

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 2, SERIES 2013

**AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS,
ARTICLE 4, GENERAL PENALTY, SECTION 7, OF THE TIMNATH MUNICIPAL CODE
CONCERNING THE AUTHORITY OF THE TOWN'S CODE ENFORCEMENT OFFICER
TO ISSUE SUMMONS, COMPLAINTS OR PENALTY ASSESSMENTS.**

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, Article 4 of the Timnath Municipal Code ("Code"); and

WHEREAS, in order to ensure Chapter 1, Article 4 reflects the desires of the Town and includes provisions which are fair to all in enforcement and applicability, the Town Council desires to amend certain provisions of that Article.

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

Section 1. Amendments

Chapter 1, General Provisions, Article 4, General Penalty, Section 7, Authority to Issue Summons, Complaints or Penalty Assessments, is amended to read as follows:

1.4.7: Authority to issue summons, complaints or penalty assessments
(ord. 21-2007, 79-2009)

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.

Code Enforcement Officer; powers; certification not required.

- (a) The Town determines that it is necessary to hire a Code Enforcement Officer to enforce the ordinances of the Town pursuant to Sections 31-4-304 and 31-15-401, C.R.S.

- (b) The Code Enforcement Officer shall be empowered as a designee and representative of the Mayor pursuant to the ordinances of the Town to issue citations or summonses and complaints enforcing Town ordinances.
- (c) It shall not be a requirement by the Town that the Code Enforcement Officer be certified pursuant to the requirements of Part 3 of Article 31 of Title 24, C.R.S. (Ord. 6 §§1—3, 1996; Ord. __ §1, 2012)

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 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. 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 JANUARY 22, 2013 AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON FEBRUARY 12, 2013 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 22 DAY OF JANUARY, 2013.

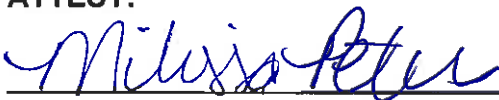
MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON FEBRUARY 12, 2013.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk



MUNICIPAL COURT, TOWN OF TIMNATH, STATE OF COLORADO

Amendment to the Order Revising Schedule of Fines and Bonds

Published by the Timnath Municipal Court - January 22, 2013

This Amendment to the Schedule of Fines dated September 11, 2009 is published pursuant to Court order and shall be prominently posted in the Timnath Town Hall pursuant to Colorado Municipal Court Rule 210(b)(5).

Pursuant to Colorado Revised Statute §13-10-113(1.5), the Timnath Municipal Court is a court of record and pursuant to Chapter I, Article IV, §1.4.2 for general offenses, any person convicted of violating a Municipal Ordinance may be incarcerated for a period of not to exceed one (1) year or fined an amount not to exceed \$1,000.00, or both. As a general matter, the Court will impose fines for specific violations within these parameters as follows:

<u>Timnath Municipal Code</u>	<u>Offense</u>	<u>Fine amount</u>
Mun.Code 7.2.5 (12) (Ord. 11-2002, 80-2009)	Weeds: First Offense Second Offense Third Offense Future Offenses	\$100.00 \$300.00 \$1,000.00 Mandatory court appearance
Mun.Code 7.1.1 (4) and 7.2.5 (5) (Ord. 80-2009 and Ord. 11-2002, 80-2009)	Inoperable Vehicle and Removal: First Offense Second Offense Third Offense Future Offenses	\$100.00 \$300.00 \$1,000.00 Mandatory court appearance
Mun.Code 7.1.1 (15) (Ord. 80-2009)	Trash: First Offense Second Offense Third Offense Future Offenses	\$100.00 \$300.00 \$1,000.00 Mandatory court appearance
Mun.Code 7.3.36.2 (Ord. 80-2009)	Keeping of Chickens: First Offense Second Offense Third Offense Future Offenses	\$100.00 \$300.00 \$1,000.00 Mandatory court appearance
Mun.Code 11.1 (Ord. 11-2002)	Removal of snow and ice: First Offense Second Offense Third Offense Future Offenses	\$100.00 \$300.00 \$1,000.00 Mandatory court appearance
Mun.Code 16.7	Signs: First Offense Second Offense Third Offense Future Offenses	\$100.00 \$300.00 \$1,000.00 Mandatory court appearance
Mun.Code 10.129 (Ord. 11-2002)	Noise (excessive noise): First Offense Second Offense Third Offense Future Offenses	\$100.00 \$300.00 \$1,000.00 Mandatory court appearance

Mun.Code 10.24 (Ord. 11-2002, 73-2009 and 88-2009)	Parking restrictions for excess weight vehicles and recreational vehicles:	First Offense Second Offense Third Offense Future Offenses	\$100.00 \$300.00 \$1,000.00 Mandatory court appearance
Mun.Code (all sections)	Misc. Other Offenses		Up to \$1,000.00

*Payment of fine is an admittance of guilt and requires that the violation be abated in addition to payment of the fine. The defendant may elect to not pay the fine and appear before the court to answer charges. The defendant is responsible for any and all court costs that may be incurred.

ORDER OF COURT

The Presumptive Amendment to the Schedule of Fines set forth on the attached Schedule is adopted by Order of the Court this ____ th day of _____, 2013, pursuant to Municipal Court Rule 210(b)5.

Stewart Olive, Timnath Municipal Judge

Milissa Peters, Timnath Municipal Court Clerk