TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 1, SERIES 2019

AN ORDINANCE AMENDING CHAPTER 4 OF THE MUNICIPAL CODE TO
INCORPORATE RIGHT-OF-WAY PERMIT PENALTY FEE AND UPDATE THE
ASSOCIATED FEE SCHEDULES THEREIN

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, on March 8, 2016 the Town of Timnath Town Council adopted Town of Timnath
Design Criteria Manual referencing Larimer County Urban Area Street Standards; and

WHEREAS, sidewalk and driveway approaches are being replaced without approval and
contrary to the adopted Criteria & Standards; and

WHEREAS, the Town Council of the Town of Timnath amends the current Chapter 4 text and
appropriate fee schedule to reflect a penalty for non-approved, nor per criteria, sidewalk
modifications; and

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 addition to the Chapter 11 fee
schedule from Appendix 4-A:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Description</th>
<th>Amount of Fee</th>
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<tbody>
<tr>
<td>11-2-180</td>
<td>Non-approved driveway approach and replacement fine</td>
<td>Up To $5000.00</td>
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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 JANUARY 8, 2019, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON JANUARY 22, 2019 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 8TH DAY OF JANUARY, 2019.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JANUARY 22, 2019.

TOWN OF TIMNATH, COLORADO

[Signature]
Jill Grossman-Belisle, Mayor

ATTEST:

[Signature]
Milissa Peters-Garcia, CMC
Town Clerk
Town of Timnath, CO
Residential Lot Driveway Approach Policy
January 2, 2019

In that the Town is experiencing substantial growth of residential subdivisions, and that the Town adheres to the Larimer County Urban Area Street Standards (LCUASS) which does allow for “driveway approach” construction based on specific criteria that meets current ADA criteria. The Town has specific requirements to minimize the removal and replacement of the previously installed curb, gutter and sidewalk by home builders/owners, and given that the number of homebuilders removing said existing improvements within the Town right of way and replacing said with driveway approaches without express permission from the Town has drastically increased, the Town hereby issues the following policy effective January 1, 2019.

1. Removal of existing drive over (mountable) curb and gutter with attached sidewalk and replacing it with a driveway approach is not allowed under any circumstance anywhere within the limits of the Town of Timnath.

2. Removal of existing drive over (mountable) curb and gutter with detached or no sidewalk and replacing it with a driveway approach is allowed but only for lots that are 0.5 acres (21,780 s.f.) or larger in size and meeting the following:
   a. Drive over (mountable) curb and gutter with detached walk with a minimum of a 4-foot tree lawn such that the detached sidewalk does not require lowering to meet ADA and LCUASS criteria.
   b. Drive over (mountable) curb and gutter with no sidewalk.
   c. All construction must be in accordance LCUASS Drawing 706.1

3. All requests for removal and replacement of curb and gutter for driveway approaches shall be made by submitting a Town of Timnath Right of Way Permit whether done so by the home builder at the time of the building permit submittal, or home owner after occupancy. Permit submission shall include a plan depicting the lot area, lot frontage, driveway location and width, and LCUASS detail 706.1

4. All work shall be completed by a contractor licensed with the Town.
5. All work shall be inspected and approved by the Town Engineer.
6. Any violation of this policy after January 1, 2019 will require removal of the non-approved driveway approach and replacement with the original curb, gutter, and sidewalk section as well as a fine of up to $5,000.00 to the responsible party.