

Town of Ignacio
Board of Trustees
ORDINANCE 209

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, AMENDING THE
CHAPTER NUMBERING IN THE MUNICIPAL CODE.

WHEREAS, the Town of Ignacio, Colorado has adopted municipal codes; and

WHEREAS, the municipal codes are being reviewed; and

WHEREAS, the establishment of new numbering will provide for consistent reference during the
updating process; and

WHEREAS, the Board of Trustees desires to continually upgrade the accuracy and efficiency of
services to the community;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE
TOWN OF IGNACIO, COLORADO, THE MUNICIPAL CODE CHAPTER NUMBERS
ARE AMENDED AS ATTACHED.

Adopted and ordered published this 11th day of November, 2003.

TOWN OF IGNACIO, COLORADO:

By: _____

Katherine Grande
Mayor

Attest:

By: _____

Jessamine Valdez
Town Clerk

MUNICIPAL CODE
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Linc Daley
 Laplata County, CO

ORDINANCE NO. 208

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE LIBRARY BUILDING TO THE IGNACIO COMMUNITY LIBRARY DISTRICT, AND AUTHORIZING OFFICERS OF THE TOWN TO EXECUTE APPROPRIATE DOCUMENTS TO COMPLETE THE CONVEYANCE.

WHEREAS, the Town is the owner of a parcel of real property and improvements that are currently occupied by the Ignacio Community Library District (the Library Property), and

WHEREAS, the Board of Trustees finds that the Library Property is not being held for any town governmental purpose, and

WHEREAS, the Board finds that the conveyance of the property to the Library District is in the best interests of the Town and will benefit the health and welfare of the citizens of the Town and the immediate area, and

WHEREAS, conditions have been imposed on the conveyance to protect the interests of the Town and the public, and

Whereas, the Board of Trustees has the authority to convey the Library Property by Ordinance, and

WHEREAS, the Board desires to authorize certain officers of the Town to execute all documents reasonably necessary to complete the conveyance,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

1. The Board hereby approves and ratifies the Contract to Buy and Sell Real Estate between the Town and the District dated July 18, 2003 and the Agreement to Amend/Extend Contract between the parties dated 10/14/03 .
2. The Board hereby authorizes the sale and conveyance of the property described on Attachment A, attached hereto, to the Ignacio Community Library District on the terms and conditions more fully described in the above referenced Contract to Buy and Sell Real Estate and Agreement to Amend/Extend Contract between the parties.
3. The Mayor and the Town Clerk are hereby authorized to execute any and all documents reasonably required to complete the conveyance of the Library Property to the Ignacio Community Library District, including, but not limited to contracts, amendments to contracts, closing instructions, settlement sheets, deeds, assignments, bills of sale, covenants, affidavits, or other customary closing documents.

APPROVED BY THE BOARD OF TRUSTEES on this 14 day of October, 2003.

THE TOWN OF IGNACIO, COLORADO

ATTEST

Deborah M. Valley
 Town Clerk

Johnnie Brude
 Mayor PRO-TEM

ATTACHMENT A
Attached to
ORDINANCE NO . 208
Between
THE TOWN OF IGNACIO, COLORADO
and
THE IGNACIO COMMUNITY LIBRARY DISTRICT

The following property is located in La Plata County:

The Library building currently occupied by the Butch McClanahan Library,
TRACTS I & II, BLK 4,SUB: HALLS FIRST (Ign), T I, Lots 22 - 24 and T II, Lots 24 -26

ORDINANCE 207

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, AMENDING THE CHAPTER ENTITLED CRIMINAL OFFENSES.

WHEREAS, the Town of Ignacio, Colorado has adopted municipal codes; and

WHEREAS, the municipal codes are being reviewed; and

WHEREAS, the establishment of what constitutes criminal offenses is designed to provide for a safe, clean and orderly Town; and

WHEREAS, changes to state and federal laws and the needs of the town have made it necessary to revise the Criminal Offenses section of the municipal code; and

WHEREAS, the Board of Trustees desires to continually upgrade the accuracy and efficiency of services to the community;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, THE MUNICIPAL CODE CHAPTERS ARE AMENDED AS ATTACHED.

Adopted and ordered published this 14th day of October, 2003.

TOWN OF IGNACIO, COLORADO:

By: *Katherine Givule*
Mayor Pro Tem

Attest:

By: *Jeannette M. Vadez*
Town Clerk

CHAPTER VIII: Criminal Offenses (rev 10-03)

8-1 Offenses Against the Person.

8-1-1 Assault.

Any person commits assault when he or she by any threat or physical action intentionally, knowingly or recklessly places or attempts to place another person in fear of serious bodily injury.

8-1-2 Battery.

Any person commits battery when he or she intentionally, knowingly or recklessly causes harmful or offensive contact with another person.

8-1-3 Harassment.

Any person commits harassment if, with the intent to harass, annoy or alarm another person, he or she:

- (1) Strikes, shoves, kicks or otherwise touches a person or subjects that person to physical contact; or
- (2) In a public place directs obscene language or make obscene gesture to or at another person; or
- (3) Follows a person in or about a public place; or
- (4) *Initiates communication with a person, anonymously or otherwise by telephone, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network or computer system that is obscene*
- (5) Engages in conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose.

8-2 Offenses Against Property.

8-2-1 Theft.

Any person commits theft when he or she knowingly obtains or exercises control over the property or services of another (tangible or intangible) without authorization or by threat or deception and uses, conceals or abandons such property so as to deprive the owner or legal custodian of its use or benefits.

8-2-2 Trespass.

Any person commits trespass when he or she unlawfully and knowingly enters or remains upon the premises on which he is not otherwise privileged to enter or remain.

8-2-3 Criminal Mischief.

Any person who knowingly damages the real or personal property of another person or persons commits criminal mischief.

8-2-4 Theft of Utilities.

It shall be unlawful for any person to tap a gas conduit, conduct gas around a meter; or to tap an electrical conduit; or to conduct electricity around a meter; or in any way to avoid a meter; or to tamper with a meter; or to tap a water conduit, or conduct water around a meter, or interfere with a water meter or remove water from water lines of the Town in any way without first getting the town manager to turn on said water or approve the removal of said water from said lines, or in any other way to steal water, electricity or gas from the line of any public utility within the corporate confines of the Town, and upon conviction thereof, such person shall be punished by a fine of not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the County Jail for a period of time not to exceed ninety (90) days.

8-2-5 Theft by Check. (Ord 112 9-12-88)

(1) It shall be unlawful for any person:

- (a) To issue or pass a check as payment for any goods, services, or other thing of value, or in exchange for cash when that person knew that, at the time of the issuance of the check, there were insufficient funds existing within the account being drawn upon to cover the check. For

purposes of this section, the term "insufficient funds" means that a drawer has insufficient funds with the drawee to pay a check when the drawer has no checking account with the drawee or has funds in a checking account with a drawee in an amount less than the amount of the check plus the amount of all other checks outstanding at the time of issuance. A check dishonored for "no account" shall also be deemed to be dishonored for insufficient funds".

- (b) To stop payment or cause payment to be stopped on any check issued or passed as payment for any goods, services or other thing of value, or in exchange for cash, when that person does so with the intent to defraud.
 - (c) To open a checking account, negotiable order of withdrawal account, or share draft account using false identification or an assumed name, for the purpose of and with the intent of committing theft by check.
- (2) Prior to filing a complaint under this Section, the holder of the check shall have:
- (a) Obtained sufficient identification from the drawer at the time of acceptance of the check to verify the name and address of the drawer; and
 - (b) Presented the check to the drawee for acceptance or refusal for the first time within thirty (30) days of the date of issuance of the check; and
 - (c) Upon twice presenting the check to the drawee for collection and having twice received the check back for insufficient funds, the person or firm to whom the check was originally issued thereafter sent a letter notifying the drawer of the refusal of the drawee to accept the check and requiring restitution within fourteen (14) days. Said letter shall be sent by certified mail, return receipt requested, to the drawer of the check at the address obtained by the holder. The return receipt reflecting acceptance of the addressee or the refusal of the addressee to claim the certified mailing shall be conclusive proof of compliance with the notice requirements of this section.

- (3) Nothing in this section shall apply where the value of the check exceeds five hundred dollars (\$500.00) or where the offender is under accusation of formal criminal charges involving the issuance of two or more checks with an aggregate value of five hundred dollars (\$500.00) or more.
- (4) A bank, savings and loan association, industrial bank or credit union shall not be civilly or criminally liable for releasing information relating to the drawer's account to any police authority or officer of the Court of this municipality provided the release of such information is for purposes of investigating or prosecuting a potential or alleged violation of this section.
- (5) In imposing a penalty for violation of this section, the Municipal Court is specifically authorized and empowered to require restitution in full to the person or entity to whom any such check described herein was issued as a portion of, or in addition to, any penalty deemed appropriate by the court.
- (6) Any person who violates any of the provisions of this section shall be subject to a penalty in the form of a fine not to exceed three hundred dollars (\$300.00) or imprisonment for a period not to exceed ninety (90) days or by both such fine and imprisonment.

8-3 Offenses Against Public Order and Decency.

8-3-1 Disorderly Conduct.

- (1) Any person commits disorderly conduct if he intentionally, knowingly, or recklessly:
 - (a) *Makes a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture, or display tends to incite an immediate breach of the peace,*
 - (b) Makes unreasonable noise in a public place or near a private residence that he has no right to occupy; or
 - (c) Fights with another in a public place except in an amateur or professional contest of athletic skill; or
 - (d) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting; or

- (e) *Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm.*

8-3-2 Unlawfully Carrying a Concealed Weapon.

It shall be unlawful for any person within the Town to commit the offense of Unlawfully Carrying a Concealed Weapon; Unlawfully Carrying a Concealed Weapon being defined as:

A person commits the offense of Unlawfully Carrying a Concealed Weapon when he knowingly and unlawfully:

- (1) Carries a knife concealed on or about his person; or
- (2) Carries a firearm concealed on or about his person; or
- (3) Carries, brings, or has in possession a firearm or any explosive, incendiary, or other dangerous device on the property of or within any building in which the chambers, galleries, or offices of the town meet and conduct business; or
- (4) Carries any firearm or weapon as defined in C.R.S. 18-12-101, such as brass knuckles, knives of various types, blackjack, bomb, guns of various types, bludgeon, or other unlawful weapon concealed on or about his person.

Except for Subsection (3) above, it shall be an affirmative defense that the Defendant was:

- (1) A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying; or
- (2) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's person or property while traveling; or
- (3) A person who, prior to the time of carrying a concealed weapon, has been issued a written permit to carry the weapon *by an authorized law enforcement official*; and the permit shall be effective in all areas of the town; or
- (4) A peace officer, as defined in C.R.S. 18-1-901(3)(1).

8-3-3 Open Container.

Any person who has an open container that contains an alcoholic beverage, 3.2% or more by volume, in a public place or in a moving vehicle commits the offense of open container.

8-3-4 Obstructing a Public Way.

(1) Any person commits the offense of obstructing a public way if he or she, without legal privilege, intentionally, knowingly, or recklessly:

- (a) Obstructs a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway or hallway to which the public or a substantial group of the public has access or any other place used for the passage of persons, vehicles, or conveyances, whether the obstruction arises from his acts alone or from his acts and the acts of others; or
- (b) Disobeys a reasonable request or order to move issued by a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot, or other hazard.

(2) For purposes of this section, "obstruct" means to render impassable or to render passage unreasonably inconvenient or hazardous.

8-3-5 Throwing Missiles.

Any person who knowingly projects any missile at another person, vehicle or building commits the offense of throwing missiles.

8-3-6 Littering.

Any person who throws, dumps, places or deposits upon the lands of another or upon any public property, highway, street, alley or other area, any garbage, debris, junk, carcasses, trash, or refuse of any sort, without privilege to do so, commits the offense of littering.

8-3-7 Property as a Public Nuisance.

Any person who maintains his or her property in such a condition as to injure, endanger the health, safety, comfort or property of his or her neighbors.

- (1) Allowing an inoperable motor vehicle to be parked or remain upon any public street or any private property, not within a garage, shall be a violation of this section.

8-3-8 Conducting Business on Public Property.

No person shall conduct an ongoing business on any public property or right-of-way without first obtaining a permit from the Town Clerk and a business license as per Section 3-1-1. This Section shall not prohibit the emergency servicing of disabled vehicles parked on a public right-of-way but expressly does prohibit the ongoing servicing and repair of vehicle for hire on public rights-of-way or property.

The permit required by this Section shall follow all of the requirements for submittals contained in Section 3-2-3 in the application for a license under the peddlers and solicitors Section 3-2-4.

8-3-9 Placement of Snow. (Ord 98 12-9-85)

It shall be unlawful for any person to plow, shovel, push or place snow from privately owned property onto or into any street, road, alley or highway in the Town.

8-3-10 Indecent exposure. (Ord 92 6-26-84)

It shall be unlawful for any person to appear in a state of nudity or in any indecent or lewd state of dress or condition in any public place or in any such place to make any indecent exposure of his or her genitals, or buttocks.

8-3-11 Public Urination. (Ord 92 6-26-84)

It shall be unlawful for any person to urinate or stool (defecate) in any place open to public view.

8-3-12 Unnecessary Noise. (Ord 126 10-15-91 is listed there as 6-3-13)

- (1) It shall be unlawful for any person to make any unnecessary noise within the limits of the Town of Ignacio. A person commits the offense of making unnecessary noise when that person makes or causes to be made any

excessive, offensive, raucous or unusually loud noise or any unnecessary noise which annoys, disturbs or injures another person or which endangers another person's comfort, repose, health, peace or safety. A noise may be found to be offensive due to its periodic, impulsive or shrill nature.

(2) The following shall be considered unnecessary noises, but the following list shall not be exclusive:

- (a) Horns or other signaling devices: The sounding, except as a danger warning, of any horn or other signaling device for an unreasonable length of time.
- (b) Radios, Loudspeakers, Tape Recorders, etc.: Causing or permitting to be played any radio, tape recorder, phonograph or other similar device in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or playing such a device at any time at a volume louder than is necessary for the convenient hearing of any listeners in the room or vehicle in which device is being played. The playing of such a device in such a manner as to be plainly audible at the distance of fifty feet from the building or vehicle in which the device is located shall be prima facia evidence of the violation of this section.
- (c) Yelling, Shouting, etc.: Yelling, shouting, hooting, or whistling so as to unreasonably disturb any persons in the area.
- (d) Animals: The keeping of any animal that causes frequent or continuous noise that disturbs any person in the area.
- (e) Vehicles: The operation of any vehicle without a muffler or with a defective or altered muffler or the operation of any vehicle which otherwise causes loud and unnecessary grating, grinding or rattling noise.
- (f) Construction work: The erection, demolition, alteration, moving or repair of any premises or structure between the hours of 8:00 p.m. on one evening and sunrise of the next morning.

8-3-13 Disobedience to Court Orders.

Any person who knowingly or willfully disobeys any order, summons, subpoena, warrant or command duly issued, made or given by the Ignacio Municipal Court commits the offense of Disobedience to Court Orders.

8-14-14 Resisting an Officer.

Any person who, knowingly or willfully, interferes with, resists, delays, obstructs, molests, or threatens to molest any peace officer in the exercise of his or her official duties commits the offense of resisting an officer.

In addition to citing any violator, the continued violation of this section may be abated as a public nuisance by appropriate action commenced by Municipal Court.

8-4 Traffic Offenses

8-4-1 *Traffic Citations*

- (1) *Traffic citations written into the Municipal Court are done so under the Model Traffic Code (Ord 166 1-15-98). However, traffic violations may also be written into the County Court under C.R.S. Title 42.*
- (2) *Fines for citations are reviewed and approved as needed by the Town Board of Trustees.*

8-5 Offenses by Minors (Ord 155 4-8-96)

8-5-1 Curfew. (Ord 116 9-11-89))

It shall be unlawful for any child under the age of eighteen (18) years to be or remain upon any street, alley, public place or private property accessible to the public within the Town of Ignacio between the hours of 10:30 p.m. of any Sunday through Thursday night and the hour of 6:00 a.m. on the following day or between the hour of 12:00 midnight following a Friday or Saturday night and 6:00 a.m. on the following day except for lawful employment or unless there exists a reasonable necessity thereof, or unless such child is accompanied by the parent, guardian or other person of the age of twenty-one (21) years having permission of the parent or guardian to have the custody and care of such child. It shall be unlawful for the parent, guardian

or other person having custody of any child under the age of eighteen (18) years to permit or otherwise allow that child to violate the provisions of this Section, either by affirmative act or by omission to act.

8-5-2 Alcohol

It shall be unlawful for any person under the age of twenty-one (21) years to purchase, attempt to purchase, be in possession of, or illegally consume any alcoholic or fermented malt beverage.

8-5-3 Tobacco

It shall be unlawful for any person under the age of eighteen (18) years to purchase, attempt to purchase or to be in possession of cigarettes or any other tobacco product.

8-5-4 Controlled Substances

It shall be unlawful for any person under the age of eighteen (18) years to purchase, attempt to purchase, be in possession of, or in any way use a Controlled Substance as defined in C.R.S. 18-18-102.

8-5-5 Drug Paraphernalia

It shall be unlawful for any person under the age of eighteen (18) years to be in possession of any drug paraphernalia as defined in C.R.S. 18-18-426.

- (1) When a Summons, Complaint or other Municipal Court Order of any type is issued to any person under the age of eighteen (18) years, then notice of the issuance of the Summons, Complaint or other Order shall be provided to the parent or guardian of the minor by personal service or by mailing a notice by certified mail, return receipt requested at least ten (10) days prior to the scheduled court appearance. The notice shall include the alleged violation, date of violation, and the date, time and place of the scheduled court appearance, and shall provide notice that the parent or guardian is required to appear in Municipal Court on the specified date and time with the minor. The parent or guardian of any minor who is required to appear in Municipal Court shall have the duty to assure that the minor appears as ordered and it shall be unlawful for any parent or guardian to fail to appear at each and every court appearance with the minor, and the Municipal

Judge, in addition to any other penalty, may issue a warrant for the arrest of any parent, guardian or minor who fails to appear as provided herein.

This section applies to criminal matters only. Traffic citations are exempted from this notification requirement.

(2) When any person under the age of eighteen (18) years, as a result of the violation of any section of this Code, is sentenced or otherwise ordered by the Municipal Judge to pay a fine, court costs, restitution or any other fee or is sentenced or otherwise ordered to perform community service, attend counseling, attend classes or perform any other action, then the parent or guardian of the minor shall become jointly responsible for payment of any amounts ordered to be paid and shall have a duty to assure that the minor performs any ordered community service or other action, and the failure of any parent or guardian to assure that the minor complies with an Municipal Court order shall be a separate offense for which a Summons may be issued, or which may be punishable as Contempt of Court.

(3) The provisions of the Section 6-4-5 shall not be applicable to any parent or guardian who demonstrates to the Municipal Judge that the minor is emancipated, which shall mean any minor who is over sixteen (16) and under eighteen (18) years old and who does not reside with the parent or guardian and who is solely responsible for his or her own support, or who is married.

8-5-6 Juveniles in Municipal Court (Ord 141 6-13-94)

(a) The police department of the Town of Ignacio shall have the authority to issue citations or summons to appear in Ignacio Municipal Court to any person under the age of eighteen years for the violation of any Ordinance of the Town of Ignacio, The Municipal Court of the Town of Ignacio shall have the authority to act on any such action commenced in Municipal Court, provided however, that no person who is under the age of eighteen shall be sentenced to serve any jail sentence for the violation of any Ordinance of the Town of Ignacio.

8-5-7 Community Youth Task Force

The Ignacio Municipal court Judge shall have the authority to ceate a Community Youth Task Force (CYTF) for the purpose of coordinating an effective approach to violations of the Ignacio Code by juveniles. The Municipal Court Judge shall have the authority to appoint such persons to the CYTF as he or she deems most appropriate for the purposes expressed herein, and the Judge may establish such procedures for the administration of the CYTF as may be appropriate to accomplish the purposes of the CYTF. The Judge also has the authority to refer cases to the Teen Court for them to address. The Judge will be informed by the Teen Court regarding the judgments made.

8-6 Municipal Court. (Ord 107 7-13-87)

8-6-1 Bond Authorized.

Every person arrested for a violation of the provisions of any ordinance of the Town shall have the right to be admitted to bail on his executing a cash, surety or recognizance bond, conditional that he will appear on a day and hour therein mentioned before the Municipal Court. Said bond shall be in an amount adjudged sufficient by the Municipal Judge or officer to insure the appearance of the defendant.

8-6-2 Failure to Appear an Offense.

- (1) It is unlawful for any person to fail to obey a written promise or summons to appear, given to or by an officer upon arrest, issuance of a summons or obtaining bail.
- (2) It is unlawful for any person to fail to obey any order of the Municipal Court requiring that person's presence before the Court.

8-6-3 Forfeiture of Bond.

In the event any defendant in any case before the Municipal Court fails to appear, *without prior notice to the Court*, according to the terms, requirements and conditions of his bond for appearance, such bond shall automatically be forfeited.

8-6-4 Surety liable; Proceedings commenced; Default.

Where a surety bond is forfeited, the surety on said bond shall pay the amount of the bond into the Municipal Court upon the date of forfeiture. Failure of the surety to satisfy a bond forfeiture shall result in proceedings being instituted in a court of competent jurisdiction in the name and on behalf of the Town for recovery of the penalty in such bond named.

8-6-5 Penalties.

When any defendant, duly summoned or admitted to bail, fails to appear at the time his case is made returnable or set for trial, the Municipal Judge, in addition to any other penalty, may issue a warrant for the arrest of said defendant.

ORDINANCE 206

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, AMENDING THE CHAPTER ENTITLED ADMINISTRATION, THE CHAPTER ENTITLED LAND USE AND DEVELOPMENT, THE CHAPTER ENTITLED SUBDIVISION OF LAND.

WHEREAS, the Town of Ignacio, Colorado has adopted municipal codes; and

WHEREAS, the municipal code is being revised and directives in the Administration chapter either no longer apply or were moved to a more appropriate chapter; and

WHEREAS, the land use and development regulations are designed to guide an orderly process for monitoring uses and development within the Town; and

WHEREAS, current development plans have demonstrated the need for managing the size and quality of signage; and

WHEREAS, current development plans have demonstrated a need for revising subdivision procedures; and

WHEREAS, the Board of Trustees desires to continually upgrade the accuracy and efficiency of services to the community;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, THE MUNICIPAL CODE CHAPTERS ARE AMENDED AS ATTACHED.

Adopted and ordered published this 9th day of September, 2003.

TOWN OF IGNACIO, COLORADO:

By: Gerardo W. Silva
Mayor

Attest:

By: Georgina M. Valdez
Town Clerk

CHAPTER I: Administration
REMOVED SECTION ON BONDING AND MOVED MUNICIPAL COURT TO CHAPTER: Criminal Offenses

1-1 Town Seal.

1-1-1 Establishment of Town Seal

1-2 Terms of Office.

1-2-1 Trustees.

The terms of office of members of the Town Board of Trustees shall be four (4) years. Three (3) members of the six person Board, shall be elected every two (2) years.

1-2-2 Mayor.

The term of office for the Mayor shall be four (4) years.

1-2-3 Vacancies.

Vacancies on the Town Board or Mayor position shall be filled in accordance with state law.

1-2-3.1 Appointments

The Town Board will appoint volunteer members to the Planning Commission and the Board of Adjustment. Refer to Zoning Chapter for details on roles, responsibilities.

1-3 Board of Trustees' Meeting.

1-3-1 Regular Meetings.

The Town Board of Trustees shall have regular meetings at the Town Hall in Ignacio, as called by the Mayor or Mayor Pro-Tem, with time and date to be posted in advance at the Town Hall.

3-7 Sign Code Regulations

3-7-1 What is a sign.

A sign is comprised of words, characters and/or images and may be attached to or painted on a building or house or free-standing such that it is not attached.

3-7-1.1 Purpose of signage

Generally, a sign's purpose is to convey information to the public.

3-7-1.2 What this code covers

This sign code covers all signage that is intended to be viewed by the public from the exterior of a building or public right-of-way. This includes, but is not limited to affixed and free-standing signage exterior to a building, signage placed within a window, banners, murals, exterior bulletin boards and posters. It does not cover interior signage that is generally not viewable from the exterior. With the exception of signage placed on the inside of a window, it does not cover signs less than 144 square inches or 1 square foot (example, 12-in. x 12-in.).

3-7-1.3 Value of signage

Signage assists the public by providing them with necessary information. Business signage assists the public in locating and identifying a particular business. Advertising signage provides information on products or services. While too little signage is a detriment in serving the public, too much creates visual impairment and confusion. For example, if a business' sign is too small, then the public will have difficulty locating the business which may offer what they need. Likewise, if there is too much signage, the public may become distracted and confused and still unable to identify a specific business. In the case of road signs, too little can be dangerous, while too much can also be dangerous as drivers attempt to determine where and how they are to drive. Street numbers identifying addresses assist rescue workers in locating an emergency situation.

3-7-1.4 Quality and aesthetics of signage

Signage of a high-quality and aesthetically pleasing variety enhances the town of Ignacio and conveys an image of professionalism. Contrarily, poorly executed or maintained signage is a detriment not only to the immediate establishment, but also diminishes the value of neighbors' property. Refer to the vision statement regarding "Honoring Our Southwest Traditions."

3-7-2 Sign permits and fees

Compliance of new signs will be reviewed at the time of a new or annual renewal of the business license . Business owner will bring size(s) of sign(s) and size of frontage with the

application for approval. The planning staff will review for compliance to code and if approved or not notify the owner. A sign is in non-conforming if not approved by planning staff.

