

CHAPTER 1

General Provisions

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ARTICLE 1**Code****Sec. 1-1-10. Adoption of Code.**

The published code known as the *Fraser Municipal Code*, published by Colorado Code Publishing Company, of which one (1) copy is now on file in the office of the Town Clerk and may be inspected during regular business hours, is enacted and adopted by reference as a primary code and incorporated herein as if set out at length. This primary code has been promulgated by the Town of Fraser, Colorado, as a codification of all the ordinances of the Town of Fraser of a general and permanent nature through Ordinance No. 330, 2007, for the purpose of providing an up-to-date code of ordinances, properly organized and indexed, in published form for the use of the citizens and officers of the Town. (Ord. 330 §1, 2007)

Sec. 1-1-20. Title and scope.

The provisions embraced in this and the following chapters, articles and sections shall constitute and be designated as the Code of the Town of Fraser, Colorado, and may be so cited. This Code may also be cited as the *Fraser Municipal Code*. (Prior code 1-1-1)

Sec. 1-1-30. Repeal of ordinances not contained in Code.

All existing ordinances and portions of ordinances of a general and permanent nature which are inconsistent with any ordinance included in the adoption of this Code are hereby repealed to the extent of any inconsistency therein as of the effective date of the ordinance adopting this Code, except as hereinafter provided. (Ord. 330 §1, 2007)

Sec. 1-1-40. Matters not affected by repeal.

The repeal of any ordinance or part thereof by the adoption of this Code shall not affect, deny, abridge or impair any right, action or cause of action accruing or arising under the ordinance or section so repealed, and such right, action or cause of action may be prosecuted to a final determination notwithstanding such repeal. No offense committed and no fine, forfeiture or penalty incurred before any ordinance or part thereof is repealed by this Code shall be affected, released or in any way discharged by such repeal; but the trial, conviction and punishment for any such offense and the recovery of fines, forfeitures and penalties shall be had in all respects as if the repealed provisions had remained in force. (Prior code 1-1-7)

ARTICLE 2**Definitions and Usage****Sec. 1-2-10. Definitions.**

The following definitions shall be observed in the interpretation and construction of this Code unless expressly provided otherwise in any chapter, article or section of this Code, or unless inconsistent with the manifest intent of any provision of this Code or unless the content clearly requires otherwise:

Board of Trustees means the Board of Trustees of the Town of Fraser, Colorado, consisting of one (1) Mayor and six (6) Trustees.

Code means the Code of the Town of Fraser, Colorado.

County means the County of Grand, Colorado.

C.R.S. means the Colorado Revised Statutes, including all amendments thereto.

Law denotes applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the Town and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

Oath shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words *swear* and *sworn* shall be equivalent to the words *affirm* and *affirmed*.

Ordinance means a law of the Town; provided that a temporary or special law, administrative action, order or directive may be in the form of a resolution.

Owner, applied to land or a building, includes any part owner, joint owner, tenant in common or joint tenant in the whole or a part of said building or land.

Person means a natural person, joint venture, joint stock company, partnership, association, club, company, firm, corporation, business, trust or organization or any other legal entity, and the manager, lessee, agent, servant, officer or employee of any of them.

Real property includes lands, tenements and hereditaments.

State means the State of Colorado.

Street includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the Town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

Town means the Town of Fraser, Colorado, or the area within the corporate limits of the Town of Fraser, Colorado, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision. (Prior code 1-1-2; Ord. 330 §1, 2007)

Sec. 1-2-20. Computation of time.

In computing any period of time prescribed within this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Sunday or a legal holiday. (Prior code 1-1-3)

Sec. 1-2-30. Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the Town, or his or her designated representative. (Prior code 1-1-3; Ord. 330 §1, 2007)

Sec. 1-2-40. Grammatical interpretation.

The following rules of construction shall apply to the interpretation and construction of this Code unless expressly provided otherwise in any chapter, article or section of this Code, unless inconsistent with the manifest intent of this Code or unless the context clearly requires otherwise:

- (1) The use of any gender shall be intended to include any other genders.
- (2) Any word importing the singular shall include the plural and any word importing the plural shall include the singular.
- (3) Words used in the present tense include the past and future tenses. Words used in the past tense include the future and present tenses. (Prior code 1-1-3)

ARTICLE 3

General

Sec. 1-3-10. Titles and headings not part of Code.

