

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1109**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
ESTABLISHING THE OPEN SPACE FUND CHAPTER 4, ARTICLE IV OF THE
FREDERICK MUNICIPAL CODE.**

WHEREAS, the Town of Frederick by Ordinance No. 538, established the Open Space Acquisition, Development and Maintenance Fund for the purpose of the purchase, limited development and maintenance of open space of lands that can be used for purposes, including but not limited to buffers to preserve community identity, natural areas, wildlife habitat and wetlands, allowing continuation of existing visual quarters and offering passive recreational use through the development of the trail system; and

WHEREAS, it is the intent of the Board of Trustees that the existing Open Space Acquisition, Development and Maintenance Fund and the Open Space Fund are to be combined in the "Open Space Fund"; and

WHEREAS, in order to accomplish the above stated purpose of creating a unified Open Space Fund, the Board of Trustees has determined that it is appropriate to repeal Sec. 4-58, of the *Frederick Municipal Code* and reenact said Sec. 4-58 as provided below;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Section 4-58 of the *Frederick Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

"Sec. 4-58. Open Space Fund established.

(a) All activities heretofore or hereafter conducted by the Town for the purpose of the purchase, limited development and maintenance of open space of lands that can be used for purposes, including but not limited to buffers to preserve community identity, natural areas, wildlife habitat and wetlands, allowing continuation of existing visual quarters and offering passive recreational use through the development of the trail system shall be provided by the Open Space Fund.

(b) There shall be transferred to this fund all money, including investment income from the one-half of one (0.5) cent per dollar open space sales and use tax, effective January 1, 2000 and thereafter.

(c) Such funds shall be expended for the payment of such expenditures and for such purposes which are authorized pursuant to this Section and as authorized by the Board of Trustees.

Section 2. Effective Date. This ordinance shall be published and become effective as provided by law as of January 1, 2013.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this

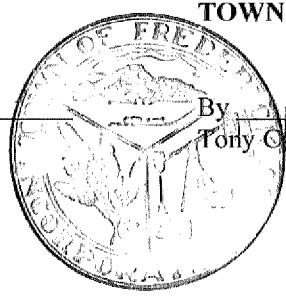
ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 27th
DAY OF November, 2012.

ATTEST:

By Meghan C. Martinez
Meghan C. Martinez, Town Clerk



TOWN OF FREDERICK

By Tony Carey
Tony Carey, Mayor