

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 10, SERIES 2019**

**AN ORDINANCE OF THE TOWN OF TIMNATH REPEALING AND RE-ENACTING
CHAPTER 11, ARTICLE II, SECTION 11-2-200, JOINT TRENCHING, OF THE
TOWN'S 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 Legislature of the State of Colorado, has in Title 29, Article 20, C.R.S. delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses; and

WHEREAS, the State of Colorado has adopted higher standards for floodplain management and has required their adaptation by local governments; and

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

ARTICLE 1 - ENACTING

The Town Council hereby approves the following repealment and re-enactment of Chapter 11, Article II, Section 11-2-200, Joint Trenching to now read as follows:

- (a) At least ten (10) working days before a utility company or contractor opens a trench in Town Streets, other town property, or a public utility easement, the utility company or contractor shall notify the Town of the intention to open a trench. Upon the Town's request, the utility company or contractor shall meet with the Town as soon as reasonably possible after the Town's request, to discuss the feasibility of the Town safely participating in joint trenching for Town facilities and the feasibility of joint trenching with other utilities.
- (b) Joint trenching of multiple utilities within one common trench shall be considered whenever feasible to reduce the impact on public ROW and easements caused by repeated trenching. If joint trenching is not feasible, proof of technical or economic infeasibility shall be provided to the Town Engineer. The utility or contractor may, in the discretion of the Town Engineer, be required to circulate a description of the proposed excavation to other utilities. The utility or contractor shall be required to provide proof of notification of other utilities to the Town Engineer. In no case shall a utility or contractor unreasonably exclude other utilities from joint trenching.
- (c) Where a violation has occurred and trenching has not yet occurred, the Town Engineer may revoke the utility company or contractor's exaction permit in accordance with the provisions of Section 11-2-50. Where a violation has occurred and trenching has already occurred unlawfully, the Town Engineer may order the trench to be reopened to allow other utilities entry into the joint trench.

ARTICLE 2 – CAUSES OF ACTION RETAINED

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed.

ARTICLE 3 – 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 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 AUGUST 13, 2019, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON AUGUST 27, 2019 AT THE TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 27TH DAY OF AUGUST 27, 2019.


MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON AUGUST 27, 2019.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk

