

FRASER
MUNICIPAL CODE

2007

A Codification of the General Ordinances
of the Town of Fraser, Colorado

Published by

COLORADO CODE PUBLISHING COMPANY
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Supplement No. 4

FRASER MUNICIPAL CODE

Supplement Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 371, 2010, adopted July 7, 2010.**

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Insert this instruction sheet behind the Supplementation Tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado

September 2010

Supplement No. 3

FRASER MUNICIPAL CODE

Supplement Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 361, 2009, adopted December 2, 2009.**

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Insert this instruction sheet behind the Supplementation Tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado

January 2010

SUPPLEMENT NO. 2

FRASER MUNICIPAL CODE

Supplement Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 347, 2008, adopted December 3, 2008.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado
May 2009

SUPPLEMENT NO. 1

FRASER MUNICIPAL CODE

Supplement Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 338, 2007, adopted December 19, 2007.**

Remove old pages:

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Insert this instruction sheet behind the Supplementation Tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado
January 2008

SUPPLEMENTATION

Supplements to this Code provide periodic updating through the removal and replacement of pages. This inter-leaf supplementation system requires that each page which is to be removed and replaced is identified so that the updating may be accurately accomplished and historically maintained.

Instructions for supplementation are provided for each supplement, identified by Supplement number, date and inclusive ordinance numbers. The Instructions for posting the removal and replacement of pages must be followed and accomplished in sequence, with the most recent supplementation posted **last**.

When supplementation is completed and the removal and replacement of all pages are accomplished, the Instructions should be placed under the Supplementation tab, behind this page, with the most recent Instruction sheet on top. Previous Instructions should not be removed, so that the user may refer to this tab section to verify whether the code book is fully updated with all supplements included.

The maintenance of a Municipal Code with all supplementation is an important activity which deserves close attention so that the value of the code is maintained as a fully comprehensive compilation of the legislative ordinances of the municipality.

AMENDMENTS

Amendments may be made to the Code by additions, revisions or deletions therefrom. Those changes may be made as follows:

Additions: Additions may be made by ordinance to the Code as follows:

The "Fraser Municipal Code" is amended by the addition thereto of a new Section 2-2-90, which is to read as follows:

(Set out full section number, title and contents)

or if the location of the new section number or numbers is undetermined, the Code may be amended as follows:

The "Fraser Municipal Code" is amended by the addition of the following:

(Set out section title and contents)

Revisions: A revision of the Code may be accomplished as follows:

Section 2-2-90 of the "Fraser Municipal Code" is repealed in its entirety and readopted to read as follows:

(Set out section number, title and entire contents of the readopted code section)

or as follows:

Section 2-2-90 of the "Fraser Municipal Code" is amended to read as follows:

(Set out section number, title and entire contents of the amended code section)

Repeal: Sections, articles and chapters may be repealed as follows:

Section 2-2-90 of the "Fraser Municipal Code" is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY

PREFACE

The Town of Fraser, a statutory town, has published its Municipal Code in a format which features the following:

The *Table of Contents* is the table containing each chapter and article title, with reference to page location. Preceding each chapter is a chapter table of contents, also identifying each article by the subject name provided.

The *three-place section numbering system* places the chapter number first, followed by the article number and section number, separated by hyphens. Each section may be cited by the chapter, article and section number which are in sequence within each chapter.

The *open chapter and page numbering system* creates reserved chapter and page numbers for expansion or revision of the code without undue complication when changes are made to the code by supplementation.

The *Disposition of Ordinances Table* identifies the source for the contents of the code. This table provides ordinance numbers in chronological order and location by section number for the present code contents. Thus, if there is interest in determining whether an ordinance, or a portion thereof, is contained within the code, the Disposition of Ordinances Table will provide that information. The *Table of Up-to-Date Pages* lists all of the current pages through the most recent supplementation.

The *Index* provides references by common and legal terminology to the appropriate code sections. Cross references are provided with the Index when appropriate.

Supplements to the code provide regular updating of the code to maintain it as a current compilation of all the legislation which has general and continuing effect. Without regular supplementation, the code would soon lose its usefulness as a complete source of the general law of the municipality. Supplementation is accomplished by the periodic publication of additions and amendments to the code.

