

**Town of Fraser
Ordinance No. 528
Series 2025**

AN ORDINANCE AMENDING CHAPTER 19 OF THE FRASER MUNICIPAL CODE TO PROHIBIT NONFUNCTIONAL TURF, NONFUNCTIONAL ARTIFICIAL TURF, AND INVASIVE PLANT SPECIES TO APPLICABLE DEVELOPMENT PROJECTS IN CONFORMANCE WITH COLORADO SENATE BILL 24-005 AND COLORADO HOUSE BILL 25-1113.

WHEREAS, the Colorado General Assembly has passed legislation through Senate Bill-24-005 concerning the conservation of water in the state through the prohibition of certain landscaping practices and was signed into law by the Governor on March 15, 2024; and

WHEREAS, the Colorado General Assembly has passed legislation through House Bill-25-1113 which modified Senate Bill 24-005 concerning limiting the use of certain landscaping practices in new residential development and was signed into law by the Governor on May 20, 2025; and

WHEREAS, the goals of these bills are to protect Colorado's water supply, promote water-wise landscaping practices without adversely impacting quality of life or landscape functionality, reduce impact from the urban heat island effect, and protect stormwater runoff into the environment and watersheds; and

WHEREAS, these bills together prohibit use of nonfunctional turf, nonfunctional artificial turf, and invasive plant species in qualifying new development and redevelopment projects; and

WHEREAS, Senate Bill 24-005 requires local governments enact corresponding regulations to be effective by January 1, 2026 and House Bill 25-1113 requires local governments enact corresponding regulations to be effective by January 1, 2028; and

WHEREAS, the Fraser Planning Commission initiated the code request in accordance with §19-1-190(a) of the Fraser Land Development Code by considering the proposed amendment at a regular meeting and recommending approval of the proposed text amendment to the Fraser Board of Trustees; and

WHEREAS, the Town has provided notice of the code amendment in accordance with §19-1-190(a) of the Fraser Land Development Code and applicable state statutes; and

WHEREAS, the amendment made is to the Town of Fraser Municipal Code Chapter 14, Article 5, Division 1 – Other Utilities, Exterior Lighting and Landscaping Specifications, specifically Sec. 14-5-40 Landscaping specifications, and Chapter 19, Article 4, Division 1 – Site Design Standards, specifically Sec. 19-4-160 Landscaping and screening.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FRASER, COLORADO THAT:

PART 1: AMENDMENT OF MUNICIPAL CODE

Chapter 19 of the Fraser Municipal Code (herein sometimes referred to as the "Municipal Code") is hereby amended as follows [Note: additions are shown as **bold underlined** print; deletions are shown as ~~strikethrough~~ print]:

Chapter 14 – Design Criteria and Construction Standards

Article 5 – General

Division 1 – Other Utilities, Exterior Lighting and Landscaping Specifications

Sec. 14-5-40. - Landscaping specifications.

Landscaping for the Business District and all Mixed Use, Lodging and Commercial zoned planning areas in all Planned Development Districts.

- (1) All developments shall be responsive to site and natural conditions and minimize disturbance to land and existing vegetation. The landscaping plan shall demonstrate that a reasonable effort has been made to preserve existing healthy trees, shrubs and topsoil. **In addition, all landscaping must meet the specifications herein and comply with the terms and standards identified in Sec. 19-4-160.**

(no changes to remainder of 14-5-40)

Chapter 19 – Land Development Code

Article 4 – Development Standards

Division 1 – Site Design Standards

Sec. 19-4-160. – Landscaping and screening.

- (a) General. Because landscaping enhances aesthetic appeal and protects the area's unique natural beauty and environment, it is hereby declared to be a benefit to the general public. As such, landscaping shall be subject to regulation and ensured by a performance guarantee.
- (b) Trash and storage area screening. All trash and storage areas are to be completely screened from public view by either landscaping or a fenced-in dumpster enclosure. These areas are to be accessible for easy pickup and delivery. Enclosure materials shall be consistent with building materials and colors.
- (c) Buffers between land uses.
 - (1) Where a residential subdivision borders a railroad and/or highway right-of-way, the Town may require a minimum twenty-five-foot buffer strip, in addition to the normal depth of the lot required in the zoning district, between the right-of-way and the subdivision to serve as protection against hazards and undesirable effects of the railroad and/or highway.
 - a. The buffer strip shall contain plantings, landscaped earthen berms, screening, and retention of existing vegetation, fencing or other reasonable measures to substantially reduce adverse impacts.
 - b. No improvements shall be constructed in a manner that would create adverse impacts to the buffered area.
 - c. A plat note may be required to denote that this buffer strip shall permanently remain free of any structures.
 - (2) Where a business, commercial or industrial use abuts residential uses, a landscaped wall or fence with a minimum height of five (5) feet must be placed along such abutting property line.
- (d) Specifications. Refer to Chapter 14 of this Code, Design Criteria and Construction Standards.