3-7-2.1 Approval of new signage

All new signs or signs installed after the date of the ordinance must be approved. All signs will be reviewed and approved by Planning Staff.

Graffiti art and text must also pass through the approval process. Non-approved sign requests may be appealed to the Ignacio Town Council by stating the appeal in writing and providing a copy of the appeal to the Ignacio planning staff in advance of the issuance of the next meeting's agenda.

3-7-2.2 Temporary signage

Temporary signage is any type of signage which is not permanently affixed or erected and, unless stated elsewhere in this ordinance, may not be located upon the same property for more than 7 days out of 30 Special event signage and hunting season signage may be displayed for the duration of the event season and prior two weeks. It does not require approval so long as it meets the requirements of this code.

3-7-2.3 Sign approval application

Application for approval of a sign shall be made using the form provided by the Town of Ignacio planning staff. The application will include the following information:

- 1) Owner of the proposed sign and contact information.
- 2) Proposed location for the sign.
- 3) Type of sign (for example, free-standing, mural, affixed, etc.).
- 4) Type of lighting (for example, internal, external, none, etc).
- 5) Size of sign(s) and size of frontage.
- 6) A color drawing or illustration of the proposed signage including all verbiage and imagery to be incorporated with sufficient detail that it accurately represents what will become the finished product.
- 7) In the case of an existing sign, a color photograph of the sign shall be included.

Incomplete information may delay your sign approval

3-7-3 Sign Maintenance

An already approved sign which is being touched up by repainting existing letters and graphics does not need a new permit. However, an existing sign that is being altered or moved or voluntarily replaced shall be considered as a new sign and requires planning staff review and approval.

Signage shall be maintained. Burned out lights on illuminated signs shall be replaced promptly. Faded and peeling paint shall be retouched as necessary to prevent the sign from looking unprofessional.

3-7-4 Illegal signage

The following types of new signage are illegal:

1. Billboards and signage for a business or occupation that no longer exists. Special Use Permit may be applied for on historical or artistic basis.
2. Unprofessionally executed signage or offensive signage identified as the result of an investigation after a written complaint.
3. Signage defined by the planning staff or a written complaint as in need of repair or maintenance
4. New signage which requires a permit, but has not received it.
6. Temporary signage remaining beyond the timeframe permitted by this ordinance or more than 3 days beyond the dates of the event which it promoted.
7. Signage which the planning staff has deemed inconsistent with the information that was provided on or with the sign application.
8. Signage that flashes, blinks or changes color except for time and temperature signs or that is part of decorations for a national, state, tribal or religious holiday and is displayed for no more than a total of 30 days annually.
9. Strings of light bulbs not permanently mounted on a rigid background. (e.g. ex-Christmas luminarias or lights)
10. Placed on public property unless permitted elsewhere in this ordinance.
11. Any offsite sign, except this restriction does not apply to real estate or for rent signs which must conform to other parts of the code
12. Graffiti or other signage created by other than owner.

The occupant of a property containing illegal signage shall be given 30 days notice in writing via certified USPS mail to rectify the deficiency. After 45 days, the sign will be removed at the owners' expense, plus a citation will be issued and fines up to a \$1,000 may be assessed. Graffiti not in the permit process shall be given 5 days notice for removal. After 10 days the graffiti will be removed at the owners' expense, plus a citation will be issued and fines up to a \$1,000 may be assessed. Illegal signage on a vacant property shall be the responsibility of the property owner.

3-7-5 Non-conforming signs

Non-conforming signs are those that were lawful at the time erected but no longer meet code. Non-conforming signs must be brought into conformance when:

- 1) There is a change in ownership of the business
- 2) When there is a change in the business name.
- 3) When sign is replaced voluntarily.

4) When sign is destroyed.

3-7-6 Sign Measurement

Freestanding and projecting signs are measured on one face only. Awnings with signing are measured as projecting signs on the sides of the awnings and wall signs on the front of the awning. If there are signs on each end of an awning, each shall be counted. V-shaped signs with an angle greater than 30 degrees between the two faces are measured as two signs. Signs on a canopy are all wall signs.

Sign area is the entire surface area of a sign and includes non-structural or decorative trim. It does not include structural trim or support. In the case of an awning sign, the sign size is calculated by measuring the dimensions of a rectangle enclosing the signage. When a mural includes identification of an establishment, product or service, that part of the mural shall be considered as a sign, and size will be calculated by measuring the dimensions of a rectangle that encloses that portion.

3-7-6 .1 Aggregate sign size

Frontage is defined as the distance from one corner of a property to the next corner along a public street or alley.

Total signage allowed for a property will be computed using the formula where the frontage x 2 = total square footage of all signs requiring permitting allowed on the property, up to a maximum of 200 sq. ft. For example, a property with 50 ft. of frontage may have total signage of 100 sq. ft. equalling two 5 x 10 signs. This includes free standing, wall signs, and permitted art.

No sign on any frontage may exceed 50 square feet.

Shopping centers or office buildings containing more than one business which desire to advertise each business shall propose a master sign program to planning staff that will provide a coordinated program and follow other aspects of the code.

3-7-6.2 Individual sign size in a Business Zone

Projecting sign: Multiply the facade by $\frac{1}{2}$ or .5 to determine the maximum for any one sign, but not to exceed 50 sq. ft. (e.g. 5 ft x 10 ft or 2 ft x 25 ft). Buildings less than 25 ft. wide may have a projecting sign measuring up to 12 sq. ft. (e.g. 2 ft x 6 ft or 3ft x 4 ft)

Bulletin board: May not exceed 16 sq. feet. (e.g. 2 ft x 8 ft or 4ft x 4 ft)

Billboards: Are allowed only on the same lot related to an existing business and conforming to code sizes based on the size of the frontage of the property

3-7-6.3 Individual sign size in a Residential Zone

Residential sign: Multiply the frontage x 2 up to a maximum of 24 sq. ft. for the maximum size sign for any sign in a Residential Zone.

Residence or Home occupation sign: Any sign for a home occupation may not exceed 4 sq. ft (576 sq. in.).

3-7-7 Sign Placement

Freestanding signs may measure up to 24 feet to the top of the sign. Freestanding signs in residential zones may measure up to 5 feet to the top of the sign and must be of the monument variety, as opposed to the pole type, for subdivisions and home occupation signs and subject to other requirements of this code. Freestanding signs include pole signs and monument signs.

Building mounted signs: No sign may extend above the roofline of any building.

Ground clearance: Freestanding or building mounted signs must maintain 8 1/2 feet of clearance from their overhang to the ground. Signs that do not extend or overhang more than 1 -inch from the building (such as monument signs) are exempt from this requirement. (In other words, an 8 1/2 foot tall individual will not get hit in the head when walking underneath.)

Home occupation signs may not be freestanding.

Street clearance: Permitted signs may not extend over streets or alleys.

Setback: Unless otherwise permitted, signs must remain inside the property line. Within the downtown area, setbacks along Goddard are 0' set back, therefore where a building extends to the sidewalk, projecting signs may be approved by the planning staff if they meet other parts of this sign code.

3-7-9 Sign illumination

Within Residential Zones, all internally illuminated signs must have an opaque background.

Within Business Zones, internally illuminated signs under 100 sq. ft. (e.g. 5 ft x 20 ft or 10 ft x 10 ft) in size must have a background that is darker than the copy. Signs 100 sq. ft. or larger must have an opaque background.

An exception to this rule are menu signs for drive-in or drive-through restaurants which may have dark letters on a light background so long as they are designed and installed so as not to be read from the public right-of-way or attract attention to the business.

All sign illumination must be designed to minimize light from emitting skyward. External lighting must be designed such that the light is shining down, not up. Spotlights may include deflectors to meet this requirement.

3-7-10 Construction materials

Signs may be constructed successfully from many different types of materials including wood, plastics and metal, ceramics. Construction and mounting must be of a professional nature and aesthetically pleasing.

Mounting, supports and lighting must meet all applicable building and electrical codes.

3-7-11 Sign Information

In general, the citizens of Ignacio do not wish to regulate the content of signage. However, because Ignacio is a family town, certain industries and products are regulated as they pose unique challenges to the community. Signage promoting alcohol or tobacco products may not exceed 2' x 2' or 4 square feet.

Adult oriented product stores may use the term "adult" in your signage to clarify your offerings. At no time can there be reference to or images of nudity and no references or pictures of sex acts.

3-7-12 Window signs

Window signs are signs under this ordinance and must not cover more than 30% of any window (a window is all the panes of glass contained within one window casing).

3-7-13 Murals

Murals which are designed for decorative and artistic value must be approved by the Ignacio Planning Commission but do not count towards the total permitted signage or sign size except as stated otherwise here-in.

3-7-14 Exempt signs

The following signs do not require a permit and are not used in calculating the allowable signage:

- 1) Temporary political signs displayed for no more than 30 days.

- 2) Except where specifically prohibited, banners, pennants, streamers, sale flags and posters displayed for no more than 7 days out of 30 except for one Grand Opening banner per street frontage which may be displayed for 14 days total.
- 3) Real Estate "For Sale" type signs not exceeding 6 sq. ft. (e.g. 2 ft x 3 ft) and 5 ft. in height.
- 4) Apartments and motels may have one vacancy/no vacancy sign up to 4 sq. ft. (e. g. 2 ft x 2 ft) If lighted, lighting must meet code requirements contained here-in.
- 5) Construction signs up to 6 sq. ft. in the quantity of one per site.
- 6) No Trespassing, No Hunting/Fishing, No Parking, etc. type signs up to 2 sq. ft. each. (e.g. 1 ft x 2 ft)
- 7) Any governmental flag (e.g. U.S., Colorado, Southern Ute) flown in accordance with U.S. flag protocol.
- 8) A building sign indicating the building name, dates of erection, etc., which is an integral part of the building and permanently affixed to the building and does not exceed six sq. ft. (2 ft x 3 ft)
- 9) The changeable lettering on changeable signs, except for offensive content or message.
- 10) Decorations customary to a national or religious holiday are exempt and must not be displayed for more than 30 days per year.
- 11) Yard or Garage Sale sign placed on premises or within the public right-of-way that does not exceed 10 sq. ft. nor extend higher than 3 ft. and must not be displayed for more than 14 days annually or 3 days in a row.
- 12) Temporary window sign meeting other requirements of this ordinance.
- 13) Sign painted or attached directly to a vehicle that is routinely used as transportation by the business.
- 14) Signs required by other ordinance. However, unless there is conflict, the rules within this ordinance shall apply.
- 15) Individual business signs within an approved master sign program
- 16) Signage required by government regulation or law does not require approval (e.g. Handicapped Accessible signs); but, it is advised the applicant consult the federal government for assistance in complying with federal requirements.

3-7-15 Appeal Process

If any applicant disagrees with a staff decision or interpretation of this code, they may appeal by a written request to the Town Board at the next regularly scheduled meeting convenient to both applicant and Board, within 60 days of the staff decision. The information under Sign Application must be presented to the Town Board at that hearing.

3-7-16 Definitions

Aggregate: the whole amount

Billboard: freestanding sign to advertise

Bulletin board: either freestanding or on a structure for advertising

Freestanding sign: separate from the structure, set on poles or monument base

Frontage: the distance from one corner of a property to the next corner along a public street or alley.

Façade: The distance from one corner of a building to the next corner.

Graffiti: An inscription or drawing found on walls.

Monument: a sign support with a foundation, not measured as part of the sign unless it contains text.

Mural: an artistic image painted directly on a wall and does not include words.

Non-conforming: not conforming to current legal standards

Offensive signage: against the generally accepted moral standards of the community.

Professionally executed signage: neat and clean lettering and design.

Residential sign: Any sign placed in a residential district, excluding address numerals.

Residence sign: usually the name of the property owner, possibly with the address

Size: is the external measure of the sign in square feet. It does not include the supporting structure unless it contains text.

Temporary sign: Temporary signage is any type of signage which is not permanently affixed or erected and may not be located upon the same property for more than a specified number of days.

3-7-17 Severability

If any portion of the ordinance is found to be void or unlawful, it shall be deemed severed from this ordinance and the remaining provisions shall remain valid and in full force and effect.

the major uses of property in the area covered by the map, including residential, commercial, industrial and public uses.

(c) Preliminary Plat.

(1) Procedure. The subdivider shall submit to the Town Manager a minimum of *seven (7) copies* of the preliminary plat, along with the review fee as adopted by the Town Board a minimum of *twenty-one (21) days* prior to a regularly scheduled meeting of the Town Board.

(a) Upon receipt of the preliminary plat, the Manager shall distribute copies of the preliminary plat to the following agencies and offices for review and comments. Such offices and agencies shall advise the Manager of any objections to such plat within *fifteen (15) days* after receipt of the same, and failure to object within *fifteen (15) days* shall constitute approval by such office or agency. Such offices or agencies include:

1. Century Tel
 2. Ignacio School District
 3. Town Engineer
 4. Los Pinos Fire Department
 5. Town of Ignacio Gas & Water
Departments
 6. La Plata Electric Co.
 7. Ignacio Sanitation District
- (b) The subdivider shall meet with the Manager to review the recommendations of the referral agencies.
- (c) The preliminary plat and recommendations shall be reviewed by the Town Board at its next regularly scheduled meeting.
- (d) The Town Board shall either approve or disapprove the preliminary plat. If the preliminary plat is approved, it shall be valid for a period of one (1) year from the date of approval.