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**STATE OF COLORADO
TOWN OF FRASER, COLORADO**

ORDINANCE NO. 330, 2007

AN ORDINANCE OF THE TOWN OF FRASER, ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF FRASER; INCORPORATING CERTAIN MINOR AMENDMENTS AS PART OF SAID MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Be It Ordained by the Board of Trustees of the Town of Fraser, Colorado:

Section 1. The Code entitled the *Fraser Municipal Code*, published by Colorado Code Publishing Company, consisting of Chapters 1 through 18, with Appendix, Tables and Index, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the Fraser Municipal Code, to the extent of such inconsistency, are hereby repealed. The repeal established in this Section 2 shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance. The following provisions of the prior Town Code are hereby repealed in their entirety: Chapter 10, Article 10-2 (Regional Planning Commission); and Chapter 11 (Fraser Planned Unit Development).

Section 3. The following secondary codes were previously adopted directly or by reference and incorporated in the Fraser Municipal Code. One (1) copy of each is on file in the Town Clerk's office:

(1) *The Model Traffic Code for Colorado*, 2003 edition, published by the Colorado Department of Transportation, as adopted and amended in Section 8-1-10 et seq.;

(2) *The International Residential Code*, 2000 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-1-10 et seq.;

(3) *The International Building Code*, 2000 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-1-10 et seq.;

(4) *The International Mechanical Code*, 2000 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-1-10 et seq.;

(5) *The International Plumbing Code*, 2000 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-1-10 et seq.;

(6) *The International Fuel Gas Code*, 2000 edition, published by the National Fire Protection Association, as adopted and amended in Section 18-1-10 et seq.;

(7) *The Uniform Code for the Abatement of Dangerous Buildings*, 1997 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-1-10 et seq.;

(8) The *International Fire Code*, 2000 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-2-10 et seq.

(9) The *Town of Fraser Street and Roadway Standards*, dated December, 2006, published by the Town of Fraser, as adopted by Ord. 329, 2007;

(10) The *Town of Fraser Water Utility Minimum Design Criteria and Construction Standards*, dated June, 2006, published by the Town of Fraser, as adopted by Ord. 329, 2007; and

(11) The *Grand County Storm Drainage Design and Criteria Manual*, Chapters 2–10, dated August 1, 2006, published by Grand County, Colorado, as adopted by Ord. 329, 2007.

Section 4. The penalties provided by the Municipal Code of the Town of Fraser are hereby adopted as follows:

(1) Sec. 1-4-10. General penalty for violation. (Chapter 1, Article 4, General Penalty)

It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Code; and where no specific penalty is provided therefor, the violation of any provision of this Code shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), by imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense.

(2) Sec. 2-4-70. Fine surcharge. (Chapter 2, Article 4, Municipal Court)

(a) Upon sentencing any offender for any violation of this Code, the Municipal Judge shall impose a surcharge of twenty-five percent (25%) of the fine imposed upon the offender. The Municipal Judge shall include such surcharge on any fine schedules in use or that he or she may Issue.

(b) The surcharge proceeds shall be paid over to the Town and placed and kept in a separate fund of the Town to be known as the Judicial and Police Education Fund. The fund shall be used for judicial and police educational and training purposes only, including the cost of food and lodging while at training events and the paying of overtime incurred during training functions.

(3) Sec. 6-2-30. Penalties. (Chapter 6, Article 2, Peddlers)

Any person convicted of perpetrating a nuisance as described and prohibited in Section 6-210 above, upon conviction thereof, shall be fined in a sum of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00), together with costs of proceedings, which said fine may be satisfied, if not paid in cash, by execution against the person of anyone convicted of committing the misdemeanor herein prohibited.

(4) Sec. 7-1-70. Violations and penalties. (Chapter 7, Article 1, Administration and Abatement of Nuisances)

Any person convicted of maintaining a nuisance under this Chapter or who, being the owner, occupant or agent in charge of such lot, building, fence, structure, premises or place and

fails or refuses to abate the nuisance within twenty-four (24) hours after being ordered to do so by the Board of Health, Chief of Police or other officer of the Town, shall be deemed guilty of a misdemeanor and, upon conviction, in addition to all legal remedies available for the enforcement of this Chapter, such as injunctions and mandatory restraining orders and any other relief, shall be punishable by a fine not exceeding one hundred dollars (\$100.00) for each separate offense. Every period of forty-eight (48) hours of continuance of the nuisance shall be a separate offense without need for separate notice for the second and subsequent offenses of the same continuing nuisance.

