

Chapter 1

General Provisions

Article I	Code	
	Sec. 1-1	Adoption of Code
	Sec. 1-2	Title and scope
	Sec. 1-3	Adoption of codes by reference
	Sec. 1-4	Ordinances saved from repeal
	Sec. 1-5	Saving clause
	Sec. 1-6	Officers continue
	Sec. 1-7	Repeal of ordinances not contained in Code
	Sec. 1-8	Changes in previously adopted ordinances
Article II	Definitions and Usage	
	Sec. 1-21	Definitions
	Sec. 1-22	Usage of terms
	Sec. 1-23	Grammatical interpretation
Article III	General	
	Sec. 1-41	Titles and headings not part of ordinances
	Sec. 1-42	Authorized acts
	Sec. 1-43	Prohibited acts
	Sec. 1-44	Acts by agents, representatives
	Sec. 1-45	Purpose of ordinances
	Sec. 1-46	Repeal of ordinances
	Sec. 1-47	Publication of ordinances
	Sec. 1-48	Publication - Use as evidence
	Sec. 1-49	Severability
	Sec. 1-50	Amendments
	Sec. 1-51	Examination of Code
	Sec. 1-52	Copy of Code on file
	Sec. 1-53	Supplementation of Code
	Sec. 1-54	Sale of Code books
	Sec. 1-55	Altering or tampering with Code; penalties for violation
Article IV	General Penalties	
	Sec. 1-71	Required obedience to Code
	Sec. 1-72	Fines and penalties
	Sec. 1-73	Application of penalties to juveniles
	Sec. 1-74	Penalty for violations of ordinances adopted after adoption of Code
	Sec. 1-75	Interpretation of unlawful acts
Article V	Incorporation, Seal	
	Sec. 1-91	Incorporation
	Sec. 1-92	Corporate limits
	Sec. 1-93	Corporate seal

ARTICLE I

Code

Sec. 1-1. Adoption of Code.

The published Code known as the Frederick Municipal Code, 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 Frederick, Colorado, as a codification of all the ordinances of the Town of Frederick of a general and permanent nature through Ordinance No. 348 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. 348, § 1, 1992)

Sec. 1-2. Title and scope.

The following Code constitutes a compilation, revision and codification of all the ordinances of the Town of Frederick, Colorado, of a general and permanent nature, and it shall be known as the Municipal Code of the Town of Frederick and may be cited under that name or as the Frederick Municipal Code. (Prior code 1.1)

Sec. 1-3. Adoption of codes by reference.

Codes may be adopted by reference, as provided by state law. (Ord. 348, § 1, 1992)

Sec. 1-4. Ordinances saved from repeal.

The continuance in effect of temporary and/or special ordinances and parts of ordinances, although omitted from this Code, shall not be affected by such omission therefrom, and the adoption of the Code shall not repeal or amend any such ordinance or part of any such ordinance. Among the ordinances not repealed or amended by the adoption of this Code are ordinances:

- (1) Creating, opening, dedicating, vacating or closing specific streets, alleys and other public ways.
- (2) Naming or changing the names of specific streets and other public ways.
- (3) Establishing the grades of specific streets and other public ways.
- (4) Establishing the grades or lines of specific sidewalks.
- (5) Authorizing or relating to specific issuances of general obligation bonds.
- (6) Creating specific sewer and paving districts and other local improvement districts.
- (7) Authorizing the issuance of specific local improvement district bonds.
- (8) Making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.
- (9) Annexing territory to or excluding territory from the Town.