(2) Plats and Data. All preliminary plats shall be made at a scale of either one (1) inch represents fifty (50) feet or one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

- (a) The date of preparation, the scale, and a symbol designating true North.
 - (b) The proposed name of the subdivision.
 - (c) The legal description.
 - (d) The names and boundaries of adjacent subdivisions, streets and property owners.
 - (e) The names, addresses and phone numbers of the subdivider and the firm or person responsible for preparing the plat.
 - (f) The location and dimensions of all existing streets, alleys, easements, rights-of-way, watercourses and contours within and adjacent to the subdivision and the names of all such streets. *The location of existing gas, water, sewer pits and meters.*
 - (g) The location and dimensions of all proposed streets, alleys, easements, rights-of-way, watercourses and contours within and adjacent to the subdivision and the names of all such streets. *The location of proposed gas, water, sewer pits and meters.*
 - (h) The lot numbers and approximate dimensions.
 - (i) The total acreage devoted to streets, public areas and other uses.
 - (j) Designation of any area subject to flooding and adequate easements for flood control.
- (3) Supportive informational. The following supportive information shall be submitted with the preliminary plat.

- (a) Copies of any proposed deed restrictions.
- (b) Soil types and restrictions.
- (c) Description and location of any hazardous areas in the subdivision and proposed remedial features.

d. Major Subdivision Final Plat.

- (1) *Procedure. The subdivider shall submit to the Manager a minimum of seven (7) copies of the final plat, along with the fee adopted by the Town Board per sheet, a minimum of ten (10) days prior to a regularly scheduled meeting of the Town Board.*
- (a) *Upon receipt of the final plat, the Manager shall distribute copies of the final plat to the appropriate agencies and offices.*
- (b) *The Manager shall prepare a memorandum of agreement for public improvements which shall be signed by the developer.*
- (c) *The final plat, recommendation of the Manager and memorandum of agreement shall be reviewed at the next regularly scheduled meeting of the Board of Trustees, which shall either approve or disapprove the final plat or refer the same back to the Manager for further study.*
- (d) *If further study is required, the final plat and recommendations shall again be reviewed by the Town Board at its next regularly scheduled meeting. The Town Board shall either approve, conditionally approve or disapprove the final plat within 35 days of its initial review*
- (f) *The subdivider shall submit to the Manager two (2) Mylars of the final plat and 4 copies of the final plat. One (1) Mylar and one (1) shall include signatures on the following certification blocks:*
 - 1. *Dedication*
 - 2. *Notarial certificate*
 - 3. *Surveyor's certificate*
 - 4. *Town officials: Mayor and Clerk*

(h) *The Town Manager shall cause the approved final plat to be recorded in the office of the La Plata County Clerk and Recorder.*

(i) *The subdivider may apply for building permits after copies of the recorded plat have been received by the Town Manager.*

(2) **Plats and Data.** All final plats shall be made at a scale of either one (1) inch represents fifty (50) feet or one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall conform to the preliminary plat as approved, except that the final plat may constitute only a portion of the territory covered by the preliminary plat.

(a) The final plat shall contain the following information:

1. The date of preparation, the scale and a symbol designating true North.
2. The name of the subdivision.
3. The legal description.
4. The names and boundaries of adjacent subdivisions, streets and property owners.
5. The names, addresses and phone numbers of the subdivider and the firm or person responsible for preparing the plat.
6. A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.
7. All bearings, distances, chords, radii, central angles and tangent lengths for all lots, blocks, perimeters, easements and rights-of-way.
8. The location and physical description of all monuments.

to the requirements of this Article and any special consideration pertaining to the site.

- (a) The subdivider shall submit a review fee as adopted by the Town Board and a minimum of *seven (7)* copies of the preliminary plat to the Manager.
- (b) Upon receipt of the preliminary plat, the Manager shall distribute copies of the preliminary plat to the appropriate agencies and offices as listed. Such offices and agencies shall advise the Manager of any objections to such plat within *fifteen (15)* days after receipt of the same, and failure to object within *fifteen (15)* days shall constitute approval by such office or agency.
- (2) Plats and data. The preliminary plat shall be made at a scale of either one (1) inch represents one hundred (100) feet or one (1) inch represents fifty (50) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:
 - (a) The date of preparation, the scale, and a symbol designating true North.
 - (b) The proposed name of the subdivision.
 - (c) The legal description.
 - (d) The names and boundaries of adjacent subdivisions, streets and property owners.
 - (e) The names, addresses and phone numbers of the subdivider and firm or person responsible for preparing the plat.
 - (f) The location and dimensions of all waterways, rights-of-way, easements, streets and contours within and adjacent to the subdivision and the names of all such streets. *The location of all existing gas, water, sewer pits and meters.*
 - (g) The location and dimensions of all waterways, rights-of-way, easements, streets and contours within and adjacent to the subdivision and names of all such streets. *The location of proposed gas, water, sewer pits and meters.*

- (h) The lot numbers and approximate dimensions of the total lots.
- (i) The total acreage devoted to streets, public areas and other uses.

(b) Minor Subdivision Final Plat.

- (1) *Procedure. The subdivider shall submit to the Manager a minimum of seven (7) copies of the final plat, along with the fee adopted by the Town Board per sheet, a minimum of ten (10) days prior to a regularly scheduled meeting of the Town Board.*
 - (a) *The final plat shall be reviewed by the Manager.*
 - (b) *The Manager shall prepare a memorandum of agreement for public improvements which shall be signed by the developer.*
 - (c) *The final plat, recommendation of the Manager and memorandum of agreement shall be reviewed at the next regularly scheduled meeting of the Board of Trustees, which shall either approve or disapprove the final plat or refer the same back to the Manager for further study.*
 - d) *If further study is required, the final plat and recommendations shall again be reviewed by the Town Board at its next regularly scheduled meeting. The Town Board shall either approve, conditionally approve or disapprove the final plat within 35 days of its initial review*
 - (f) *The subdivider shall submit to the Town Board three (3) Mylars and a minimum of four (4) copies of the final plat. One (1) Mylar and one (1) copy shall include signatures on the following blocks:*
 - (1) *Dedication.*
 - (2) *Notarial certificate.*
 - (3) *Surveyor's certificate.*
 - (4) *Town Officials: Mayor and Clerk*
 - (d) *The Town Manager shall cause the approved final plat to be*

recorded in the office of the La Plata County Clerk and Recorder.

(e) The subdivider may apply for building permits after copies of the recorded plat have been received by the Town Manager.

- (2) Plats and data. All final plats shall be made at a scale of either one (1) inch represents fifty (50) feet or one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall conform to the preliminary plat as approved.
- (a) The final plat shall contain the following information, in addition to the information on the preliminary plat:
 - (1) All bearings, distances, chords, radii, central angles and tangent lengths for all lots, blocks, perimeters, easements and rights-of-way.
 - (2) A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.
 - (3) The location and physical description of all monuments.
 - (4) Identification of each lot or site by a number and a designation of the area of each lot in square feet.
 - (5) Appropriate certification blocks, as approved by the Board of Trustees, shall appear on the final plat.
- (3) Supportive information. The following supportive information shall be submitted with the final plat:
 - (a) Legal opinion as to proof of land ownership.
 - (b) The transfer of all required water rights.
 - (c) A traffic control plan showing all controls as per recommendation of the Town Engineer.
 - (d) Four (4) copies of the complete street plans and profiles,

prepared and certified by a registered engineer. Such plans and profiles shall be prepared at a scale no smaller than one (1) inch represents fifty (50) feet. *(as requested by town administration)*

- (e) Four (4) copies of the final approved drainage plan *(as requested by town administration)*.
- (f) A copy of design soil test results and the corresponding location map. *(as requested by town administration)*
- (g) A copy of the final approved utility plan.

2-9 Purpose - Amended Plats.

The purpose of the amended plat procedure is to change lot lines in an existing subdivision or plat where no additional lots are being created, no new easements or rights-of-way are necessary and all requirements of the Subdivision Ordinance is maintained.

2-10 Procedure; Plats and Data.

- (a) Procedure.
 - (1) The applicant shall consult with the Manager in regards to the requirements of this Article and any special conditions pertaining to the site.
 - (2) The applicant shall submit to the Manager the review fee as adopted by the Town Board and a minimum of three (3) copies of the amended plat.
 - (3) The applicant shall meet with the Manager to review any recommended changes or corrections.
 - (4) The applicant shall make all necessary changes and corrections and shall have all changes and corrections checked by the Manager.
 - (5) The applicant shall submit to the Town Board two (2) Mylars and three (3) copies of the final amended plat. Mylars shall be signed by the Mayor and Town Manager.
 - (6) The Town Manager shall record the amended plat in the office of the

La Plata County Clerk and Recorder.

- (b) Plats and data.
 - (1) All amended plats shall be made with an engineer's scale, minimum scale to be one (1) inch represents fifty (50) feet, and shall be on a reproducible medium. Amended plats shall contain the following information:
 - (a) The date of preparation, the scale and a symbol designating true North.
 - (b) The names, addresses and phone numbers of the applicant and the firm(s) or person(s) responsible for preparing the amended plat.
 - (c) The legal description.
 - (d) The location and dimension of all existing and proposed features on the site, including buildings, easements, rights-of-way, watercourses, and parking. *The location of existing gas, water, sewer pits and meters.*
 - (e) The names of adjacent streets.
 - (f) The existing and proposed lot numbers and dimensions of the lots.
 - (2) Appropriate certification blocks, as approved by the Board of Trustees, shall appear on the final plat.
- (c) Covenant Procedure (Ord 183 12-12-2000)
 - As an alternative to the Amended Plat procedure provided for herein, more than one (1) tract or lot may be used for a land use or for the location of a structure and/or to satisfy required setbacks or other regulations, provided that the lots to be used are in common ownership, and provided the owner records at the office of the La Plata County Clerk and Recorder a document which commits the lots or tracts to be used as a single parcel in order to create the desired or required parcel size for the intended use or structure or to meet setbacks from the exterior lot lines. The required commitment shall continue during the period of the proposed land use. The commitment may be terminated if the land use ceases and if the Owner obtains

approval from the Town to record a document with the la Plata County Clerk and Recorder which states that the land use has ceased and the prior covenant is terminated. The Owner shall be required to certify that there are no existing utilities, rights of way or easements which will be impaired by the proposed use, and no document recorded or created pursuant to the provisions of this section shall have any impact on or otherwise affect any existing easement or right of way. (See form to submit to County to be recorded and then to Town of Ignacio.

2-11 General Design Considerations.

- (a) A proposed subdivision shall not, by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and enlargement of public utility systems and community facilities is necessary, the subdivider shall make provision to offset higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due consideration shall be given to difference between prior public revenue and anticipated public revenue to be derived from the fully developed subdivision in determining added net public cost.
- (b) No land shall be subdivided in areas where soil, subsoil or flooding conditions are potential dangers to health or safety.
- (c) Subdivision design shall give consideration to the preservation of groves of trees, streams, unusually attractive topography and other desirable natural landscape features. Provision shall be made for the perpetual maintenance of such features through private covenants or other means acceptable to the Town Board. *In addition, land for trails that take advantage of the natural environment and provide walking opportunities through the subdivision shall be provided with agreement with the town.*
- (d) A proposed subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open spaces.

2-12 Streets.

- (a) Arrangement of streets.
 - (1) The arrangement, extent, width, type and location of all streets shall be considered in their relation to existing or planned streets, to topographic conditions, to public convenience and safety and in their

(f) Street lighting.

- (1) Ornamental street lighting and associated underground street supply circuits shall be installed. The minimum requirement shall be seven thousand (7,000) lumen lamps at a maximum spacing of five hundred (500) feet and at each street intersection. A street lighting plan specifying the number, kind and location of street lights must be submitted with the final plat.
- (2) The provisions of this subsection shall not apply to existing facilities or subdivisions platted heretofore upon which building permits have been issued.

2-18 Reference Monuments.

Permanent reference monuments of stone or concrete, at least thirty-six (36) inches in length and six (6) inches square or round with suitable center point, shall be located and placed within the subdivision or development as required by the Town Engineer. Iron pin monuments at least twenty-four (24) inches long and flush with the surface shall be placed at all points in boundary lines where there is a change in direction, at all block and lot corners and at other points as required by the Town Engineer.

2-19 Maintenance of Required Improvements.

Adequate provision for the satisfactory maintenance of streets and utilities improvements, including easements, shall be made by dedication of such improvements to the Town of Ignacio. Prior to acceptance by the town, the improvements to be dedicated shall be inspected and approved by the Town Engineer.

2-20 Certain Fees Established; Dedications.

- (a) Fees.
 - (1) Storm drains.
 - (a) The Town Board shall from time to time by resolution set fees for storm drainage for the storm drainage system of the Town of Ignacio to be paid by such persons, associations or corporations seeking or required to utilize the sanitary sewer system of the Town of Ignacio.
 - (b) The storm drainage fee shall be adopted *by the Town Board per lot*, until changed.

- (c) A "lot" is defined as any parcel of land of six thousand (6,000) square feet or more. An additional fee of one and one-half cents (\$0.015) per square foot shall be charged for each square foot of each lot over six thousand (6,000) square feet.

2-21 Procedure.

Application for variances or modifications of these regulations shall be submitted to the *Board of Adjustment*. Such application shall include a statement setting forth the nature and extent of the requested variance or modification, together with evidence supporting need for such variance. At the time of the filing of the application the applicant shall *pay a fee as adopted by the Town of Ignacio*.

2-22 Guiding Considerations.

- (a) Hardship. Where the Board of Adjustment finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variance is based on a finding that unusual topography or other exceptional conditions caused by the subdivider made such variance necessary and that the granting thereof will not have the effect of nullifying the intent and purpose of these regulations.
- (b) Planned unit development. The requirements and standards of these regulations may be modified by the Town Board in the case of the plan and program for a planned unit development which, in the judgment of the Town Board provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

2-23 Conditions.

In granting variances and modifications, Board of Adjustment may require such conditions as will, in its judgement, secure substantially the objectives of the requirements and standards so varied or modified.

ORDINANCE 205

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, ADOPTING AN AMENDED CHAPTER OF THE TOWN CODE NOW ENTITLED BUILDING AND EXCAVATION REGULATIONS

WHEREAS, the Town of Ignacio, Colorado (the "Town") had adopted municipal codes; and

WHEREAS, building and excavation regulations are designed to guide an orderly process for monitoring building and excavation within the Town; and

WHEREAS, current building and excavation practices have changed; and

WHEREAS, the Board of Trustees desires to continually upgrade the accuracy and efficiency of services to the community;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO THE CHAPTER IS AMENDED AS ATTACHED.

Adopted and ordered published this 12th day of August, 2003.

TOWN OF IGNACIO, COLORADO:

By: *William Guide, Mayor Pro-Tem*
Mayor

Attest:

By: *Aracuan Valdez*
Town Clerk

CHAPTER V: Building and Excavation Regulations

5-1 Building Code Adopted. (Ord 176 revised 03/14/2000, Rev Ord 205, 8/12/03)

5-1-1 The following described documents and codes are hereby adopted as the Code of the Town of Ignacio, Colorado for the purpose of regulating the erection, construction, enlargement, alteration, repair, occupancy, and maintenance of all buildings and structures in the Town of Ignacio, Colorado and establishing fees and permits therefor and each of the following are hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance:

- A. The volumes, chapters, and appendices of the Uniform Building Code, 1997 edition, as published by the International Conference of Building Officials, together with Amendments, Additions and Deletions as set forth in *Exhibit A 7-03*.
- B. The parts, chapters, and appendices of the Uniform Mechanical Code, 1997 edition, as published by the International Conference of Building Officials, including Appendix Chapters A, B and C, together with Amendments, Additions and Deletions as set forth in Exhibit B.
- C. The parts, chapters and appendices of the Uniform Plumbing Code, 1997 edition, as published by the International Association of Plumbing and Mechanical Officials, including Appendix Chapters A, B, C, D, E, H and I, together with Amendments, Additions and Deletions as set forth in Exhibit C.
- D. C.R.S. 24-32-3101, et seq Manufactured Home Program- Res 03-2001 14 Aug 2001.

5-1-2 Any conflicting ordinance shall be repealed, subject to the following exceptions:

- A. Such repeal shall not affect any provision of such ordinance incorporated in the ordinance or the exhibits thereto.
- B. In the event that a building permit has been issued pursuant to said ordinance and is still in force and effect, construction covered by such permit shall continue to be governed by the Ordinance under which said permit was issued.
- C. This repeal shall not affect any offense committed or act done, any penalty or forfeiture incurred or any contract, right or obligation established prior to the time of such repeal.
- D. To the extent that such ordinance and codes adopted pursuant thereto impose any restrictions on subsequent alterations or modifications after issuance of a Certificate

of Occupancy, such restrictions, to the extent not inconsistent with any provisions of this Ordinance or the Codes adopted pursuant thereto, shall remain in full force and effect.

5-1-3 This Ordinance, the Codes and the Regulations adopted herein, as the same may from time to time be amended, shall be referred to collectively as the Town of Ignacio Building Code. Whenever any code or regulation adopted pursuant to this resolution refers to City or Municipality , such reference shall be deemed to include Town where the context so requires.

5-1-4 If any provision of this Ordinance or the Codes, as adopted herein, shall be held invalid by a court of competent jurisdiction for whatever reason, the invalid provisions shall be deemed severable, and such invalidity shall not affect the remaining provisions of this Ordinance or the Codes adopted herein.

5-1-5 Except where specifically provided in said Codes, said Codes shall be applicable within the corporate boundaries of the Town of Ignacio, as from time to time may be amended.

5-1-6 Notwithstanding the adoption of the Town of Ignacio Building Code specified herein, the creation of a Building Department and appointment of a Building Official and other personnel, the enumeration in said Town of Ignacio Building Code of certain duties and responsibilities of said official and personnel, nothing in the Town of Ignacio Building Code, the activities of such Department, or the enforcement or failure to enforce the Town of Ignacio Building Code shall be construed to relieve any person owning or constructing a building governed by said Town of Ignacio Building Code from full responsibility and liability for any violations of said Town of Ignacio Building Code or defects in said building, nor shall said adoption, enforcement or failure to enforce be deemed to create any liability on the part of the Town of Ignacio, Colorado, or its officers, agents, servants and employees. In adopting said Town of Ignacio Building Code, it is the intent of the Board of Trustees for the Town of Ignacio, Colorado to create a duty for the benefit of the public generally and not to create a remedy or benefit for particular individuals or classes thereof.

5-2 Organization and Enforcement.

5-2-1 Building Department - Office Created.

The Building Department is created, and the officials in charge shall be known as the Building Official.

5-2-2 Building Official

The Building Official shall be appointed by the Board of Trustees. His appointment shall continue during good behavior and satisfactory service.

5-2-3 Building Inspector - Acting.

During temporary absence or disability of the Building Official qualified to inspect, the appointing authority shall designate an Acting Inspector.

5-2-4 Building Inspector - Duties.

The Building Official shall receive application required by the building code, issue permits and furnish the prescribed certificates. The Building Official shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. The Building Official shall enforce all provisions of the building code. The Official shall, when requested by a proper authority, or when the public interest so required, make investigations in connection with matters referred to in the building code and render written reports on same. To enforce compliance with the law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in buildings and structures, he shall issue such notice or orders as may be necessary.

Inspections required under the provisions of the building code shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspectors or reorganize inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued according to a Retention of Records system approved by the Town Board of Trustees February 20, 2002.

All such records as provided for in this section shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the Building Department without the Official's approval and written consent.

The Building Official shall make monthly verbal reports to the Board of Trustees and written, if requested, including statements of permits and certificates issued and order

promulgated.

Whenever any building is being constructed, altered, moved, demolished, or repaired, contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on supervisory persons doing the work or persons causing the work to be done and such persons shall forthwith stop such work until authorized by the Building Official to proceed.

5-2-5 Right of Entry.

The Building Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building or structure premises at any reasonable hour.

5-3 Permits, Inspections and Application Procedures.

5-3-1 Permits Required.

From and after the effective date of this Code, no person, firm, partnership, or corporation shall erect or construct, or commence the erection or construction of, or alter or commence the alteration of, any building or structure within the Town of Ignacio, without first obtaining a building permit in accordance with the provisions of this Uniform Building Code and Municipal Code Chapter related to Zoning and Land Use.

5-3-2 Application for Permit.

Application for a permit shall be made to the Building Official on forms furnished for that purpose.

5-3-3 Building Permits Issuance, Retention, & Expiration.

All applications for building permits shall be submitted to the Building Official for his approval. At such time as the Building Official is satisfied that the minimum requirements set forth in this Code are met by the applicant, he shall issue the building permit by signing for final approval.

One set of the approved plans shall be retained by the Building Department for at least ninety (90) days from the date of the completion of the work.

If the authorized work is not commenced within 180 days from the date of such

permit or if the work is abandoned or suspended for a period of 180 days, said permit shall expire according to Subsection 107.4 of the 1997 Uniform Building Code. One 180 day extension is allowed upon written request of the permit holder.

5-3-4 Fees.

A fee for each building permit shall be paid to the Town Staff. The fee shall be determined on the basis of the value of the proposed building or structure or the value of the improvements for which the permit is issued. If plans must be reviewed by the Building Inspector a Plan Review fee will be added to the Permit fee. The Plan Review fee is calculated at 65% of the Permit fee.

5-3-5 Inspections.

Inspections of new buildings by the Building Inspector shall be held as needed.

5-4 Building Violations and Penalties.

5-4-1 It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the Town of Ignacio or cause the same to be done contrary to or in violation of any of the provisions of said Uniform Building Code.

5-4-2 Penalties for Violations (Ord 127 12-9-91).

Any person, firm or corporation violating any of the provisions of the Uniform Building Code as herein adopted shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of said Uniform Building Code is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than 1 year or by both such fine and imprisonment.

5-5 Uniform Code for the Abatement of Dangerous Buildings Adopted.

5-5-1 There is hereby adopted the Code know as "Uniform Code for the Abatement of Dangerous Buildings", 1982 Edition, as promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, of which three copies of the Code have been filed in the Office of the Town Clerk of the Town of Ignacio, Colorado, and may be inspected during regular business hours, the same being adopted as set out fully herein.

5-5-2 Penalties for Violations. (Ord 97 8-12-85)

All unsafe buildings, as defined in the Code, are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Chapters 4 through 9 of the "Uniform Code for the Abatement of Dangerous Buildings" or by other procedures provided by law. In addition to any other remedy herein provided, the Building Official may cause the unsafe building to be repaired to the extent necessary to correct the conditions which render the building dangerous or cause the building to be sold and demolished, or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Upon appropriate hearing, as set forth in Chapter 9 of said Code, "Uniform Code for the Abatement of Dangerous Buildings", the costs of such repair, demolition, removal or sale, may be assessed against the unsafe property on the appropriate assessment roll, and said costs shall be a personal obligation of the unsafe property owner.

5-5-3 Definition - Building Official.

The Title Building Official as described in the Code is the Building Inspector.

5-6 Excavation.(Ord 97 8-12-85, Ord 195, 1987, Amended 4-9-02)

5-6-1 Permit for Work Within Right-of-Way

5-6-2 Permit Required.(Ord 97 6-2-85, amended by Ord 195 4-9-02)

It shall be unlawful for any person, other than the Town through its employees or those persons under contract with the Town, to excavate, cut, open, trench or conduct any other work of any type in, on, under, above, upon or within any street, sidewalk, curb, gutter, alley or other public place within the Town without having first obtained a Permit as required by this section. It shall be specifically unlawful for any person to conduct any work on or in any way interfere with or alter any Town utility regardless of location without having lawfully requested a utility location and without having received prior permission from the Town to conduct the proposed work.

5-6-2.1 Application. (Revised 1988, 2000, and amended by Ord 195 4-9-02)

Applications for an excavation permit shall be made on forms provided by the Town Clerk and shall contain the following information:

- (a) Name and mailing address of applicant.

- (b) Description of proposed work.
- (c) Location of proposed work.
- (d) Reason for work.
- (e) Estimated square yards of surface excavation linear feet of curb excavation.
- (f) An affirmation that the applicant agrees to comply with the state underground utility location statute.
- (g) Signature of applicant.
- (h) Signature of Manager.

All applications shall be accompanied by a fee of Ten Dollars (\$10.00), appropriate insurance certificates and bonding requirements as required herein and any payment to the Ignacio general fund.

5-6-2.2 Liability Insurance; Self Insurance.

No person shall be issued an excavation permit until such person has furnished a Certificate of Insurance, satisfactory to the Town, certifying that such person is insured against claims for damages for personal injury and for property damage which may arise from or out of the performance of the work of such person or any work performed by a subcontractor, and agent, employee or any person directly or indirectly employed by such person or by a subcontractor. Such insurance must insure against collapse, explosive hazard, damage to nearby utilities and underground work by equipment on the street, and must include protection for a period of one (1) year from the date of completion of an excavation against liability arising from completed operation. Liability limits shall be at least those limits specified for coverage under the Governmental Immunity Act, C.R.S. 24-10-101 et seq., and each Certificate must provide that notice of not less than ten (10) days be given to the Town prior to cancellation of any such insurance policy. Any public utility company having a net worth in excess of \$5,000,000.00 is not required to comply with the insurance requirements of this section if such utility provides written notice to the Town of the election of such utility to be self-insured and if such utility provides satisfactory proof at the time an application for an excavation permit is made that the utility does in fact have such net worth. Any such certificate furnished by such

utility shall further set forth in writing that such utility shall be responsible for and shall hold harmless the Town against all claims and liabilities arising from the making of any excavation pursuant to the provisions of this section which are made by such public utility, its agents or employees, or by any subcontractor of such public utility or by anyone directly or indirectly employed by such public utility or its subcontractor.

5-6-2.3 Excavation Standards.

All persons receiving an excavation permit from the Town shall commence work not later than ten (10) days after the date such permit is issued. Failure to commence work in a timely manner shall cause an automatic revocation of the permit for which no refund of the permit fee shall be granted. A subsequent permit, with appropriate permit fee, shall be required. All work authorized by an excavation permit shall be diligently and continuously performed until completion. All trenches shall be made in compliance with any applicable Federal, State, County, or Town law, ordinance, rule or regulation regarding slope, depth, bracing and other similar requirements.

5-6-2.4 Safety Standards and Routing of Traffic.

All work performed under an excavation permit shall be done in such a manner as will cause the least inconvenience to the continued flow of traffic on the streets of the Town of Ignacio. In no case shall more than one-half (1/2) of the width of any street, alley or other public place be opened or excavated at any one time, and in all cases, one-half (1/2) of such street, alley or other public place shall remain untouched for the accommodation of traffic until the other one-half (1/2) is restored for safe use. Every person making or causing to be made any excavation shall keep the excavation barricaded at all times and, between the hours of sunset and sunrise, shall keep such excavation properly lighted so as to warn all persons thereof. In no case shall excavated material be used as a barricade. In addition, excavation materials shall not be permitted to block any sidewalks, gutters, drainage ditches, culverts or other structures or easements except as specifically permitted herein.

5-6-2.5 Backfill - Unpaved Locations. (Ord 97, 1985, Ord 111, 1988)

Excavations in unpaved locations shall be filled to the actual surface level of the unexcavated portion of the street with approved material. Additional amounts of such material shall be added by the permit holder upon the order of the Manager, as may be necessary to compensate for any irregularity in the surface that may occur due to settling in the area of excavation during the twelve (12) month period next following the completion of the excavation.

5-6-2.6 Backfill - Paved Locations.

Excavation in paved locations shall be filled to nine inches (9") below the actual pavement surface with material as specified in 5-6-2.7. Appropriate base course and asphalt concrete pavement shall then be placed over the excavation *as required by the Town of Ignacio engineer. Paving taking place during summer months should be done within 5 days of the excavation completion.* If excavation occurs during cold months paving must be done by June 15th of the same year. Exceptions can be sought through the Town Manager.

5-6-2.7 Backfill - Placement.

The material used in backfilling shall consist of the original excavated material or other material as required by the Manager in a finely divided form free from large lumps, large stones, rocks, pieces of old concrete or asphalt pavement, or large wet or gummy masses and must be placed in compacted layers or lifts of six inches (6") each from the bottom of the trench to the top of the trench. The backfill material must be thoroughly compacted to a minimum of ninety percent (90%) of the maximum density as determined by AASHTO T-180 through the entire depth of the excavation or trench, with the exception of the top nine inches (9") which must be compacted in accordance with the Paving Specification of the Town of Ignacio. If, in the opinion of the Town, engineering tests are required to verify the amount of compaction, including proctors, the Town may order the tests which shall be at the expense of the contractor.

5-6-2.8 Guarantee.

Any permit holder is required to correct any work which is found to be incomplete or which contains defective material or defective workmanship for a period of three (3) years from the date such work was completed and accepted by the Town. Should the person required fail to correct incomplete or defective work within ten (10) days of Town notification to such person, the Town may, at its election, complete such work and bill the person for work required to be done by the Town. The permit holder may also be found to be in violation of this ordinance.

5-6-2.9 Monetary Guarantee

Excavation shall not be made in any Town street or other public place unless required by absolute necessity or due to any emergency. When an excavation is required in a Town street or in a public place, a cash deposit, performance bond, or letter of credit shall be made to the Town of Ignacio based upon the following

schedule:

- A. Paved Streets. A cash deposit in the amount of \$10.00 per square foot of surface area of the proposed excavation shall be paid to the Town Clerk prior to the issuance of any excavation permit in a paved location. Said payment shall be refundable after a period of one (1) year if the pavement repair is still in good order and in the opinion of the Town Manager or his designee said repaired pavement or asphalt will remain in good condition for at least three (3) years.

Rather than a cash deposit, the permit holder may provide a performance bond or bank letter of credit guaranteeing that the Town will be reimbursed for any work it may be required to do to maintain the replaced asphalt. If the actual surface area of excavation is found to exceed the proposed area, the permit holder shall be required to provide the additional amount. This provision allowing a guarantee rather than a non-refundable permit fee shall be made retroactive to the adoption of the original ordinance No. 97 and any cash payments shall be considered deposits and handled in the same manner as allowed under this amendment to the ordinance.
- B. Unpaved Streets. No payment required.
- C. Sidewalks. Same as above except the rate shall be \$15.00 per square foot of sidewalk.
- D. Curb and Gutter. Same as above except the rate shall be \$15.00 per linear foot of excavated curb and gutter.

5-6-2.10 Advance Notice of Improvements.

The Town shall endeavor to keep the public informed of proposed street, curb and gutter or sidewalk improvements in order that facilities may be installed prior to the making of such improvements. It is the responsibility of the persons installing the facilities to do so in advance of such improvements whenever possible.

ORDINANCE NO. 204

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, ADDING TO THE CHAPTER ENTITLED WATER PERMITS AND CONNECTIONS of the Municipal Code

WHEREAS, the Town of Ignacio, Colorado (the "Town") has adopted municipal codes; and

Whereas, the House Joint Resolution 03-1015 requests municipalities to review covenants, ordinances, resolutions, and procurement codes and contracts to evaluate effects on landscaping and other activities that place a burden on the state's water resources; and

Whereas, the above resolution wishes to encourage and promote responsible water conservation measures, specifically the use of soil enhancements and xeriscaping; and

Whereas, the Town of Ignacio Board of Trustees, being supplied by the Southern Ute Indian Tribe treated water system wishes to support conservation practices that will allow for expansion into the newly annexed acreage to the Town and believes these measures would be good for citizens' landscaping needs; and

Whereas, water is a finite resources, not replaceable by any other resource; and

Whereas, the current Municipal Code has listed this Chapter as VIII and that is in conflict with another chapter related to zoning which was named Chapter VIII; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

Water Permits and Connections will be labeled Chapter IX, with all Sections within the chapter relabeled 9-; and

Section 9-14 Conservation is added to and reads as follows:

- f. A tiered rate structure will be put in place and adjusted annually as needed.
- g. The hours of use for irrigation water, to include a complete ban if necessary, will be determined according to drought conditions and communicated to the public by the Town Manager. Violations will be cited into court, with a maximum fine of \$1,000. Exceptions to this law must be sought through the Town Manager.

Adopted and ordered published this 8th day of July, 2003

TOWN OF IGNACIO, COLORADO:

By: Seaworth, Shie
Mayor

Attest:

By: Jeannette Valdez
Town Clerk

ORDINANCE 203

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, ALTERING SECTIONS OF CHAPTER III: BUSINESS REGULATIONS OF THE TOWN CODE

WHEREAS, the Town of Ignacio, Colorado (the "Town") had adopted municipal codes; and

WHEREAS, business regulations are designed to guide an orderly process for licensing and monitoring business within the Town; and

WHEREAS, several sections in the current business regulations are confusing and current acceptable practices have changed; and

WHEREAS, the Board of Trustees desires to continually upgrade the efficiency of services to the community;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO THE FOLLOWING SECTIONS ARE AMENDED AS FOLLOWS:

Section 3-1-5 Expiration of Licenses

All licenses shall expire on the last day of December following the issuance of such license and no rebate or credit shall be allowed for licenses issues or used for a portion of a year only.

Section 3-1-10 Penalties

It shall be unlawful for any person, firm, or corporation, whether as principal, agent, employee, or otherwise, to violate or cause the violation of any of the provisions of this Ordinance and, upon conviction thereof, may be punished by a fine of not more than one thousand dollars (\$1000.00), or by imprisonment in the county jail for a term not exceeding ninety (90) days.

Section 3-2 Vendors and Solicitors

Section 3-2-3 Application for Permit.

Applications for a vendor's or solicitor's permit shall file with the Town Clerk a sworn application in writing on a form to be furnished by the clerk, which shall give the following information:

- (a) Name and permanent home address of applicant;
- (b) A description of the applicant and the applicant's vehicle;
- (c) A brief description of the nature of the business and goods shown for sale or for future delivery;
- (d) If employed, the name, address and phone number of the employer;
- (e) A statement about any crime, misdemeanor or violation of municipal ordinance within the past five years.
- (f) Acknowledgment that you have been told to collect sales tax and a sales tax number. If no tax number, applicant will be given the number to call to register with the state.
- (g) A photostatic copy of a valid picture identification or driver's license must be submitted with the application.
- (h) Signature that statements are true and correct.

In addition, if a food service vendor applies for a permit they are also required to have a Colorado Retail Food Service Establishment License, which is renewed annually.

Section 3-2-4 Issuance of Permit.

The Town Clerk or assigned person shall upon receipt of the application and the necessary fees as set forth hereafter, shall execute and deliver to the applicant a permit to carry on such business within the corporate limits of the Town for a period of time, not exceeding thirty (30) days, except as hereinafter set forth.

The permit so issued to an applicant shall contain the signature of the issuing officer or assigned person and the type of permit issued, the date of issuance, the expiration date thereof.

3-2-5 Permit Fees.

The permit fee which shall be charged in advance by the Town Clerk for any such license and permit shall be Five Dollars (\$5.00) per day, Twenty Dollars (\$20.00) per seven (7) day week, or Forty Dollars (\$40.00) per thirty (30) day month, or \$75 per year. The exception is during special events when different fees have been approved by the Town Board of Trustees.

None of the permit fees provided for herein shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a permit fee is believed by the vendor or applicant for a permit to place an undue burden upon such commerce, he may apply to the Board of Trustees for an adjustment of the fees so they will not be discriminatory, unreasonable or unfair as to such commerce.

3-2-6 Exhibition of Permit.

Vendors and Solicitors are required to exhibit their permits at the request of any citizen of the Town.

3-2-7 Revocation of Permit.

Permits hereunder may be revoked by the Board, after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application of the license;
- (b) Fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or as peddler;
- (c) Any violation of this Code;
- (d) Conviction of any crime or misdemeanor involving moral turpitude; or
- (e) Conducting the business of soliciting or of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.

Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his local address as set forth on the application, at least five (5) days prior to the date set for the hearing

3-3-3 License Required.

It shall be unlawful for any person to engage in the business of selling tangible personal property or taxable services at retail without first having obtained a license therefore. Such license shall be granted and issued by the Town Clerk and shall be in force and effect until the 31st day of December of the year in which it is

issued, unless sooner revoked. The clerk will provide information regarding application for a sales tax license.

3-3-5 License Renewal.

It shall be the duty of each licensee on or before January 1st of each year to obtain a renewal thereof if the licensee remains in the retail business.

3-3-16 Limitation of Tax.

Except as otherwise provided by state law, the current percent limitation provided in Colorado State Law shall not be exceeded in the Town of Ignacio by any county sales or use tax.

Adopted and ordered published this 10th day of June, 2003.

TOWN OF IGNACIO, COLORADO:

By: Stewart W. Shea
Mayor

Attest:

By: Gertrude Valdez
Town Clerk

CERTIFIED RECORD
OF
PROCEEDINGS OF THE
BOARD OF TRUSTEES OF THE
TOWN OF IGNACIO, COLORADO,
RELATING TO AN ORDINANCE # 2002
AUTHORIZING THE EXECUTION OF
A GROUND LEASE AND LEASE AND PURCHASE OPTION AGREEMENT

ORDINANCE NO. 202
BOARD OF TRUSTEES OF THE
TOWN OF IGNACIO, COLORADO

AN ORDINANCE PROVIDING FOR THE FINANCING FOR THE ACQUISITION OF LAND; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AND A LEASE AND PURCHASE OPTION AGREEMENT RELATING THERETO; AUTHORIZING PERFORMANCE OF ALL ACTION REQUIRED IN CONJUNCTION WITH THE FOREGOING; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; RATIFYING ALL ACTION HERETOFORE TAKEN IN CONNECTION THEREWITH.

WHEREAS, the Town of Ignacio, Colorado (the "Town") is a body politic and political subdivision of the State of Colorado; and

WHEREAS, the Town desires to finance the acquisition of certain real property (the "Leased Property") pursuant to the terms of a Lease and Purchase Option Agreement (the "Lease") between the Town and Wells Fargo Bank West, National Association (the "Lessor") and to lease the property therein described (the "Project") upon the terms and conditions set forth in the Lease; and

WHEREAS, it is necessary to provide for the approval of the Lease, a Ground Lease and an Escrow Agreement from the Town to the Lessor, and the other instruments and matters required for the financing of the Project, as hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, AS FOLLOWS:

Section 1. Finding and Determination Concerning the Project. The Board of Trustees (the "Board") of the Town hereby finds and determines that the financing of the Project under the terms and provisions and for the purposes set forth in the Lease hereinafter approved and authorized are appropriate and necessary for conducting Town business, are suitable for such purposes and in furtherance of the governmental and proprietary purposes of the Town and are in the best interest of the citizens of the Town, and the Board of the Town hereby grants its approval and authorizes the leasing of the Project in the manner provided herein.

Section 2. Approval and Authorization of the Lease. The proposed Lease and Purchase Option Agreement, to be dated as of May 13, 2003, between the Lessor and the Town, as lessee (the "Lease") in similar form presented to the Town and incorporated herein be reference, is in all respects approved, authorized and confirmed and the Mayor, and the Town Clerk of the Town (or any other authorized officers) are authorized and directed to execute and deliver the Lease in similar form and with similar content as so presented, for and on behalf of the Town, with such changes thereto as they deem necessary.

Section 3. Approval and Authorization of the Ground Lease and Escrow Agreement. A Ground Lease (the "Ground Lease") to be dated as of May 13, 2003, providing for the transfer of

the Land (as defined in the Ground Lease), to the Lessor, and an Escrow Agreement dated as of May 13, 2003 between the Lessor and the Town, are in all respects approved and authorized and the Mayor, and the Town Clerk of the Town (or any other authorized officers) are authorized and directed to execute the Ground Lease and the Escrow Agreement on behalf of the Town in similar form and with similar content as presented to the Town with such changes as they deem necessary, and to deliver same to the Lessor.

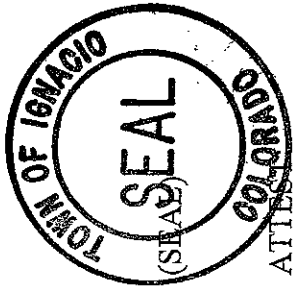
Section 4. Authority to Correct Errors, Etc. The Mayor of the Town is hereby authorized and directed to make any alterations, changes or additions in the instruments herein approved, authorized and confirmed necessary to correct errors or omissions therein, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Ordinance, or to the provisions of Colorado or federal law. Any alterations must be reported to the Board.

Section 5. Severability. If any provision of this Ordinance shall be held invalid, the invalidity of such provision shall not affect any of the other provisions of this Ordinance.

Section 6. Further Authority. The Town Clerk of the Town is hereby authorized to attest to all signatures and acts of any proper official of the Town, and to place the Town's seal on any documents authorized, necessary or proper pursuant to this Ordinance. The Mayor of the Town and other proper officials of the Town, and each of them, are hereby authorized to execute and deliver for and on behalf of the Town any and all additional certificates, documents and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters herein authorized.

[Remainder of Page Intentionally Left Blank]

INTRODUCED, READ, PASSED AND APPROVED AS AN ORDINANCE THIS 13th
DAY OF MAY, 2003.



TOWN OF IGNACIO, COLORADO

Gerardo W. Silva
Gerardo W. Silva
Mayor

Georgina Valdez
Georgina Valdez
Town Clerk

[SIGNATURE PAGE TO ORDINANCE]

STATE OF COLORADO }
 } ss.
COUNTY OF LA PLATA }

The Board of Trustees of the Town of Ignacio, Colorado, held a regular meeting open to the public at the Town's office, 540 Goddard Avenue, Ignacio, Colorado, at the hour of 7:00 p.m. on Tuesday the 13th day of May, 2003.

Present: Gerardo Silva, Mayor
 Katherine Gurule, Mayor Protem
 Kasey Correia, Trustee
 Leroy Herrera, Trustee
 Anna-Marie Quintana, Trustee

Absent: Lawrence Bartley, Trustee
 Lupe Huerta, Trustee

Also Present: Staff: Jose B. Quintana, Town Manager, Georgann Valdez, Town Clerk, Yolanda Duran, John Gurule, Kirk Phillips, Dirk Nelson, Pat Senecal. Guests: Jake Candelaria

Thereupon, Trustee Gurule introduced and moved the adoption of the following Ordinance, which was read by title, copies thereof having previously been made available to the public and members of the Board:

Thereupon, it was ordered that said Ordinance be published in full in a newspaper of general circulation in the Town.

Trustee Gurule then moved that this Ordinance be passed and adopted as read.
Trustee Herrera seconded the motion.

The question being upon the passage and adoption of this Ordinance, the roll was called with the following result:

Those voting AYE: Kasey Correia, Trustee
Katherine Gurule, Mayor Protem
Leroy Herrera, Trustee
Anna-Marie Quintana, Trustee
Gerardo Silva, Mayor


Those voting NAY: None

Those Absent: Lawrence Bartley, Trustee
Lupe Huerta, Trustee


The presiding officer thereupon declared that at least three-fourths of all the Board members elected having voted in favor thereof, the said motion was carried and this Ordinance duly passed and adopted.



TOWN OF IGNACIO, COLORADO


Gerardo W. Silva
Mayor

ATTEST:


Georgan Valdez
Town Clerk

Publication Date: May 22, 2003

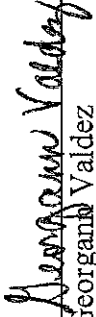
STATE OF COLORADO }
 } ss.
COUNTY OF LA PLATA }

I, Georgann Valdez, the duly chosen, qualified and acting Town Clerk of the Town of Ignacio, Colorado, do hereby certify that the foregoing pages, number 1 to _____, inclusive, constitute a true and correct copy of the Record of Proceedings of the Board of Trustees of the Town, adopted at a regular meeting of the Board, held at the Town's office, 540 Goddard Avenue, Ignacio, Colorado on Tuesday, the 13th day of May, commencing at the hour of 7:00 p.m. as recorded in the official Record of Proceedings of the Town kept in my office, insofar as said proceedings relate to an Ordinance authorizing the execution of the Ground Lease and the Lease and Purchase Option Agreement; that said proceedings were duly had and taken; that the meeting was duly held; and that the persons were present at said meeting as therein shown; that the Ordinance was duly published in a newspaper of general circulation in the Town, as evidenced by the Affidavit of publication attached hereto.

WITNESS my hand and the seal of the Town, this 13 day of May, 2003.



TOWN OF IGNACIO, COLORADO



Georgann Valdez
Town Clerk

(SEAL)



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Linda J. D
Laplata County, CO

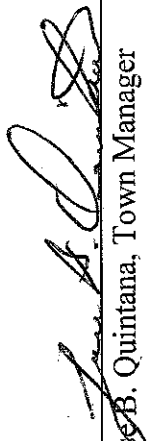
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**CORRECTION TO
ORDINANCE NO. 201 OF
THE TOWN OF IGNACIO, COLORADO**

The undersigned affirms and submits this correction to Ordinance No. 201 of the Town of Ignacio, Colorado, as follows:

1. Ordinance No. 201 was recorded at La Plata County, Colorado at Reception No. 858585 on June 6, 2003. That ordinance contained a legal description of certain property that was to be annexed into the Town of Ignacio.
2. An annexation plat of the property to be annexed was recorded at Reception No. 858584 on June 6, 2003.
3. The legal description on the above described Ordinance was incorrect and is inconsistent with the above described plat.
4. The legal description of the property to be annexed was correctly described on the plat.
5. The Board of Trustees approved the correction of the legal description on Ordinance No. 201 at its regular meeting on June 10, 2003.
6. The legal description attached to Ordinance No. 201 is hereby amended to be consistent with the description on the annexation plat and is hereby amended to be the description on Attachment A, attached hereto.

TOWN OF IGNACIO


Jose B. Quintana, Town Manager

Attest:


Veronica Valdez
Town Clerk

ATTACHMENT A
attached to
CORRECTION TO
ORDINANCE NO. 201 OF
THE TOWN OF IGNACIO, COLORADO

The following described property is located in La Plata County, Colorado:

PROPERTY DESCRIPTION

A parcel of land located in the E1/2NE1/4 of Section 7, Township 33 North, Range 7 West of the New Mexico Principal Meridian, County of La Plata, State of Colorado, being more particularly described as follows:

The S3/4NE1/4NE1/4 and the East 12 feet of the N1/4NE1/4NE1/4 all in Section 7, Township 33 North, Range 7 West of the New Mexico Principal Meridian.

LESS AND EXCEPT all of Rock Creek First Addition Subdivision, according to the plat thereof filed for record April 10, 1996 in the Office of the La Plata County Clerk and Recorder under Reception No. 704892.

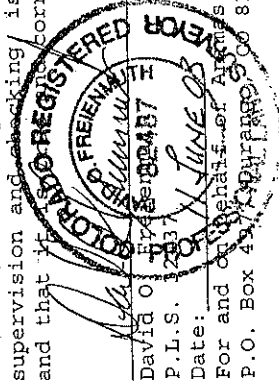
Being also described by metes and bounds as follows:

BEGINNING at the Center-East One-Sixteenth corner of said Section 7;
THENCE N 00°44'53" E along the westerly line of the SE1/4NE1/4 of said Section 7, a distance of 1324.53 feet;
THENCE N 00°27'14" E along the westerly line of the NE1/4NE1/4 of said Section 7, a distance of 991.48 feet;
THENCE S 89°57'05" E along the northerly line of said S3/4NE1/4NE1/4 of Section 7, a distance of 1316.50 feet;
THENCE N 00°21'08" E along the westerly line of said East 12 feet of the N1/4NE1/4NE1/4 of Section 7, a distance of 331.17 feet;
THENCE S 89°58'52" E along the northerly westerly line of said East 12 feet of the N1/4NE1/4NE1/4 of Section 7, a distance of 12.00 feet;
THENCE S 00°21'08" W along the easterly line of said NE1/4NE1/4 of Section 7, a distance of 1242.80 feet;
THENCE N 89°36'09" W along the northerly line of Rock Creek First Addition Subdivision, according to the plat thereof filed for record April 10, 1996 in the Office of the La Plata County Clerk and Recorder under Reception No. 704892, a distance of 270.00 feet;
THENCE S 00°23'51" W along the westerly line of said Rock Creek First Addition Subdivision, a distance of 955.24 feet;
THENCE S 89°36'09" E along the southerly line of said Rock Creek First Addition Subdivision, a distance of 270.00 feet;
THENCE S 00°24'11" W along the easterly line of said SE1/4NE1/4 of Section 7, a distance of 449.92 feet;
THENCE N 89°54'53" W along the southerly line of said SE1/4NE1/4 of Section 7, a distance of 1338.23 feet to the POINT OF BEGINNING.

Said parcel contains 65.01 acres, more or less.

SURVEYORS STATEMENT

I, David O. Freilenmuth, a Registered Professional Land Surveyor in the State of Colorado, do hereby state that this description was made under my direct supervision and checking, is in accordance with applicable standards of practice and that it is correct to the best of my knowledge and belief.



ORDINANCE NO. 201

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO ANNEXING CERTAIN PROPERTY OWNED BY JAKE J. CANDELARIA AND EILEEN S. CANDELARIA, INTO THE TOWN OF IGNACIO AND DESIGNATING THE LAND USE FOR THE PROPERTY.

WHEREAS, the Town of Ignacio has received a petition for Annexation from Jake J. Candelaria and Eileen S. Candelaria who are the owners of the property described herein; and

WHEREAS, Jake J. Candelaria and Eileen S. Candelaria are the owners of 100% of the property to be annexed herein; and

WHEREAS, the Town Board has conducted a hearing and has found that all of the requirements of C.R.S. §31-12-101 *et seq.* have been fully complied with; and

WHEREAS, the Town and the Owners have negotiated an Annexation agreement; and

WHEREAS, no additional conditions have been imposed on the annexation.

NOW, THEREFORE, be it ordained by the Trustees of the Town Board of the Town of Ignacio as follows:

1. The following described property is hereby annexed into the Town of Ignacio:

See Attachment A, attached hereto and incorporated herein by this reference.

PASSED, APPROVED AND ORDERED PUBLISHED this 13th day of May, 2003.

MAYOR:

Gerardo W. Silva

ATTEST:

Jorgean Valdez
Town Clerk

EXHIBIT "A"
PROPERTY DESCRIPTION

A parcel of land located in the E1/2NE1/4 of Section 7, Township 33 North, Range 7 West of the New Mexico Principal Meridian, County of La Plata, State of Colorado, being more particularly described as follows:

The S3/4NE1/4NE1/4 and the East 12 feet of the N1/4NE1/4NE1/4 all in Section 7, Township 33 North, Range 7 West of the New Mexico Principal Meridian.

LESS AND EXCEPT all of Rock Creek First Addition Subdivision, according to the plat thereof filed for record April 10, 1996 in the Office of the La Plata County Clerk and Recorder under Reception No. 704892.