(5) Sec. 7-5-70. Penalties and enforcement. (Chapter 7, Article 5, Air Pollution Control)

(a) Any person admitting liability for, found to be guilty of or against whom a default judgment has been entered for a violation of this Article shall be subject to a civil penalty of not more than one thousand dollars (\$1,000.00). Each and every day a violation of this Article exists shall be deemed a separate offense, for which a separate civil penalty may be imposed. Proceedings for the determination of such liability and imposition of such civil penalty shall be conducted in the Municipal Court in the same manner as proceedings relating to noncriminal traffic infractions, in accordance with the provisions of Chapter 8, Article 1 of this Code. In no case shall any defendant found guilty of any violation of this Article be punished by imprisonment for such violation.

(b) In addition to other remedies provided by law, the Board of Trustees may take such action as is available for nuisance abatement under the laws of the State and the Town, to prevent, enjoin, abate or remove any such violation or threatened violation of this Article.

(6) Sec. 7-6-140. Penalties and enforcement. (Chapter 7, Article 6, Animals)

(a) Any person admitting liability for, found to be guilty of, or against whom a default judgment has been entered for a violation of this Article, shall be subject to a civil penalty of not more than one thousand dollars (\$1,000.00). Proceedings for the determination of such liability and imposition of such civil penalty shall be conducted in the Municipal Court in the same manner as proceedings relating to noncriminal traffic infractions, in accordance with the provisions of Chapter 8, Article 1 of this Code. In no case shall any defendant found guilty of any violation of this Article be punished by imprisonment for such violation.

(b) Any person charged with a violation of the County animal control regulations shall be subject to the penalties provided in those regulations.

(7) Sec. 8-1-70. Penalties. (Chapter 8, Article 1, Model Traffic Code)

The following penalties shall apply to traffic offenses and infractions under this Article:

(1) Any person convicted of a criminal traffic offense, as defined in Subsection 8-140(a) above, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment.

(2) Any person admitting liability for, found to be guilty of or against whom a default judgment has been entered for any noncriminal traffic infraction, as defined in Subsection 81-40(b) above, shall be fined in an amount not exceeding one thousand

dollars (\$1,000.00). No defendant found to be guilty of any noncriminal traffic infraction shall be punished by imprisonment for such infraction.

(8) Sec. 8-3-120. Penalties and enforcement. (Chapter 8, Article 3, Snowmobiles)

Any person admitting liability for, found to be guilty of or against whom a default judgment has been entered for a violation of this Article shall be subject to a civil penalty of not more than one thousand dollars (\$1,000.00). Proceedings for the determination of such liability and imposition of such civil penalty shall be conducted in the Municipal Court in the same manner as proceedings relating to noncriminal traffic infractions, in accordance with the provisions of Article 1 of this Chapter. In no case shall any defendant found guilty of any violation of this Article be punished by imprisonment for such violation.

(9) Sec. 10-3-30. Unlawful possession or use of marijuana; penalties. (Chapter 10, Article 2, Controlled Substances)

(a) It shall be unlawful for any person to possess or openly display one (1) ounce or less of marijuana anywhere within the Town.

(b) It shall be unlawful for any person to consume, ingest or use any amount of marijuana anywhere in the Town.

(c) Consumption of marijuana shall be deemed possession thereof, and violations shall be punished as proved for in Subsection (d) below.

(d) Any person found guilty of a violation of this Section shall be punished as follows:

(1) For a violation concerning possession of not more than one (1) ounce of marijuana, and upon conviction thereof, shall be fined an amount as determined by the Municipal Judge, not to exceed one hundred dollars (\$100.00).

(2) For a violation concerning consumption, ingestion or use of any amount of marijuana, and upon conviction thereof, shall be fined an amount as determined by the Municipal Judge, not to exceed one hundred dollars (\$100.00).

