TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 13, SERIES 2018

AN ORDINANCE ADDING CHAPTER 4, ARTICLE 8 - DEVELOPMENT REVIEW RELATED FEES TO THE TOWN OF TIMNATH MUNICIPAL CODE

WHEREAS, The Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the “Charter”) adopted on November 7, 2006 and the Town’s Municipal Code (the “Code”). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, the Town Council of the Town of Timnath amends the current Chapter 4 text by adding requirements for development projects to pay the cost for development review related fees and to cover the Town’s administrative costs associated with such development projects;

WHEREAS, The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and property and that this Ordinance is necessary for the protection of public convenience and welfare.

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

ARTICLE 1 - The Town Council hereby approves the following amendments to Chapter 4 of the Municipal Code:

Chapter 4 - Revenue and Finance
Article 8 - Development Review Related Fees

Sec. 4-8-10. Applicant to Pay Costs
Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule is adopted herein as Appendix 4-A of Chapter 4 of the Timnath Municipal Code and is available from the Town Office. In addition, the applicant shall pay the actual costs of mailing and publishing all notices required herein.

Sec. 4-8-20. Applicant Review Costs and Deposit
(a) In addition to the standard fees referred to in Section 4-8-10 above, the applicant and the owner of the property which is the subject of the application shall be required to pay any actual costs incurred by the Town for review of the application by consultants, including
but not limited to engineering, surveying, construction inspection, legal and planning, plus fifteen percent (15%) of such actual costs for Town staff administrative costs and supplies.

(b) The Town may require a deposit from applicants to offset the Town's costs for review prior to consideration of any application submittal pursuant to this Code. Subsequent deposits may be required when the initial deposits are depleted. Subsequent deposits may be required in excess of the fee. The amount of subsequent deposits may be established to be sufficient to cover the review costs of the Town for the following month. These deposits may exceed the total amount of fees collected.

(c) The Town shall not continue the processing of any application for which the applicant or the property owner has refused to deposit the funds to cover the Town's cost of review.

(d) Any funds deposited in excess of the fees remaining after paying the actual costs incurred by the Town shall be refunded to the applicant.

(e) The Town may certify to the County Treasurer any amount due pursuant to this paragraph as a lien on the property for which the application is submitted to be due and payable with the real estate taxes for the Town if the applicant or the property owner does not pay such amount within thirty (30) days of written request by the Town.

(f) The Town may require that the applicant enter into an agreement for payment of land use application review expenses incurred by the Town. Such agreement is available for review at the Town and may be administratively modified from time to time to reflect changes to the development process.

ARTICLE 2 – SEVERABILITY
If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 3 – CODE REVISIONS
Minor changes such as the format and other changes 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.

ARTICLE 4 – 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, ON JULY 10, 2018 AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON JULY 24, 2018 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH
COLORADO AND ORDERED PUBLISHED BY TITLE THIS 10TH DAY OF JULY 2018.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JULY 24, 2018.

TOWN OF TIMNATH, COLORADO

[Signature]
Jill Grossman-Belisle, Mayor

ATTEST:

[Signature]
Milissa Peters-Garcia, CMC
Town Clerk