TOWN OF TIMNATH, COLORADO  
ORDINANCE NO. 11, SERIES 2019  

AN ORDINANCE AMENDING CHAPTER 4 OF THE MUNICIPAL CODE TO AUTHORIZE TOWN COUNCIL THE ABILITY TO WAIVE IMPACT FEES

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 February 9, 2016 the Town of Timnath Town Council adopted Town of Timnath Impact Fees and Special Fees as per the Development Impact Fee Final Report prepared by BBC Research and Consulting; and

WHEREAS, the Town Council of the Town of Timnath amends the current Chapter 4 text to allow the Town Council to waive or reduce capital improvement expansion fees as deemed appropriate for the betterment of the Town; 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 amendments to Chapter 4:

Sec. 4-6-10. Establishment of Capital Improvement Expansion Fees: The provisions of this Article are intended to impose certain fees to be collected at the time of building permit issuance in an amount calculated as shown herein for the purpose of funding the provisions of additional capital improvements as the Town's population increases. The imposition of said fees is intended to regulate the use and development of land by ensuring that new growth and development in the Town bear a proportionate share of the costs of capital expenditures necessary to provide police services, parks, open space and trails, public buildings, transportation, and storm drainage. Said fees shall not be used to collect more than is necessary to fund such capital improvements. The fees provided for in this Article are based on the Town of Timnath Impact Fees and Special Fees Study dated November 11, 2015 which establishes a fair and equitable allocation of costs and recognize past and future payments for new development, as well as credits for construction, dedication of land or cash contributions. Funds collected from said fees shall not be used to
remedy existing deficiencies, but only to provide new capital improvements which are
necessitated by new development. The amount of revenue generated by said fees shall not
exceed the cost of providing the capital improvements for which they are imposed, and the same
shall be expended solely to provide the specified capital improvements. The Timnath Town
Council may, by resolution, authorize the waiver or reduction of certain Capital Improvement
Expansion Fees established herein and associated with any building permit as deemed
appropriate for the betterment of the Town.

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 OCTOBER 8, 2019, AND SET FOR PUBLIC
HEARING AND SECOND READING AT 6:00 P.M. ON OCTOBER 22, 2019 AT THE
TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO
AND ORDERED PUBLISHED BY TITLE THIS 22ND DAY OF OCTOBER 2019.

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

TOWN OF TIMNATH, COLORADO

Jill Grossman-Belisle, Mayor

ATTEST:

Milissa Peters-Garcia, CMC
Town Clerk