(10) Sec. 10-3-40. Unlawful possession of drug paraphernalia; penalties. (Chapter 10, Article 2, Controlled Substances)

(a) A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used to facilitate the use of a controlled substance in violation of state statutes.

(b) For a violation concerning possession of paraphernalia, and upon conviction thereof, the violator shall be fined an amount as determined by the Municipal Judge, not to exceed one hundred dollars (\$100.00).

(11) Sec. 11-1-40. Penalty. (Chapter 11, Article 1, Snow Removal)

(a) It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with this Article; the violating of this Article shall be punished as provided in Section 1-410 of this Code. In addition, if a person damages the Town sidewalks, roadways, driveways constructed as continuation of sidewalks, curbs, curbwalks, bike or pedestrian paths, drainage

swales, trees in sidewalks or street lights, he or she shall be totally responsible for all costs of the Town in repairing said sidewalks, driveways constructed as continuation of sidewalks, curbs, curbwalks, bike or pedestrian paths, asphalt, concrete, drainage swales, trees in the sidewalks or street lights, and shall promptly pay the costs thereof upon notification by the Town of the cost.

(b) In the event that a person does not pay such costs, the Town at its sole option may sue for the cost, together with reasonable costs of collection including attorneys' fees, or certify to the County Assessor the amount due which shall become a lien against the property, if the person involved is the owner or tenant, which shall be certified to the County Treasurer for collection in the same manner as other general property taxes are collected. Such costs and expense required to be paid shall accrue interest at one and one-half percent (1.5%) per month commencing thirty (30) days after first due. In addition, the Town may enforce this Article by injunction, mandatory restraining orders and any other equitable or legal relief available to it.

(12) Sec. 13-1-50. Penalties and enforcement. (Chapter 13, Article 1, Utility Installations)

(a) Every person convicted of a violation of any provision of this Article shall be punished as set forth in Section 1-4-10 of this Code.

(b) In the event of any violation or threatened violation of this Article, the Board of Trustees or its designee may, in addition to other remedies provided by law, institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such violation or threatened violation.

(13) Sec. 13-2-270. Late payment charges. (Chapter 13, Article 2, Water System)

Water accounts are billed at the beginning of the quarter and shall be delinquent by the twenty-fifth day of the ending month in the quarter. Accounts not paid by the twenty-fifth day of the ending month in the quarter will be assessed a finance charge of two percent (2%) per month for each month or portion thereof from the beginning of the quarter on the unpaid portion of the balance due.

(14) Sec. 13-2-360. Violations. (Chapter 13, Article 2, Water System)

Failure to comply with the terms of this Article by failure to pay the necessary fees, charges and taxes and failure to otherwise comply with the terms of this Article shall constitute an offense and a violation thereof. Every person violating this Article shall be punished, upon conviction, by a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), or by imprisonment for not more than ten (10) days, or both such fine and imprisonment for each offense. Delinquency for each calendar month shall constitute a separate offense.

(15) Sec. 13-3-90. Violation and penalty. (Chapter 13, Article 3, Water Supply Protection District)

(a) Violations. Violations of the provisions of this Article shall be a misdemeanor and punishable in accordance with the provisions of Section 1-4-10 of this Code.

(b) Actions. Any activity which is continued, operated or maintained contrary to any provision of this Article is unlawful. The Town may institute injunction, abatement or any

other appropriate action to prevent, enjoin, abate or remove such violation, in which event the Town shall be entitled to recover court costs and attorney's fees.

(c) Remedies. The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(16) Sec. 16-4-530. Application and review procedure. (Chapter 16, Article 4, B Business District)

Applications for uses permitted by special review shall be submitted and reviewed pursuant to the following process:

(1) Preapplication conference.

a. Prior to the formal submittal of any request for approval of a use permitted by special review in the B District, an informal preapplication conference shall be held between the applicant and Town staff. This conference will serve to acquaint the applicant with the requirements of the B District and to allow the Town staff to become familiar with the applicant's development intent and design philosophy.

b. A schematic site plan and building concept drawings will aid in discussion at this conference; however, the applicant is encouraged not to prepare detailed designs which might require extensive revision as a result of the preapplication conference. The applicant should bring the following information to the conference:

1. General project concept.
2. Specific uses proposed, including building size, location and parking.
3. Site plan concepts including landscaping, irrigation, grading, lighting and Signs.
4. An exterior materials package including roof material and color, wall material and color, etc.
5. Proposed construction time line.

