

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 114, SERIES 2011

AN ORDINANCE OF THE TOWN OF TIMNATH TOWN COUNCIL AMENDING ARTICLE VII, SECTION 4.125 OF THE *TIMNATH MUNICIPAL CODE* WITH REGARD TO IMPACT FEES FOR PARTICULAR PUBLIC FACILITIES AND DISCONTINUING THE WIFI CAPITAL INFRASTRUCTURE IMPACT FEE

WHEREAS, on November 15, 2006, the Town Council of the Town of Timnath ("Town") approved Ordinance No. 21-2006, *An Ordinance of the Board of Trustees of the Town of Timnath Amending Article VII, Section 4.125 of the Timnath Municipal Code with Regard to Impact Fees for Particular Public Facilities and Establishing the WiFi Capital Infrastructure Expansion Account as the Depository Funds for the WiFi Capital Infrastructure Impact Fees Collected*, establishing a WiFi Capital Infrastructure Impact Fee and a separate account within the Town's capital improvement expansion fund known as the Wi-Fi Capital Infrastructure Expansion Account, for the purpose of funding capital improvements related to the provision of a Town-wide WiFi system; and

WHEREAS, the Town Council no longer wishes to impose a WiFi Capital Infrastructure Impact Fee or have a fund known as the Wi-Fi Capital Infrastructure Expansion Account; and

WHEREAS, the Town Council has determined that it is appropriate to amend the current schedule of capital improvement expansion fees to eliminate the WiFi Capital Infrastructure Impact Fee and to eliminate the Wi-Fi Capital Infrastructure Expansion Account; and

WHEREAS, the Town Council desires to delete subsection D entitled "WiFi Capital Infrastructure Impact Fee" of Section 4.125 of Article VII of the *Timnath Municipal Code*; and

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

Section 1. Amendment to the *Timnath Municipal Code*.

Subsection D of Section 4.125 of Article VII of the *Timnath Municipal Code*, entitled "WiFi Capital Infrastructure Impact Fee," is hereby repealed in its entirety as follows:

~~D. WiFi Capital Infrastructure Impact Fee.~~

- ~~1. There is hereby established a WiFi Capital Infrastructure Impact Fee which is imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of a Town-wide WiFi system. Such fee shall be payable prior to the issuance of any building permit for any structure. The amount of~~

~~such fee shall be \$181 per single family dwelling unit, \$96 per multifamily dwelling unit, and \$0.09 per square foot of commercial and industrial buildings.~~

- ~~2. All fees collected under this Section shall be deposited into a separate account within the capital improvements expansion fund to be known as the "WiFi capital infrastructure expansion account." This account shall be an interest bearing account, and any interest income earned on the fees shall be credited to the account. Funds withdrawn from the account shall be used only for the purposes specified in this Section and said expenditures shall be subject to the provisions of this Article."~~

Section 2. 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 3. 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 4. Effective Date.


This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Town's Home Rule 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.

[Signatures follow on page 3.]

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON JULY 5, 2011, AND SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON AUGUST 2, 2011 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 5TH DAY OF JULY, 2011.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON AUGUST 2, 2011.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk

