

ORDINANCE NO. 2021-22

AN ORDINANCE AMENDING TITLE 2 OF THE FRUITA MUNICIPAL CODE CONCERNING POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DEPARTMENT, THE PLANNING COMMISSION, THE BOARD OF ADJUSTMENT, AND THE HISTORIC PRESERVATION BOARD.

WHEREAS, Title 2 of the City of Fruita (the “City”) Municipal Code (the “Code”) sets forth powers, duties and responsibilities of administration and personnel of the City;

WHEREAS, Chapter 20 of Title 2 of the Code sets forth the establishment of city departments pursuant to the Fruita City Charter including the Community Development Department;

WHEREAS, Chapter 39 of Title 2 of the Code sets forth the establishment of the Planning Commission;

WHEREAS, Chapter 40 of Title 2 of the Code sets forth the establishment of the Board of Adjustment;

WHEREAS, Title 2 of the Code does not include the establishment of the Fruita Historic Preservation Board;

WHEREAS, to provide better organization within the Code, the City wishes to amend Title 2 of the Code.

WHEREAS, this Ordinance was introduced at first reading on September 21, 2021 pursuant to Section 2.13(B) of the City Charter; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the requirement of Section 2.13(B) of the City Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council.

Section 2. Amendments and Additions to Title 2. Title 2 of the Code is hereby amended to read as shown in the attached Exhibit A.

Section 3. Codification of Amendments. The codifier of the City’s Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Code. The City Clerk is authorized to correct, or approve the

correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 2.13(G) of the Fruita Home Rule Charter.

Section 6. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. Publication. The City Clerk is ordered to publish this Ordinance in accordance with Chapter 2.13(F) of the Code.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS
19TH DAY OF OCTOBER 2021.**

CITY OF FRUITA

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk

