

**TOWN OF FRASER  
ORDINANCE NO. 489  
SERIES 2022**

AN ORDINANCE AMENDING CHAPTER 8 OF THE FRASER MUNICIPAL CODE  
RESTRICTING THE USE OF ENGINE BRAKING IN THE TOWN OF FRASER.

WHEREAS, under Colorado law, the Board of Trustees of the Town of Fraser is authorized to adopt and amend vehicle and traffic regulations applicable within the Town; and

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

PART 1: AMENDMENT OF MUNICIPAL CODE.

Chapter 8 (Vehicles and Traffic), Article 5, of the Fraser Municipal Code (herein sometimes referred to as the "Municipal Code") are hereby amended as follows [Note: additions are shown in **bold underlined** print; deletions are shown as ~~strikethrough~~ print]:

**ARTICLE 5 – Engine Braking Prohibited**

**Sec. 8-5-10. – No Engine Braking on Roads or Highways.**

**It shall be deemed unlawful to emit any noise created from the operation of any motor vehicle with an engine brake engaged. An engine brake is defined as an engine compression or dynamic braking device used primarily on large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.**

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or parts of ordinances of the Town of Fraser covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

Votes in favor: \_\_\_\_\_  
Votes opposed: \_\_\_\_\_  
Votes abstained: \_\_\_\_\_

BOARD OF TRUSTEES OF THE  
TOWN OF FRASER, COLORADO

BY: \_\_\_\_\_  
Philip Vandernail, Mayor

( S E A L )

ATTEST: \_\_\_\_\_  
Antoinette McVeigh, Town Clerk

Published in the *Middle Park Times* on \_\_\_\_\_.