(2) Review and decision.

a. Subsequent to the preapplication conference, an application with the required materials shall be filed with the Town. Only complete submittals will be accepted.

b. The application will be reviewed pursuant to the B District development permit process set forth in Division 2 of this Article with the exception that the application must be submitted thirty (30) days preceding the Planning Commission hearing. The application shall be considered a "major proposal" within the meaning of Sections 16-4-120 and 16-4-130 of this Article; provided, however, that the decision of the Planning Commission under Section 16-4-160 shall be in the form of a recommendation to approve, approve with conditions or deny the application.

c. Subsequent to receipt of the Planning Commission's recommendation, the Board of Trustees shall hold a public hearing on the application, notice of which

shall be given by publication in the same manner as required by Section 16-13-10 of this Chapter for amendments to the zoning ordinance, such published notice to be the responsibility of the Town. At least fourteen (14) days prior to the hearing date, notice of the hearing shall be sent to all owners of property within two hundred (200) feet of the property in question by certified mail, return receipt requested, such mailed notice to be the responsibility of the applicant. Within thirty (30) days of completion of the hearing, the Board of Trustees shall act to approve, approve with conditions or deny the application. The decision of the Board is final, subject to judicial review.

(3) Permits; duration and conditions; amendments; variances.

a. A use permitted by special review is valid so long as the conditions of approval are maintained by the applicant, unless a specific time limit for the use is set forth as part of the permit approval. If an approved use ceases operation for any reason for a period of one (1) year, the use permitted by special review shall be deemed expired, unless otherwise provided in the permit itself.

b. If the conditions of a use permitted by special review become the responsibility of a person or entity other than the applicant, the Town staff shall be notified in writing, identifying the new person or entity responsible for maintaining the conditions of the permit. Until such notice is received, the applicant shall remain responsible for maintaining the permit conditions. The notice shall be attached to the permit on file with the Town staff. However, it is the intention of this Subparagraph b. that the property owner remain responsible for compliance with permit conditions.

c. Failure to maintain the permit conditions shall be considered a violation of this Division and, in addition to the penalties provided for violations of this Code, shall subject the permit holder to revocation.

d. No approved use permitted by special review may be modified, structurally enlarged or expanded in ground area, unless such modification, enlargement or expansion receives the prior approval of the Town, which shall be obtained by submitting a new application for review under the procedures provided by this Division. Such application shall be submitted to and processed by the Town in the same manner as applications for the original permit itself; provided, however, that, at the preapplication conference, the applicant and Town staff shall agree upon the extent of submission requirements pertinent to the application. In the event that the applicant disagrees with the Town staff's decision with respect to the extent of the submission requirements, such disagreement may be preserved by the applicant as a part of its application for amendment, and the Planning Commission and Board of Trustees shall recommend and decide upon that appeal as a part of their decision on the amendment application itself.

e. The applicant may request a variance from or modification of the requirements applicable to the particular use by special review. Any such request shall be made as part of the application documents required for the application itself or after approval of such application. The request shall be considered by the Planning Commission as a part of its recommendation to the Board of Trustees. The

Board of Trustees, in its sole discretion, shall determine whether and to what extent such variance request shall be approved. The request for a variance must describe, and the Board of Trustees in granting such a variance must find, that all of the following conditions exist:

1. That satisfactory proof has been presented to show that the request is reasonably necessary for the convenience or welfare of the public;
2. That the variance would not authorize any use other than the use permitted by special review as described in the permit;
3. That unnecessary hardship to the applicant would be shown to occur if the variance were not granted; or that the application seeks a more cost-effective or technologically superior approach to some aspect of the use permitted by special review;
4. That the variance would not injure the value, use of or proper access to light and air of adjacent properties;
5. That the variance is the minimum variance necessary to accomplish the intended purposes; and
6. That the variance would not be out of harmony with the intent and purpose of this Division, this Chapter and all other ordinances and regulations of the Town.