- (10) Dedicating or accepting any specific plat or subdivision.
- (11) Calling or providing for a specific election.
- (12) Authorizing specific contracts for purchase of beneficial use of water by the Town.
- (13) Approving or authorizing specific contracts with the State, with other governmental bodies or with others.
- (14) Authorizing a specific lease, sale or purchase of property.
- (15) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- (16) Granting a specific gas company or other public utility the right or privilege of constructing lines in the streets and alleys or of otherwise using the streets and alleys.
- (17) Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.
- (18) Setting rates, tolls and charges for water, sewer, any utility or proprietary fee, unless otherwise specifically set forth in this Code.
- (19) Appropriating money.
- (20) Levying a temporary tax or fixing a temporary tax rate.
- (21) Relating to salaries.
- (22) Amending the Official Zoning Map. (Ord. 348, § 1, 1992)

Sec. 1-5. Saving clause.

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 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 1.8)

Sec. 1-6. Officers continue.

If any ordinance which creates an office or employment in the Town is repealed by the adoption of this Code and the same office or employment is also provided for in this Code, then the present incumbent of the office or employment shall continue to hold such office or employment and to perform the duties and functions thereof until removed therefrom in accordance with this Code or until his or her successor is elected or appointed and qualified. (Prior code 1.9)

Sec. 1-7. Repeal of ordinances not contained in Code.

All ordinances of a general and permanent nature are included herein. Any ordinances not included in this Code which are inconsistent with the provisions of this Code are specifically repealed. (Ord. 348, § 1, 1992)

Sec. 1-8. Changes in previously adopted ordinances.

In compiling and preparing the ordinances of the Town for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such. (Ord. 348, § 1, 1992)

Secs. 1-9--1-20. Reserved.

ARTICLE II

Definitions and Usage

Sec. 1-21. Definitions.

The following words and phrases, whenever used in the ordinances of the Town of Frederick and/or any codification of the same, shall be construed as defined in this Section, unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- (1) *Board of Trustees* means the Board of Trustees of the Town of Frederick.
- (2) *Code* means the Municipal Code of the Town of Frederick as published and subsequently amended, unless the context requires otherwise.
- (3) *Computation of time* means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.
- (4) *County* means the county of Weld, Colorado.
- (5) *C.R.S.* means Colorado Revised Statutes.
- (6) *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.
- (7) *May* is permissive.
- (8) *Misdemeanor* means and is to be construed as meaning violation and is not intended to mean crime or criminal conduct.
- (9) *Month* means a calendar month.
- (10) *Must* and *shall*. Each is mandatory.

(11) *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*.

(12) *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.

(13) *Owner*, applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

(14) *Person* means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust or organization, or the manager, lessee, agent, servant, officer or employee of any of them.

(15) *Personal property* includes money, goods, chattels, things in action and evidences of debt.

(16) *Preceding* and *following* mean next before and next after, respectively.

(17) *Property* includes real and personal property.

(18) *Real property* includes lands, tenements and hereditaments.

(19) *Sidewalk* means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

(20) *State* means the State of Colorado.

(21) *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.

(22) *Tenant* and *occupant*, applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.

(23) *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.

(24) *Town* means the Town of Frederick, Colorado, or the area within the territorial limits of the Town of Frederick, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

(25) *Written* includes printed, typewritten, mimeographed or multigraphed.

(26) *Year* means a calendar year. (Prior code 1.4; Ord. 348, § 1, 1992)

Sec. 1-22. Usage of terms.

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 348, § 1, 1992)

Sec. 1-23. Grammatical interpretation.

The following grammatical rules shall apply to Town ordinances:

- (1) Any gender includes the other genders.
- (2) The singular number includes the plural and the plural includes the singular.
- (3) Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.
- (4) Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 348, § 1, 1992)

Secs. 1-24--1-40. Reserved.

ARTICLE III

General

Sec. 1-41. Titles and headings not part of ordinances.

Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code, may be inserted in supplements to the Code for the convenience of persons using the Code, and are not part of the ordinances. (Ord. 348, § 1, 1992)

Sec. 1-42. Authorized acts.

(a) Whenever a provision appears requiring an officer of the Town to do an act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

(b) The time within which an act is to be done shall be computed by excluding the first and including the last day; but if the time for an act to be done shall fall on Saturday, Sunday or a legal holiday, the act shall be done upon the next regular business day following such Saturday, Sunday or legal holiday. (Ord. 348, § 1, 1992)

Sec. 1-43. Prohibited acts.

