

## GENERAL PROVISIONS

### Chapter 1

## GENERAL PROVISIONS

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**[HISTORY: Adopted by the Mayor and Town Council of the Town of Frisco: Art. I, 2-7-89 as Ord. No. 89-1.<sup>1</sup> Amendments noted where applicable.]**

Be it ordained by the Town Council of the Town of Frisco, County of Summit, State of Colorado, as follows:

### ARTICLE I

#### Adoption of Code

**[Adopted 2-7-89 as Ord. No. 89-1]**

#### **§ 1-1. Adoption of Code.**

Pursuant to law, the ordinances of the Town of Frisco of a general and permanent nature adopted by the Council of the Town of Frisco on or before January 17, 1989, as revised, codified and consolidated into titles, chapters and sections and consisting of Chapters 1 through 181, are hereby approved, adopted, ordained and enacted as the Code of the Town of Frisco, the same being hereinafter sometimes referred to as the "Code."

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<sup>1</sup>Editor's Note: This ordinance also repealed former Ch. 1, General Provisions, adopted as follows: Art. I, 8-5-80 as Ord. No. 80-20. For additional information dealing with the original Adoption Ordinance, see the Special Editor's Note page.

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### **§ 1-2. Code Supersedes Prior Ordinances.**

This Code contains all general and permanent ordinances and parts of ordinances passed by the Council of the Town of Frisco.

### **§ 1-3. 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 there from, and the adoption of the Code shall not repeal or amend any such ordinance or part of any such ordinance. Among the temporary and/or special ordinances not repealed or amended by the adoption of this Code are ordinances:

- A. Creating, opening, dedicating, vacating or closing specific streets, alleys and other public ways.
- B. Naming or changing the names of specific streets and other public ways.
- C. Establishing the grades of specific streets and other public ways.
- D. Establishing the grades or lines of specific sidewalks.
- E. Authorizing or relating to specific issuances of general obligation bonds.
- F. Creating specific sewer and paving districts and other local improvement districts.
- G. Authorizing the issuance of specific local improvements district bonds.
- H. Making special assessments for local improvements and authorizing refunds from specific local improvement district bond proceeds.
- I. Annexing territory to or excluding territory from the town.
- J. Dedicating or accepting any specific plat or subdivision.
- K. Calling or providing for a specific election.
- L. Authorizing specific contracts for purchase of beneficial use of water by the town.
- M. Approving or authorizing specific contracts with the state or with other governmental bodies or with others.
- N. Authorizing a specific lease sale or purchase of property.
- O. Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.

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- P. 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.
- Q. Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.
- R. Appropriating money.
- S. Levying a temporary tax or fixing a temporary tax rate.
- T. Relating to salaries.
- U. All Zoning Map amendments.
- V. Sections 1 through 5, inclusive, of Ordinance No. 19, adopted 11-5-62, pertaining to the dedication of a highway right-of-way.
- W. Ordinance Nos. 17, 24, 78-1 and 79-13.

### **§ 1-4. Nonsubstantive Changes in Previously Adopted Legislation.**

In compiling and preparing the ordinances of the Town of Frisco 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 Council of the Town of Frisco 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.

### **§ 1-5. Titles and Headings Not Part of Legislation.**

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 and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the ordinances.

### **§ 1-6. Notes Not Part of Legislation.**

Notes indicating sources of section, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the ordinances

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### **§ 1-7. Certification of Code.**

The Town Clerk has carefully examined at least three (3) copies of the Code adopted by this ordinance to see that they are true and current copies of the Code. Similarly, after each supplement has been prepared, printed and inserted in the Code, the Town Clerk shall carefully examine at least three (3) copies of the Code as supplemented. The Town Clerk shall then insert a certificate in the front of each of said true and correct copies of the Code, certifying substantially that the copy is a true and correct copy containing all permanent and general ordinances passed or adopted since the previous supplement and until the date of the current supplement. The Town Clerk shall sign the certificate and seal it with the Seal of the Town of Frisco. The copies of the Code as originally adopted, or as amended, certified and sealed, shall constitute the permanent and general ordinances of the Town of Frisco as of the date indicated in the certificate and shall be so accepted by the courts of law, administrative tribunals and by all others concerned.

### **§ 1-8. Copies of Code on File.**

At least three (3) copies of the Code so certified and sealed most recently shall be kept in the office of the Town Clerk at all times and 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, provided that the Council, in writing, may authorize the temporary removal of one (1) and only one (1) of said copies at a time from the Town Clerk's office for good cause.

### **§ 1-9. Amendments to Code.**

Ordinances and parts thereof of a permanent and general nature, passed or adopted after the adoption of this ordinance, may be passed or adopted either in the form of amendments to the Code adopted by this ordinance or without specific reference to the Code. But in either case, all such ordinances and parts thereof shall be deemed amendments to the Code, and all of the substantive, permanent and general parts of said ordinances and changes made thereby in the Code shall be inserted and made in the Code as provided in § 1-10 hereof.

