efficient administration of Town affairs.

**1.7.4: Disposition of stolen property.**

1. The provisions in this Section shall control the disposition of all stolen property found, seized or otherwise delivered into the possession of the Town and remaining unclaimed by the lawful owner.

2. Upon a determination that property coming into the possession of the Town is stolen or as soon thereafter as is practicable, such property shall be delivered to the Chief of Police as custodian, who shall keep a record of all such property together with the date when and the place from which the property was obtained.

3. With respect to bicycles, any bicycle that is identified as stolen and that is no longer necessary as evidence in a criminal prosecution shall be disposed of in accordance with Section 1.7.7.

**1.7.5: Disposition of illegal property.**

Any property, the possession of which is illegal, including controlled substances or drug paraphernalia which is no longer of any evidentiary value in any pending criminal proceeding and the destruction of which has been authorized by court order pursuant to any applicable provisions of law, may be destroyed by the Chief of Police. For the purposes of this Section, *controlled substance* and *drug paraphernalia* shall have the same meaning as those set forth in Sections 12-22-303(7) and 18-18-426 through 18-18-428, C.R.S.

**1.7.6: Disposition of perishable or hazardous property.**

1. If any property seized or otherwise obtained by the Town is of a perishable nature or of such nature as to make it inadvisable in the opinion of the Chief of Police to retain possession, such property shall be forthwith advertised for sale at public auction with public notice to be published in a newspaper of general circulation throughout the Town or shall be advertised via electronic media not less than three (3) days prior to such sale, which notice shall contain the date, time and place of such sale and the reason for the immediate sale. At the discretion of the Financial Department, such public sale or auction may also take place via means of electronic media.

2. Notwithstanding the foregoing, nothing herein shall preclude the immediate disposal or destruction of property which in the judgment of the Chief of Police, or in the judgment of such other Town service director whose service area has obtained the property, presents an immediate danger to the health, safety or welfare of the community if otherwise retained in the possession of the Town for the period of time provided for herein or which by reason of its nature, condition or substance is not properly the subject of a sale.

3. Nothing contained in this Section shall be construed to refer to any impounded animals as may be provided for in any other Town ordinance.

4. For purposes of this Section, *electronic media* shall mean the Internet, the Town website or other widely available resource on the World Wide Web.

**1.7.7: Disposition of lost, abandoned or other unclaimed property.**

Except as otherwise specifically provided for by law or ordinance, any property seized or otherwise obtained by the Town and not sold or destroyed as perishable, hazardous or illegal property and which property has not been claimed by or surrendered to the rightful owner may be disposed of in the following manner:

1. All such property must first be retained for a period of no less than thirty (30) days from the date that possession was acquired by the Town;

2. After the expiration of such period of time and as soon thereafter as is practicable, the Finance Department Agent must cause to be published once in a newspaper of general circulation in the Town, or advertise via electronic media, a general description of the articles of property to be disposed of, which notice must contain the following information:

a. That a detailed list of each and all articles of such property is available and may be obtained from Finance, including the address and the hours during which such list may be obtained;

b. That if such property is not claimed by the rightful owner within ten (10) calendar days from the date of the publication, such property will become the property of the Town to be disposed of by public auction or otherwise, and if by public auction provide the date, place and location of any such public auction.

c. If within ten (10) days from the publication of the notice, no claim for such property described in the notice shall have been made by the rightful owner, such property shall become the property of the Town and shall be disposed of in the following manner:

3. Any property which was delivered to the Town, the possession or use of which is not illegal or dangerous, may be returned to the person who delivered the same to the Town. The Town shall thereupon relinquish any claim of ownership to such property and shall thereafter be relieved of any liability to the original owner of such property or any other person.

4. Any other such property may, in the discretion of the Finance Department Agent, be retained and used by the Town in the administration of Town affairs or for use in Town or community events or programs, so long as the use and distribution of such property is in accordance with the Finance Agent's established policies and guidelines approved by the Town Manager.

5. All other property shall be sold at public auction, including an auction via electronic media in the manner and upon the terms described in the

## **ARTICLE 8: Liens.**

### **1.8.1: Unpaid charges a lien. (Ord 7-2007)**

1. The amount of any fees and charges due the Town which are not paid shall be a lien upon the property for which any services or benefit was provided by the Town, giving rise to such charge. The owner of every building, premises, lot or house shall be liable for all fees and charges due the Town, which lien or liability may be enforced by the Town by action at law or suit to enforce the lien, and the owner thereof shall not be relieved of such obligations and lien for services provided to a tenant in possession of any premises or building and the Town shall not be required to look to any person whatsoever other than the owner for the payment of any charges. No change of ownership or occupation shall affect the application of this Article and the failure of any owner to learn that he or she purchased property against which a lien exists shall in no way affect his or her liability for such payment in full.

2. The amount due and in default shall, in addition to said right of enforcement by disconnection of service, become a lien of the property and premises so served to the amount of the charges from the date the same accrued and became due and payable. Said delinquent payments shall be enforced by assessment upon the property and premises so served and certification thereof to the County Treasurer for collection in the same manner as though they were part of the taxes.

**Section 2. Code Revision.** Because this Ordinance revises an entire Article of the Municipal Code, minor changes such as the format, numbering and other changes necessary to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

**Section 3. 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

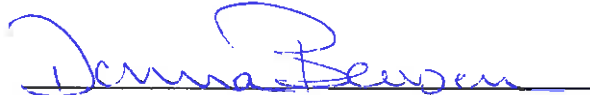
13  
declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.

**Section 4. Effective Date.** This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.


INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON NOVEMBER 18, 2009, AND SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON DECEMBER 2, 2009 AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 19TH DAY OF NOVEMBER, 2009.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON DECEMBER 2, 2009.

**TOWN OF TIMNATH, COLORADO**

  
\_\_\_\_\_  
Donna Benson, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Milissa McGuire, Town Clerk