Whenever in Town ordinances any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 348, § 1, 1992)

Sec. 1-44. Acts by agents, representatives.

When an act is required by an ordinance, the same being such that it may be done as well by an agent or representative as by the principal, such requirement shall be construed to include all such acts performed by any authorized agent or representative. (Ord. 348, § 1, 1992)

Sec. 1-45. Purpose of ordinances.

The provisions of Town ordinances, and all proceedings under them, are to be construed with a view to effect their objectives and to promote justice. (Ord. 348, § 1, 1992)

Sec. 1-46. 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. 348, § 1, 1992)

Sec. 1-47. Publication of ordinances.

All ordinances, as soon 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 is 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, 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. (Ord. 348, § 1, 1992)

Sec. 1-48. Publication - Use as evidence.

This Code is hereby ordered published in bound loose-leaf form and copies thereof, duly certified by the Town Clerk and Mayor of the Town, shall be received without further proof as prima facie evidence of the provisions of this Code in all courts and administrative tribunals of this state. (Prior code 1.3)

Sec. 1-49. Severability.

The provisions of this Code are hereby declared to be severable, and if any section, provision or part thereof shall be held unconstitutional or invalid, the remainder of this Code shall continue in full force and effect, it being the legislative intent that this Code should have been adopted even if such unconstitutional or invalid matter had not been included therein. It is further declared that, if any person or circumstance is held invalid, the remainder of this Code and the applications thereof to other persons shall not be affected thereby. (Prior code 1.6)

Sec. 1-50. Amendments.

Any additions or amendments to this Code shall be adopted as ordinances under applicable provisions of the state law, and when passed in such form as to indicate the intention to make the same a part hereof, shall be deemed to be incorporated in the Code so that reference to it as the "Frederick Municipal Code" shall be understood as including such additions or amendments. (Prior code 1.5)

Sec. 1-51. Examination of Code.

The Mayor and Town Clerk shall carefully examine at least one (1) copy of the Code adopted by this ordinance to see that it is a true and correct copy of the Code. Similarly, after each supplement has been prepared, printed and inserted in the Code, the Mayor and Town Clerk shall carefully examine at least one (1) copy of the Code as supplemented. The copy of the Code as originally adopted or amended shall

constitute the permanent and general ordinances of the Town as of the date indicated in the certificate and shall be so accepted by the courts of law, administrative tribunals and all others concerned. (Ord. 348, § 1, 1992)

Sec. 1-52. Copy of Code on file.

At least one (1) copy of the Code 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. 348, § 1, 1992)

Sec. 1-53. Supplementation of Code.

(a) It shall be the duty of the Town Clerk, or someone authorized and directed by the Town Clerk, to keep up to date the copy of the book containing the Code required to be filed in the office of the Town Clerk for the use of the public.

(b) The Town Clerk shall cause supplementation of the Code to be prepared and printed from time to time as he or she may see fit. All substantive, permanent and general parts of ordinances passed by the Board of Trustees or adopted by initiative and referendum, and all amendments and changes in ordinances or other measures included in the Code prior to the supplementation and since the previous supplementation, shall be included. (Ord. 348, § 1, 1992)

Sec. 1-54. Sale of Code books.

Copies of the Code book may be purchased from the Town Clerk upon the payment of a fee to be set by resolution of the Board of Trustees. (Ord. 348, § 1, 1992)

Sec. 1-55. Altering or tampering with Code; penalties for violation.

Any person, firm or corporation who shall alter, change or amend this Code, except in the manner prescribed in this Article, or who shall alter or tamper with the Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby shall, upon conviction thereof, be punishable as provided by Section 1-72. (Ord. 348, § 1, 1992)

Secs. 1-56--1-70. Reserved.

ARTICLE IV

General Penalties

Sec. 1-71. Required obedience to Code.

