

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 20, SERIES 2025**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE “TIMNATH LAND USE
CODE, 2015 EDITION”, WHICH HAS BEEN ADOPTED BY REFERENCE INTO 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 adopted on November 7, 2006, as amended, (the “Charter”) 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, section 16-1-10 of the Code states that the Town has adopted by reference the Land Use Code of the Town of Timnath, Colorado (the “Land Use Code”), which is fully incorporated into the Code as fully set forth therein; and

WHEREAS, the Land Use Code was restated and reenacted in Ordinance 15, Series 2015 and has been amended 18 times since its reenactment; and

WHEREAS, the Town’s Community Development Director has proposed additional amendments to the Land Use Code, as set forth in the attachment hereto, related to enforcing the Land Use Code, including the administration of fines for violations of the Land Use Code and to reflect that the Town has a staff Community Development Director, separate from the Town Manager; and

WHEREAS, the Timnath Planning Commission held regularly a scheduled meeting and Public Hearing on October 7, 2025 and recommended changes contained in Land Use Code Amendment No. 19 to Town Council by 4-0 vote; and

WHEREAS, the Timnath Town Council held a regularly scheduled meeting and Public Hearing on October 28, 2025 and upon hearing the statements of staff and the public, and giving consideration to the recommendations wishes to adopt this amendment to the Land Use Code; 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:**

SECTION 1 - AMENDMENTS REGARDING ENFORCEMENT OF LAND USE CODE -
Section 2.7 of the Land Use Code shall be amended to make the following changes and additions (*new additions are underlined and deleted items have a strikethrough*).

2.7.2 Violations and Enforcement Procedures. It shall be unlawful to undertake any of the following activities:

- 2.7.2.1 Activities inconsistent with the Land Use Code. Erecting, constructing, reconstructing, remodeling, altering, maintaining, expanding, demolishing, moving, or using any building, structure, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign, or other regulation of the Land Use Code, including terms and conditions of all required approvals; or
- 2.7.2.2 Land disturbing activities inconsistent with the Land Use Code. Excavating, grading, cutting, clearing, or undertaking any other land disturbance activity contrary to the provisions of the Land Use Code or without first obtaining all requisite land use approvals required by the Land Use Code or other applicable regulations; or
- 2.7.2.3 Nonconforming uses or structures inconsistent with the Land Use Code. Creating, expanding, replacing; or changing a nonconforming use, structure, lot, or sign except in compliance with the Land Use Code; or
- 2.7.2.4 Making lots or setbacks nonconforming. Reducing or diminishing the lot area, setbacks, or open space below the minimum required by the Land Use Code; or
- 2.7.2.5 Increasing intensity of use. Increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of the Land Use Code; or
- 2.7.2.6 Activities inconsistent with permit. Engaging in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, or other form of authorization required to engage in such activity; or
- 2.7.2.7 Activities inconsistent with or failure to comply with conditions of any approval, final approved development plan, subdivision plat, permit or other form of approval by the Town. Failure to comply with any terms, conditions, or limitations placed by the Town upon improvements or requirements contained within any final development plan, subdivision plat, permit, or other form of approval by the Town; or
- 2.7.2.8 Conveyance. Any agreement to convey, or conveyance of any lot or unsubdivided parcel of land contrary to the provisions of this Code or prior to approval of a final plat by the Timnath Town Council. It shall be a separate violation for each lot or parcel of land sold; or
- 2.7.2.9 Activities inconsistent with an order of the Town. Failure to comply with any stop work order, abatement order, or any other order issued by the Town pursuant to the Land Use Code.

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- 2.7.4 Remedies and Enforcement Powers. Violations of this Code may be enforced in the Timnath Municipal Court or any other court with jurisdiction by any appropriate equitable, abatement, injunctive, or other legal action, ~~by abatement,~~ or by issuance of stop work orders, ~~by injunction and restraining order,~~ by revoking any permits or approvals issued, and by assessing any amounts due or ~~delinquent fines as taxes.~~ Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this Code. In addition, the Town shall have the following civil remedies and powers to enforce this Code:

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2.7.4.6 Fines. Any person, firm, corporation or legal entity that commits any act or omission in violation of any provision of the Land Use Code may be punished by a fine of not more than the maximum amount set forth in Town Code Sec. Sec. 16-1-20, plus court and administrative costs, as applicable. The fine shall be imposed by the Community Development Director.

...

~~2.7.9 Violations. Violations of this Code may be enforced in the Timnath Municipal Court or any other court with jurisdiction, by any appropriate equitable action, by abatement, by issuance of stop work orders, by injunction and restraining order, by revoking any permits or approvals issued, and by assessing any amounts due or delinquent fines as fees. Any one or any combination of the foregoing penalties and remedies may be used to enforce this Code.~~

SECTION 2 – AMENDMENTS REGARDING ROLE OF COMMUNITY DEVELOPMENT DIRECTOR

Section 2.5, 2.6 and 7.6.14 of the Land Use Code shall be amended to make the following changes and additions (*new additions are underlined and deleted items have a strikethrough*).

2.5 Town Manager.

~~2.5.1 Short Title. The Town Manager may also be referred to as the Manager. The Town Manager may also serve as the Community Development Director.~~

~~2.5.2 Duties and Responsibilities. It shall be the duty of the Manager to enforce the provisions of this Land Use Code and the regulations contained herein in the absence of the Community Development Director, and the Town Manager has the authority to exercise any authority of the Community Development Directors in his/her absence or if the position is vacant. No oversight or error on the part of the Manager or any employee of the Town shall legalize, authorize, or excuse the violation of any of the provisions in this Land Use Code.~~

~~2.5.3 Authority. The Manager shall have the authority to:~~

~~2.5.3.1 Interpret and apply the provisions set forth in this Land Use Code. When this Land Use Code does not specify what criteria are to be used in making a decision, the Manager shall approve an application, or approve it with conditions, if the Manager determines that:~~
~~C. The application complies with all applicable provisions of this Land Use Code, or if it does not comply with one or more provisions, that the body authorized by this Land Use Code to allow variations from those provisions has given its approval to the variations; and~~
~~D. The application is consistent with the Comprehensive Plan and all other plans approved by the Town Council, and is applicable to the property.~~

~~2.5.3.2 Make district boundary interpretations when uncertainty as to the district boundaries exists.~~

~~2.5.3.3 Delegate to any employee of the Town any responsibilities assigned to the Manager by this Land Use Code. The designee shall be subject to the same restrictions and standards as are applicable to the Manager.~~

~~2.5.3.4 Make land use interpretations when a specific land use is not defined or articulated in the Land Use Code. Such land use interpretations shall be based on like or comparable land uses defined in the code.~~

2.6 Community Development Director.

2.6.1 Short Title. The Community Development Director may also be referred to as the Town Planner and shall serve as the Zoning Administrator.

~~2.6.2 Duties and Responsibilities.~~

2.6.2.1

Authority. The Community Development Director shall have the authority to:

2.6.2.1 Interpret and apply the provisions set forth in this Land Use Code. When this Land Use Code does not specify what criteria are to be used in making a decision, the Community Development Director shall approve an application, or approve it with conditions, if the Community Development Director determines that:

€-A. The application complies with all applicable provisions of this Land Use Code, or if it does not comply with one or more provisions, that the body authorized by this Land Use Code to allow variations from those provisions has given its approval to the variations; and

Ð-B. The application is consistent with the Comprehensive Plan and all other plans approved by the Town Council, and is applicable to the property.

2.6.2.2 Make district boundary interpretations when uncertainty as to the district boundaries exists.

2.6.2.3 Delegate to any employee of the Town any responsibilities assigned to the Community Development Director by this Land Use Code. The designee shall be subject to the same restrictions and standards as are applicable to the Community Development Director.

2.6.2.4 Make land use interpretations when a specific land use is not defined or articulated in the Land Use Code. Such land use interpretations shall be based on like or comparable land uses defined in the code.

2.6.2.5 Such other duties and responsibilities as assigned by the Town Manager.

2.6.2.62-Designee. The term Community Development Director may also include his/her designee.

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7.6.14 Any sign (together with its supporting structure) now or hereafter existing which, 30 days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the Community Development Director ~~Town Manager~~ or designee upon good cause for such extension being shown. (This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business).

SECTION 3 – 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 anyone or parts be declared unconstitutional or invalid.

SECTION 4 – REPEAL

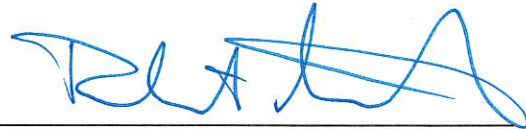
Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

ARTICLE 5 – EFFECTIVE DATE

This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, ADOPTED AND ORDERED PUBLISHED BY TITLE BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON OCTOBER 14, 2025, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON OCTOBER 28, 2025 AT THE TIMNATH ADMINISTRATION BUILDING, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO.

TOWN OF TIMNATH, COLORADO



Robert Axmacher, Mayor

ATTEST:



Milissa Peters, MMC

Town Clerk