The procedure for consideration of variances generally at Article 12 of this Chapter shall not apply to variances and amendments of uses permitted by special review.

(17) Sec. 16-4-570. Design guidelines. (Chapter 16, Article 4, B - Business District)

The following design guidelines must be satisfied in connection with the approval, construction and continued operation of mechanical wastewater treatment plants as a use permitted by special review under this Division:

- (1) Maximum height: Thirty (30) feet above treated sludge conveyor and loading areas; twenty (20) feet above all other plant components; measured pursuant to the definition of height of building set forth in Section 16-1-40 of this Chapter.
- (2) Color: A color palette for all proposed structures and features shall be submitted to and approved by the Planning Commission and Board of Trustees at the time of permit application. The color palette shall be designed to permit flexibility to the applicant in designing the facility, while at the same time rendering the facility as visually unobtrusive as possible. The same or similar building materials and colors shall be used on main structures and any accessory structures upon the site. Exterior wall colors should be compatible with the site and complementary to the materials used, the surrounding environment and the context of the neighborhood.
- (3) Exterior building materials: Exterior materials and architectural forms shall include two (2) or more materials in addition to roofing and structure materials. The principal materials used on building facades should be wood (including siding), stone, brick, stucco, pre-cast concrete with an architectural finish, split face block or other

material or facade acceptable to the Town. The facades of buildings must be broken up. Long, blank walls and roof lines must be avoided. All exterior wall materials must be continued down to finished grade, thereby eliminating unfinished foundation walls. The back of a building must have the same overall design as the front of a building. Exterior materials shall be approved by the Planning Commission and Board of Trustees.

(4) Prohibited external building materials: Metal.

(5) Roofs: Flat roofs are prohibited. All roofs must have a pitch of not less than two and one-half (2½) inches to twelve (12) inches.

(6) Noise and odor:

a. It is the intent of the Board of Trustees to regulate activities contributing or potentially contributing to the degradation of usage of property and of air quality within the Town limits in order to preserve public health, safety and welfare. Accordingly, no noise or odor shall emanate beyond the portion of the property used for wastewater treatment which interferes with the reasonable and comfortable use and enjoyment of property.

b. The applicant shall submit, as part of its application, a plan for controlling and containing noise and odor on the site, and for measuring compliance with that plan. The plan, if and when approved by the Board of Trustees, shall become a permit condition and a condition of permit approval.

c. Determination of a violation. A violation of either the noise or odor requirements of this Paragraph shall be determined only in the event that the Town has received complaints from a resident, a visitor or Town staff. The Town or its designated representative shall investigate the complaint and make a determination of whether the standards set forth herein have been violated. If a violation is found, the permit holder, at the Town's direction, shall forthwith take action to remedy or remove the condition causing the violation. The permit holder shall have fifteen (15) days, or such other period of time as may be determined by the Town, in which to cure the violation in a manner acceptable to the Town. Failure to so cure the violation may result in assessment, in the sole discretion of the Town, of reasonable civil fines and penalties, or the filing of a complaint in Municipal Court.

(7) Storage and removal of treated sludge: No treated sludge shall be stored on site except in the plant's primary structure. The removal of treated sludge shall occur at times mutually agreed upon by the applicant, the Planning Commission and the Board of Trustees.

(8) Wastewater treatment facility: All components of the wastewater treatment facility, with the exception of the treatment basins, shall be enclosed within a permanent structure. Treatment basins may be uncovered, covered by a permanent structure or beneath a suitable floating cover, the design and color of which shall be permitted as a part of the use permitted by special review permit.

(18) Sec. 17-1-110. Enforcement, violations and penalties. (Chapter 17, Article 1, General Provisions)

(a) It shall be the duty and responsibility of the Board of Trustees, or a designated representative, to interpret and enforce the provisions of these regulations.

(b) No owner, or agent of the owner, of any lot located in a proposed subdivision shall sell, agree to sell or negotiate to sell any lot, or portion thereof, before a final plat, as-built plat (if applicable) or subdivision exemption plat has been approved by the Planning Commission and Board of Trustees in accordance with the provisions of these regulations and recorded in the office of the County Clerk and Recorder.