It shall be a violation of this Code for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required, in this Code. (Prior code 32.1)

Sec. 1-72. Fines and penalties.

(a) Any person convicted of a noncriminal violation, as designated in Section 10-7(c) of this Code, may be fined by an amount not to exceed five hundred dollars (\$500.00).

(b) Any person convicted of a criminal violation, as designated in Section 10-7(d) of this Code, may be incarcerated for a period not to exceed one (1) year or fined by an amount not to exceed one thousand dollars (\$1,000.00), or both.

(c) Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all of the fines and/or penalties applicable to the original charge.

(d) Where any violation is a continuing offense, each day that the violation continues shall be considered and held to be a separate and distinct offense. (Ord. 348, § 1, 1992; Ord. 383, § 1, 1994)

Sec. 1-73. Application of penalties to juveniles.

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code classified as noncriminal pursuant to Section 10-7(c) herein, shall be punished by a fine of not more than five hundred dollars (\$500.00). Every such juvenile who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code classified as criminal pursuant to Section 10-7(d) herein, shall be punished by a fine of not more than one thousand dollars (\$1,000.00). Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. (Ord. 348, § 1, 1992; Ord. 383, § 2, 1994)

Sec. 1-74. Penalty for violations of ordinances adopted after adoption of Code.

Any person, firm or corporation who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in the Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-72, unless another penalty is specifically provided for the violation. (Ord. 348, § 1, 1992)

Sec. 1-75. Interpretation of unlawful acts.

Whenever in this Code any act or omission is made unlawful, it is also unlawful to cause, allow, permit, aid, abet or suffer such unlawful act or omission. Concealing or in any manner aiding in the concealing of any unlawful act or omission is similarly unlawful. (Ord. 348, § 1, 1992)

Secs. 1-76--1-90. Reserved.

ARTICLE V

Incorporation, Seal

Sec. 1-91. Incorporation.

A petition was filed in the County Court, Weld County, Colorado, on November 19, 1907, asking that the following described property be incorporated in the Town of Frederick: All lands located within the following boundaries: NW¼ of Section 31, Township 2 North, of Range 67 West of the 6th P.M., Weld County Colorado. An order was entered by the County Judge of Weld County, Colorado, approving all matters in connection with the incorporation of said Town, and declaring said Town to be a municipal incorporation of less than two thousand (2,000) inhabitants, and "will be and hereby is denominated and

classed an incorporated town embracing all territory which lies within the above boundaries." The order was dated December 26, 1907, and signed by John C. Nixon, Judge and ex officio Town Clerk. (Prior code 2.1)

Sec. 1-92. Corporate limits.

(a) The territory and jurisdiction within the corporate limits of the incorporated Town are hereby declared to be coextensive with the boundaries of said Town as defined and set out in the proceedings heretofore had in the Town of Greeley and County of Weld, State of Colorado, incorporating said Town, a certified copy of which is on file in the office of the County Clerk and Recorder of said County, said territory being described as follows, to-wit: the NW¹/₄ of Section 31, Township 2 North, Range 67 West of the 6th P.M. in the County of Weld, State of Colorado.

(b) The plat or map of the Town now on file in the office of the Town Clerk setting out and defining the streets and alleys of the Town shall be and is hereby adopted as the map of the Town; and the streets and alleys as therein defined shall be and hereby are declared to be public thoroughfares as such streets and alleys; and are hereby dedicated to the use of the public forever, so far as said streets and alleys appear to be within the corporate limits of the Town as defined in Subsection (a) above. (Prior code 2.2)

Sec. 1-93. Corporate seal.

The corporate seal shall consist of a circular plate and disc bearing the following inscription: "Town of Frederick Incorporated 1907" in circular form around the edge, with three (3) pictures on the inside representing a coal mine, oil well, and heads of grain. (Prior code 2.3; Ordinance 176, 1978; Ord. 348, § 1, 1992)

Secs. 1-94--1-110. Reserved.