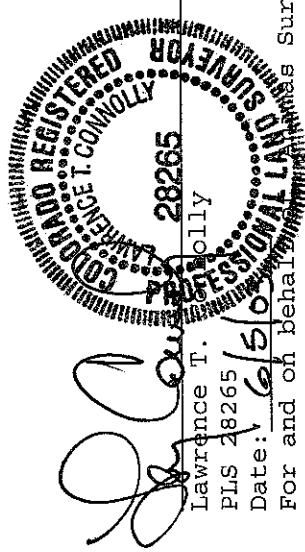
Being also described by metes and bounds as follows:

BEGINNING at the Center-East One-Sixteenth corner of said Section 7;
THENCE N 00°44'53" E along the westerly line of the SE1/4NE1/4 of said Section 7, a distance of 1324.53 feet;
THENCE N 00°27'14" E along the westerly line of the NE1/4NE1/4 of said Section 7, a distance of 991.48 feet;
THENCE S 89°57'05" E along the northerly line of said S3/4NE1/4NE1/4 of Section 7, a distance of 1328.50 feet;
THENCE N 00°21'08" E along the westerly line of said East 12 feet of the N1/4NE1/4NE1/4 of Section 7, a distance of 331.17 feet;
THENCE S 89°58'52" E along the northerly westerly line of said East 12 feet of the N1/4NE1/4NE1/4 of Section 7, a distance of 12.00 feet;
THENCE S 00°21'08" W along the easterly line of said NE1/4NE1/4 of Section 7, a distance of 1242.80 feet;
THENCE N 89°36'09" W along the northerly line of Rock Creek First Addition Subdivision, according to the plat thereof filed for record April 10, 1996 in the Office of the La Plata County Clerk and Recorder under Reception No. 704892, a distance of 270.00 feet;
THENCE S 00°23'51" W along the westerly line of said Rock Creek First Addition Subdivision, a distance of 955.23 feet;
THENCE S 89°36'09" E along the southerly line of said Rock Creek First Addition Subdivision, a distance of 270.00 feet;
THENCE S 00°24'11" W along the easterly line of said SE1/4NE1/4 of Section 7, a distance of 449.92 feet;
THENCE N 89°54'53" W along the southerly line of said SE1/4NE1/4 of Section 7, a distance of 1338.23 feet to the POINT OF BEGINNING.

Said parcel contains 65.01 acres, more or less.

SURVEYORS STATEMENT

I, Lawrence T. Connolly, a Registered Professional Land Surveyor in the State of Colorado, do hereby state that this description was made under my direct supervision and checking, is in accordance with applicable standards of practice and that it is true and correct to the best of my knowledge and belief.



Lawrence T. Connolly
PLS 28265
Date: 6/5/01

For and on behalf of Lawrence T. Connolly Surveying & Mapping, Corporation
P.O. Box 497
Durango CO 81302

CERTIFIED RECORD

OF

PROCEEDINGS OF THE

BOARD OF TRUSTEES OF

THE TOWN OF IGNACIO, COLORADO

RELATING TO AN ORDINANCE # 200

AMENDING THE REPAYMENT SCHEDULE OF ITS

SUBORDINATE LIEN SALES TAX REVENUE BONDS

IN THE ORIGINAL PRINCIPAL AMOUNT OF \$500,000

ISSUED ON JUNE 29, 2000

STATE OF COLORADO)
)
COUNTY OF LA PLATA) ss.
)
TOWN OF IGNACIO)

The Board of Trustees of the Town of Ignacio, Colorado, held a regular meeting open to the public at 540 Goddard, Ignacio, Colorado on February 11th 2002, at the hour of 7 :00 p.m.

The following members of the Board of Trustees were present:

Kasey Correia
Katherine Gurule, Mayor Protem
Leroy Herrera
Lupe Huerta
Anna-Marie Quintana
Gerardo Silva, Mayor

The following members of the Board of Trustees were absent:

Lawrence Bartley

Trustee Gurule introduced and moved the adoption of the following Ordinance, which was read by title, copies thereof having previously been made available to the public and members of the Council, as an emergency ordinance:

Seconded by Trustee Herrera
All in favor

Kasey Correia
Katherine Gurule
Leroy Herrera
Lupe Huerta
Anna-Marie Quintana
Gerardo Silva

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ORDINANCE NO. 200

AN EMERGENCY ORDINANCE RELATING TO THE TOWN OF IGNACIO, COLORADO, SUBORDINATE LIEN SALES TAX REVENUE BONDS, SERIES 2000, IN THE ORIGINAL PRINCIPAL AMOUNT OF \$500,000, ISSUED ON JUNE 29, 2000; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; RATIFYING ALL ACTION HERETOFORE TAKEN IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, ORDAINS:

SECTION 1. DEFINITIONS AND CONSTRUCTION.

A. Definitions. In this Ordinance the following terms have the following respective meanings unless the context hereof clearly requires otherwise:

Board of Trustees or Board: the governing body of Town of Ignacio, Colorado.

Bonds or Bond: those securities issued under Prior Ordinance and designated as the "Town of Ignacio, Colorado, Subordinate Lien Sales Tax Revenue Bonds, Series 2000," dated June 29, 2000, in the aggregate principal amount of \$500,000.

Clerk: the de jure or de facto Town Clerk of the Town or his or her successor in function, if any.

Consent: the Certificate and Consent of the Purchaser dated as of November 15, 2001, relating to the reduction of the interest rate on the Bonds.

Mayor: the de jure or de facto Mayor of the Town, or his or her successor in function, if any.

Ordinance: means this Ordinance of the Town, which provides for the issuance and delivery of the Bonds.

Person: any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic; and the term includes any trustee, receiver, assignee, or other similar representative thereof.

Prior Ordinances: Ordinance No. 177, 192, and 196 of the Town authorizing the Bonds and certain amendments thereto.

Purchaser: Wells Fargo Bank West, National Association, and its assigns, if any.

Registered Owner: the Person in whose name a Bond is registered in the Bond Register.

State: the State of Colorado.

Town: the Town of Ignacio, Colorado.

B. Construction. This Ordinance, except where the context by clear implication herein otherwise requires, shall be construed as follows:

- (1) Words in the singular number include the plural, and words in the plural include the singular.
- (2) Words in the masculine gender include the feminine and the neuter, words in the feminine gender include the masculine and the neuter, and when the sense so indicates words of the neuter gender refer to any gender.
- (3) Articles, sections, subsections, paragraphs and subparagraphs mentioned by number, letter, or otherwise, correspond to the respective articles, sections, subsections, paragraphs and subparagraphs of this Ordinance so numbered or otherwise so designated.
- (4) The titles and headlines applied to articles, sections and subsections of this Ordinance are inserted only as a matter of convenience and ease in reference and in no way define, or limit the scope or intent of, any provisions of this Ordinance.

SECTION 2. RECITALS; AUTHORITY.

- A. Necessity. The Board has determined that due to a clerical mistake made with respect to mandatory redemption payments on the Bonds, it is necessary for the Town to acknowledge such clerical mistake, to state the correct amount of outstanding principal amount of the Bonds and to approve revised mandatory redemption schedule with respect to the Bonds.
- B. Authority For Bonds. The Town is authorized by Section 11 of the Prior Ordinance to amend the terms of the Bonds with the consent of Bondholders.

SECTION 3. AMENDMENT OF THE OUTSTANDING PRINCIPAL BALANCE.

- A. Modification of Repayment Terms. In reliance upon the Consent executed by the Purchaser and delivered to the Town, and pursuant to Section 11 of the Prior Ordinance, the Town hereby acknowledges that the provisions calling for semi-annual interest payments on June 1 of each year and annual principal payments on December 1 of each year, should call for payments of principal and interest semi-annually on June 1 and December 1 of each year, and the Town hereby approves and agrees to the amended payment schedule attached to the Consent as Exhibit A.

SECTION 4. MISCELLANEOUS.

- A. No Other Change to Bonds. Except as set forth in Section 3 of this Ordinance, all of the covenants, agreements, representations, or warranties contained in the Prior Ordinance, the Ordinance No. 192 amending the Prior Ordinance, and in the Bonds remain in full force and effect, and are hereby ratified and confirmed in all respects.
- B. Delegated Duties. The officers and directors of the Town are hereby authorized and directed to enter into such agreements and take all action necessary or appropriate to effectuate the provisions of this Ordinance and to comply with the requirements of law.
- C. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Town or its officers or directors, and otherwise by the Town directed toward the reduction of the interest rate of the Bonds for that purpose, is hereby ratified, approved and confirmed.
- D. Facsimile Signatures. Pursuant to the Uniform Facsimile Signature of Public Officials Act, Part 1 of Article 55 of Title 11, Colorado Revised Statutes, as amended, the Mayor and the Clerk shall forthwith, and in any event prior to the time the Bonds are delivered to the Underwriter, file with the Colorado Secretary of State their manual signatures certified by them under oath, using a suitable Facsimile Signature Certificate for said purpose.
- E. Ordinance Irrepealable. This Ordinance is, and shall constitute, a legislative measure of the Town and after any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the Town and the Registered Owner or Registered Owners of the Bonds; and this Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Debt Service Requirements, shall be fully paid, canceled and discharged, as herein provided.
- F. Repealer. All ordinances, resolutions, bylaws, orders, and other instruments, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaws, order, or other instrument, or part thereof, heretofore repealed.
- G. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability thereof shall not affect any of the remaining sections, subsections, paragraphs, clauses or provisions hereof.
- H. Emergency Clause and Effective Date. A public emergency affecting the preservation of the public peace, health and safety is hereby declared to exist by reason of the need to immediately issue and sell the Bonds during the current favorable interest rate environment, in order to reduce the costs associated with the Project.

INTRODUCED AND APPROVED AS AN EMERGENCY ORDINANCE THIS
ELEVENTH DAY OF FEBRUARY, 2003.

TOWN OF IGNACIO, COLORADO

By: Gerardo W. Silva
Mayor

Attest:

Jeannette M. Valdez
Town Clerk

(TOWN SEAL)



The motion to adopt the foregoing Ordinance was duly seconded by Trustee Herrera, put to a vote and carried upon the following vote:

Those voting YES:

Kasey Correia
Katherine Gurule
Leroy Herrera
Lupe Huerta
Anna-Marie Quintana
Gerardo Silva

Those voting NO:

None

None

Those not present:

Lawrence Bartley

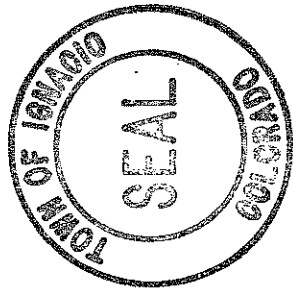
Thereupon the Mayor declared that a majority of the members of the Board having voted in favor thereof, the motion carried and the Ordinance was duly passed and adopted on as an emergency ordinance.

Thereupon it was ordered that said Ordinance be published in full in a newspaper of general circulation in the Town.

After consideration of other business to come before the Board, the meeting was adjourned.

Gerardo W. Silva
Mayor
Town of Ignacio, Colorado

(TOWN SEAL)



STATE OF COLORADO)
)
COUNTY OF LA PLATA) ss.
)
TOWN OF IGNACIO)

Jose B. Quintana, the duly chosen, qualified and acting Town Manager of the Town of Ignacio, Colorado, do hereby certify that the foregoing pages, and the following Exhibit A, constitute a true and correct copy of the Record of the Proceedings of the Board of Trustees of said Town, adopted at regular meetings of the Board, held in Ignacio, Colorado, on the 11th day of February, 2003, as recorded in the official Record of the Proceedings of said Town kept in the office of the Town Clerk, insofar as said proceedings relate to an ordinance authorizing the reduction of interest rate of its Subordinate Lien Sales Tax Revenue Bonds, Series 2000 issued on June 29, 2000; that said proceedings were duly had and taken; that the meeting was duly held; that the persons were present at said meeting as therein shown; ~~that the Ordinance was duly published in a newspaper of general circulation in the Town, as evidenced by the Affidavit of publication attached hereto at page~~

WITNESS my hand and the seal of the Town, this eleventh day of February, 2003.



J. B. Quintana
Town Manager

(TOWN SEAL)

EXHIBIT A

CERTIFICATE AND CONSENT

\$500,000
TOWN OF IGNACIO, COLORADO
SUBORDINATE LIEN SALES TAX REVENUE BONDS
SERIES 2000

The undersigned (the "Company") hereby certifies that it is the holder of 100% of the outstanding bond, as captioned above (the "Bond").

The undersigned hereby consents and agrees to (1) a substitution of the existing payment schedule with attached payment schedule (the "Schedule"); and (2) this consent constituting the amendment of the Bond.

IN WITNESS WHEREOF, the undersigned has hereunto set his or her hand in her capacity as an officer of the Company, and not individually, as of February __, 2003.

WELLS FARGO BANK WEST,
NATIONAL ASSOCIATION

By: _____
Vice President

AGREED AND ACCEPTED:

TOWN OF IGNACIO, COLORADO

By: _____
Mayor