The title of any chapter, article or section of this Code shall not be deemed to in any way restrict, qualify or limit the effect of the provisions set forth and contained in any provision. (Prior code 1-1-4)

Sec. 1-3-20. Repeal of ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 330 §1, 2007)

Sec. 1-3-30. Publication of ordinances.

All ordinances, as soon as may be after their passage, shall be recorded in a book kept for that purpose and authenticated by the signature of the Mayor and Town Clerk. All ordinances of a general or permanent nature, and those imposing any fine or forfeiture, shall be published in a newspaper published within the Town or, if there are none, in some newspaper of general circulation in the Town. Such ordinances shall not take effect until thirty (30) days after such publication, except for ordinances calling for special elections or necessary for the immediate preservation of the public peace, health and safety and containing the reasons making the same necessary in a separate section. The excepted ordinances shall take effect upon their final passage and adoption and the approval and signature of the Mayor, if they are adopted by an affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees. Except as otherwise required by law, ordinances may be published by title only, or in full, at the option of the Board of Trustees. (Ord. 330 §1, 2007)

Sec. 1-3-40. Amendments to Code.

(a) All ordinances adopted subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, article, section, subsection or any portion thereof, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances amending it are readopted as a new Code.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to this Code in the following language: "That _____ of the Code of the Town of Fraser, Colorado, is hereby amended to read as follows:" The new provisions shall then be set out in full. In the event of a new chapter, article or section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of the Town of Fraser, Colorado, is hereby amended by adding _____, to be numbered _____, which shall read as follows:" The new provisions shall then be set out in full as desired.

(c) All sections, articles or chapters desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be. (Prior code 1-1-5)

Sec. 1-3-50. Copy of Code on file.

At least one (1) copy of this Code so certified and sealed most recently shall be kept in the office of the Town Clerk at all times, and such Code may be inspected by any interested person at any time during regular office hours, but may not be removed from the Town Clerk's office except upon proper order of a court of law. (Ord. 330 §1, 2007)

Sec. 1-3-60. Severability.

The provisions of this Code are hereby declared to be severable and, if any chapter, article, section, provision or part thereof is held unconstitutional or invalid, the remainder of this Code shall continue in full force and effect, it being the legislative intent that this Code would have been adopted even if such unconstitutional matter had not been included therein. It is further declared that, if any provision or part of this Code, or the application thereof to any person or circumstances, is held invalid, then the remainder of this Code and the application thereof to other persons shall not be affected thereby. (Prior code 1-1-6)

Sec. 1-3-70. General application policy.

The following general policies shall apply to all applications for permits or other approvals required under the provisions of this Code, unless a different requirement is applicable to a specific type of application under this Code:

(1) No application will be considered complete until all prescribed fees have been paid. No part of an application fee shall be refunded on account of any denial, partial processing or withdrawal of part or all of the application.

(2) The applicant shall pay the cost of publication for each publication required. If republication is necessary due only to Town error, the Town will pay the costs of republication.

(3) The applicant shall pay the costs for mailing notification of the application to adjacent or surrounding property owners, if required.

(4) The applicant shall pay any and all recording fees relating to the application or approval thereof.

(5) The applicant shall pay all inspection fees relating to the application or administration of the permit or other approval.

(6) The applicant shall pay for any additional costs incurred by the Town for the services of outside professionals, consultants or other review agencies, other than Town staff, during the review and consideration of an application. The Town will send invoices to the applicant for expenses incurred as the Town is billed.

(7) All outstanding fees, taxes and invoices shall be paid in full prior to final Board of Trustees approval of the application or issuance of the applicable permit, certificate or other approval document.

(8) The Town shall reserve the right to revoke or suspend any permit, certificate or other approval issued hereunder if the work or activity undertaken pursuant thereto is not done in accordance with the approved terms. (Ord. 301 Part 11.1, 2004; Ord. 316 Part 11.1, 2005; Ord. 320 Part 11.1, 2006; Ord. 324 Part 11.1, 2007)

ARTICLE 4

General Penalty

Sec. 1-4-10. General penalty for violation.

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. (Prior code 1-1-9; Ord. 330 §1, 2007)

Sec. 1-4-20. Altering or tampering with Code; penalty.

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code, to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the laws of the Town to be misrepresented thereby. (Prior code 1-1-8)