(e) Prohibition of nonfunctional turf.

- (1) Nonfunctional turf, nonfunctional artificial turf, and invasive plant species are prohibited in applicable property for new development and redevelopment projects as defined in (3) below.**
- (2) Common examples of exempted property include:**
 - a. Residential uses with 12 units or less.
 - b. Civic, community, and recreational use areas such as parks, athletic fields, and event spaces.
 - c. As a component of a professionally engineered design for civil infrastructure projects such as covers for solid waste facilities and brownfield sites, and revetments for slopes, channels, levees, and dams.
- (3) Definitions. The following definitions are adopted in conformance with Colorado Revised Statutes (CRS) Section 37-99-102.**
 - a. "Applicable property" means:
 - I. Common interest community property;
 - II. A street right-of-way, parking lot, median, or transportation corridor;
 - III. Commercial, institutional, or industrial property; or
 - IV. Applicable residential real property.
 - b. "Applicable residential real property" means a multifamily residential housing premises property that includes more than twelve dwelling units.
 - c. "Artificial turf" means an installation of synthetic materials developed to resemble natural grass.
 - d. "Commercial, institutional, or industrial" has the meaning set forth in CRS 37-60-135 (2)(b) as follows:
 - I. The commercial, institutional, or industrial sector in the state; and
 - II. Includes local governments, schools, and businesses.
 - e. "Common interest community" has the meaning set forth in CRS 38-33.3-103 (8) as follows: real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration. Ownership of a unit does not include holding a leasehold interest in a unit of less than forty years, including renewal options. The period of the leasehold interest, including renewal options, is measured from the date the initial term commences.
 - f. "Common interest community property" means property within a common interest community that is owned and maintained by a unit owners' association, such as entryways, parks, and other common elements as defined in CRS 38-33.3-103 (5).
 - g. "Functional artificial turf" means artificial turf that is:

- I. Located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include a playground, a sports field, a picnic ground, an amphitheater, a portion of a park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough; or
 - II. A component of a product designed and approved by a professional engineer for civil infrastructure projects, including but not limited to covers for solid waste facilities and brownfield sites; and revetments for slopes, channels, levees, and dams.
- h. "Functional turf" means turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include a playground, a sports field, a picnic ground, an amphitheater, a portion of a park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough.
- i. "Invasive plant species" has the meaning set forth in CRS 37-60-135 (2)(e) as follows:
- I. Are introduced into the state accidentally or intentionally;
 - II. Have no natural competitors or predators in the state because the state is outside of their competitors' or predators' range; and
 - III. Have harmful effects on the state's environment or economy or both.
- j. "Maintain" or "maintaining" means an action to preserve the existing state of nonfunctional turf, artificial turf, or an invasive plant species that has already been installed, planted, or placed.
- k. "Multifamily residential housing premises property" means common interest property such as entryways, parks, and other common elements as defined in CRS 38-33.3-103 (5).
- l. "New development project" means a new construction project that requires a requires a building permit, site plan review, or other design review process.
- m. "Nonfunctional artificial turf" means artificial turf that is not functional artificial turf.
- n. "Nonfunctional turf" means turf that is:
- I. Not functional turf.
 - II. Includes turf located in a street right-of-way, parking lot, median, or transportation corridor.
 - III. Does not include turf that is designated to be part of a water quality treatment solution required for compliance with federal, state, or local agency water quality permitting requirements that is not irrigated and does not have herbicides applied.
- o. "Redevelopment project" means a construction project that:
- I. Requires a building permit, site plan review, or other design review process; and
 - II. Results in a disturbance of more than fifty percent of the aggregate landscape area.
- p. "Residential real property" has the meaning set forth in CRS 39-1-102 (14.5) as follows: Residential land and residential improvements but does not include hotels and motels as defined in CRS 39-1-

102 (5.5).

- q. "Turf" means continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions and which, when regularly mowed, form a dense growth of leaf blades and roots.

PART 2: REPEAL. Any and all existing ordinances or parts of ordinances of the Town of Fraser covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PART 3: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Fraser hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

PART 4: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law.

PART 5: PUBLICATION. This Ordinance shall be published by title only.

READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AND SIGNED THIS 5 DAY OF November 2025.

Votes in favor: 5
Votes opposed: 0
Votes abstained: 0

BOARD OF TRUSTEES OF THE
TOWN OF FRASER, COLORADO

BY: _____

Mayor



ATTEST: _____

Town Clerk

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