(c) No permits shall be issued for the construction of any building or other improvements requiring a permit, nor shall any certificate of occupancy be granted, for any land for which a subdivision plat is required by these regulations, unless and until all requirements of these regulations have been complied with.

(d) It is unlawful to erect, construct, reconstruct, use or alter any building or structure or to use any land in violation of these regulations, and any person who violates this provision shall be subject to a fine and imprisonment as provided in Subsection (e) below.

(e) Any person who violates any of these regulations shall be punished as set forth in Section 1-4-10 of this Code.

(f) Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described in Subsection (e) above.

(19) Sec. 18-1-40. Penalties and enforcement. (Chapter 18, Article 1, Building Codes)

(a) It shall be unlawful for any person, as defined in said codes, to erect, construct, enlarge, alter, repair, move, improve, remove, connect, demolish, equip, use, occupy or maintain any building or structure in the Town in violation of or contrary to any of the provisions of this Article or said codes adopted herein. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense.

(b) Every person convicted of a violation of any provision of this Article or the codes adopted herein shall be punished as set forth in Section 1-4-10 of this Code.

(c) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used or maintained in violation of this Article or the codes adopted herein, the Board of Trustees may, in addition to other remedies provided by law, institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use.

(20) Sec. 18-2-40. Penalties and enforcement. (Chapter 18, Article 2, Fire Code)

(a) Every person convicted of a violation of any provision of this Article or the codes adopted herein shall be punished as set forth in Section 1-4-10 of this Code.

(b) In any case where the Town has contracted with the Fire District for enforcement of said codes and the Board of Directors of the Fire District, on the recommendation of the Fire Marshal of the District, believes that a violation of said codes or this Article has occurred and a summons and complaint should be issued, it shall report such violation to the Town. Upon authorization of the Board of Trustees, the summons and complaint may be issued in the Municipal Court.

(c) In the event of any violation or threatened violation of this Article or the codes adopted herein, the Board of Trustees may, in addition to other remedies provided by law, institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such violation or threatened violation.

(21) Sec. 18-3-140. Penalties. (Chapter 18, Article 3, Grading, Excavation and Fill Permits and Regulations)

Every person convicted of a violation of any provision of this Section shall be punished as set forth in Section 1-4-10 of this Code. Additionally, the convicted person may be required to replace the graded, excavated or filled land to its original condition.

(22) Sec. 18-4-80. Penalties and enforcement. (Chapter 18, Article 4, Flood Damage Prevention Regulations)

(a) Every person convicted of a violation of any provision of this Article or the codes adopted herein shall be punished as set forth in Section 1-4-10 of this Code.

(b) In the event of any violation or threatened violation of this Article, the Board of Trustees may, in addition to other remedies provided by law, institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such violation or threatened violation.

Section 5. Certain sections of said Municipal Code referred to in Section 1 hereof include nonsubstantive changes relating to headings, clerical and typographical corrections or modifications, or similar administrative matters, which are not reproduced in this Ordinance. Those sections which contain substantive amendments, in addition to the penalty provisions set forth above, are reproduced in Exhibit "A" attached hereto and incorporated herein by this reference, which amended sections are hereby adopted in their entirety.

Section 6. Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 7. Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

Section 8. Because of the immediate need to put the Municipal Code into effect and proceed with other pressing business of the Town, it is hereby declared that an emergency exists, that this

Ordinance is necessary to the immediate preservation of the public peace, health and safety, and that it shall be in full force and effect immediately upon adoption.

Section 9. This Ordinance shall be published by title only.

INTRODUCED this 18th day of April, 2007.

ATTEST: TOWN OF FRASER, COLORADO

/s/

Fran Cook, Mayor

/s/

Lu Berger, Town Clerk (SEAL)

ADOPTED AND ORDERED PUBLISHED on the 16th day of May, 2007.

ATTEST: TOWN OF FRASER, COLORADO

/s/

Fran Cook, Mayor

/s/

Lu Berger, Town Clerk

(SEAL)

APPROVED AS TO FORM:

/s/

Rodney R. McGowan, Town Attorney

Editor's Note: Exhibit "A" referenced in Section 5 above is attached to Ordinance 330, 2007, a copy of which is available in the Town Clerk's office.

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