### **§ 1-10. Supplementation of Code.**

- A. The Council shall cause supplementation of the Code to be prepared and printed from time to time as it may see fit. All substantive, permanent and general parts of ordinances passed by the Council or adopted by initiative and referendum and all amendments and changes in temporary and special ordinances or other measures included in the appendices of the Code prior to the supplementation and since the previous supplementation shall be included.
- B. It shall be the duty of the Town Clerk or someone authorized and directed by the Town Clerk to keep up-to-date the three (3) certified copies of the book containing

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the Code required to be filed in the office of the Town Clerk for the use of the public.

### **§ 1-11. Sale of Code Books; Supplementation.**

Copies of the Code book may be purchased from the Clerk of the Town of Frisco upon the payment of a fee to be set by the Council. The Council may also arrange for procedures for the periodic supplementation thereof.

### **§ 1-12. Severability of Code Provisions.**

If any sections, section, subsection or provision of this Code of ordinances or the application thereof to any person or circumstances is declared unconstitutional or otherwise invalid by any competent court, such invalidity shall not affect the other sections, subsections, provisions or applications of this Code if they can be given effect without the invalid sections, section, subsection, provision or application.

### **§ 1-13. Severability of Ordinance Provisions.**

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof. If any part of this ordinance shall be held unconstitutional or invalid, the remainder of this ordinance shall continue in full force and effect, it being the legislative intent that this ordinance would have been adopted even if such unconstitutional or invalid matter had not been included herein.

### **§ 1-14. General Penalty for Violations. [Amended 2-4-97, Ord. No. 97-1; 10-28-03, Ord. 03-19]**

- A. Unless a specific lesser penalty is specifically provided for the violation of any portion of this Code, any person, firm or corporation who shall violate any provision of this Code, or any provision of any code or other regulation adopted by reference by this Code, by doing any act prohibited or declared to be unlawful thereby, or who shall engage in or exercise any business or occupation or do anything for which a license or permit is required without having a valid license or permit therefore as required, or who shall fail to do any act required by any such provision, or who shall fail to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor shall be guilty of a violation of this Code and shall be punishable as follows:
1. Except as above-stated every person convicted of a violation of any provision of this Code, the Town Charter, any ordinance of the Town of Frisco or any provision of any code or regulation adopted by reference by this Code, shall, in addition to any administrative or court costs which may be imposed, be punished by a fine not exceeding one-thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

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2. Except as hereinafter provided, every person convicted of a violation of any provision of the Model Traffic Code for Colorado, as adopted and set forth in Chapter 167 of this Code, shall, in addition to any administrative or court costs which may be imposed, be punished by a fine not exceeding one thousand dollars (\$1,000.00); except any person convicted of violating Section 1101, Speed limits, when such person exceeded the lawful speed limit by twenty (20) miles per hour or greater, Section 1105, Speed contest, Section 1401(1), Reckless driving, Section 1409, Compulsory insurance, Section 1413, Eluding or attempting to elude a police officer, all being violations of the Model Traffic Code for Colorado as adopted by the Town, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both fine and imprisonment.
- B. In addition to the penalties stated above, the Town may obtain enforcement of its ordinances by seeking injunction or other appropriate relief in a court of proper jurisdiction.
- C. Each day or portion thereof, during which any violation is committed, continued or permitted shall constitute a separate offense and shall be punishable as a separate offense.

### **§ 1-15. Penalty for Violations of Legislation Adopted After Adoption of Code.**

Any person, firm or corporation who shall violate any provision of any ordinance passed or adopted of this Code, either before or after it has been inserted in the Code by a supplement, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by § 1-14 of this ordinance unless another penalty is specifically provided for the violation.

### **§ 1-16. Amendments to Penalty Actions.**

The following penalty sections, as adopted by the Council of the Town of Frisco, are hereby amended to delete the specific fines and terms of imprisonment and to refer instead to Chapter 1, General Provisions, Art. I. (Section numbers used below in parentheses refer to the sections as they have been renumbered and appear in the Code of the Town of Frisco.)<sup>2</sup>

### **§ 1-17. Certification.**

The Town Clerk shall certify to the passage of this ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

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<sup>2</sup>Editor's Note: Pursuant to § 1-16 the following penalty sections were amended: § 65-3, 67-3, 79-18C, 82-3, 85-3, 87-23, 94-3, 110-12, 116-3, 120-9, 124-10A, 127-37, 133-3, 150-15B, 153-7, 157-20, 160-9, 167-3B, 171-13, 171-14, 177.3 and 180-12B(1). A complete description of the changes made is on file in the office of the Town Clerk.

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### **§ 1.18. Editorial Duties of Town Clerk. [Added 1-23-07, Ord. 07-02]**

The Town Clerk shall compile, edit, arrange and prepare for publication the Frisco Town Code. In the course of such task, the Town Clerk, after receiving the consent of the Town Manager and Town Council, shall correct obvious errors and inconsistencies; eliminate duplications and language repealed directly or by implication; correct defective section structure and arrangement of existing code; and correct obvious errors in the cross-referencing of ordinances. The foregoing duties shall be performed in such form and manner as to preserve the intent, effect and meaning of any and every ordinance codified in the Frisco Town Code. The Town Clerk may make changes to errors in the Code relating to syntax, grammar, enumeration, spelling, punctuation, or font, all unrelated to the content or intent of the Code after receiving the consent of the Town Manager.