

## **ORDINANCE 280**

AN ORDINANCE OF THE TOWN OF IGNACIO FURTHER AMENDING SECTION 3-9 OF THE TOWN CODE BY THE ADDITION OF SECTION 3-9-3 (1)(c) REGARDING A WAIVER OF IMPACT FEES ON THE REPLACEMENT OF CERTAIN COMMERCIAL BUILDINGS

**WHEREAS**, the Board of Trustees has previously adopted Impact Fees under Ordinance 248, May 9, 2007, on the construction of certain commercial buildings within the Town, and

**WHEREAS**, the Board of Trustees has received requests from property owners to waive the impact fees on the portion of a new commercial building that replaces a portion of a comparable building that was destroyed or demolished, and

**WHEREAS**, the Board finds that the impact fees were adopted to offset impacts to the Town's infrastructure imposed by new construction, and

**WHEREAS**, the Board finds that the replacement of a building within six (6) years of demolition does not impose new impacts on the Town's infrastructure,

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

Section 3-9 of the Town Code is further amended by the addition of section 3-9-3 (1)(c) to read as follows:

(c) The impact fees provided for herein shall not be imposed or collected for any portion of a comparable commercial building that is constructed within six (6) years as a replacement for all or part of a commercial structure that was destroyed or otherwise removed from a parcel of property within the Town. Any replacement building must be reconstructed on the same lot or parcel as the destroyed building within six (6) years. The impact fees shall continue to apply to any square footage of a commercial building in excess of the portion that replaces the old structure.

PASSED, APPROVED AND ORDERED PUBLISHED this 9<sup>th</sup> day of March, 2010.

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George T. Whitt, Mayor

*ATTEST:*

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Town Clerk

## **ORDINANCE NO. 281**

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO AMENDING THE TOWN CODE BY THE ADDITION OF SECTION 9 TO CHAPTER IX OF THE TOWN CODE REGARDING THE PROHIBITION ON THE OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS AND MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURERS OPERATIONS WITHIN THE TOWN, WITH RELATED PROVISIONS, TO BE EFFECTIVE IMMEDIATELY.

WHEREAS, Section 14 of Article 18 of the Colorado Constitution approved on November 7, 2000 created a defense to criminal prosecution in favor of those persons who use or possess medical marijuana under the terms of the provisions of the Colorado Constitution, and

WHEREAS, the Colorado Legislature approved House Bill 1284 on May 7, 2010 that includes provisions specifically allowing the governing bodies of local jurisdictions to vote to prohibit the operation of Medical Marijuana Centers, Optional Premises Cultivation Operations and Medical Marijuana Infused Product Manufacturers within their jurisdiction, and

WHEREAS, the Board of Trustees directed the Town staff to conduct public meetings and to gather information regarding the sale of medical marijuana within the Town for the Board's review to assist the Board in making a decision regarding the operation of Medical Marijuana Dispensaries within the Town, and

WHEREAS, the Board of Trustees conducted a public hearing and reviewed the information on the issue on June 22, 2010, and

WHEREAS, the Board of Trustees finds that the cultivation and sale of medical marijuana by third parties is not an activity protected by the provisions of the Colorado Constitution, and

WHEREAS, the Board of Trustees finds that the individual rights of caregivers or patients who are entitled to use or possess medical marijuana under the provisions of the Colorado Constitution will not be significantly impaired by the provisions of this Ordinance, and

WHEREAS, the Board of Trustees finds that the cultivation and sale of medical marijuana is a crime under Federal law, and

WHEREAS, the Board finds that it has the general statutory authority to regulate business and land use within the Town, including the power to prohibit certain business activities within the Town, and

WHEREAS, the Board of Trustees finds it has the specific authority under the provisions of House Bill 1284 to prohibit the operation of businesses related to the cultivation and sale of Medical Marijuana within the Town, and

WHEREAS, the Board of Trustees finds that it is in the best interests of the health, safety and welfare of the citizens of the Town to exercise its authority to prohibit such operations within the Town as set forth herein, and

WHEREAS, the Board finds that this Ordinance is necessary for the immediate preservation of the public health and safety of the citizens since any delay in the implementation of this Ordinance will create uncertainty in the regulation of medical marijuana operations within the Town under local and state law, thereby increasing the chances that an unregulated medical marijuana operation could be established in the Town. The Board finds that the impacts to the citizens of the Town from such an unregulated business requires that this Ordinance become effective immediately upon adoption.

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

I. The Code of the Town of Ignacio, Colorado is amended by the addition of Section 9 to Chapter IX of the Code, to read as follows:

#### SECTION 9-1 MEDICAL MARIJUANA

##### Section 9-1-1 Medical Marijuana Operations Prohibited

It shall be unlawful for any person to operate a Medical Marijuana Center, an Optional Premises Cultivation Operation or a Medical Marijuana Infused Products manufacturing business at any location within the boundaries of the Town of Ignacio, Colorado.

##### Section 9-1-2 Sales or Deliveries Prohibited within Town

It shall be unlawful for any person to sell or otherwise deliver medical marijuana to any person within the Town.

#### SECTION 9-2 DEFINITIONS:

1. Medical Marijuana. As used in this Code, Medical Marijuana means marijuana that is grown and sold pursuant to the provisions of Section 14 of Article 18 of the Colorado Constitution.
2. Medical Marijuana Center. As used in this Code, a Medical Marijuana Center means a person who cultivates or sells Medical Marijuana to Registered Patients or Caregivers as defined in Section 14 of Article 18 of the Colorado Constitution but shall not mean a Primary care-giver lawfully acting under the provisions of Section 14 of Article 18 of the Colorado Constitution.
3. Medical Marijuana Infused Product. As used in this Code, Medical Marijuana Infused Product shall mean a product infused with medical marijuana that is intended for use or

consumption other than by smoking, including but not limited to edible products, ointments and tinctures.

4. Optional Premises Cultivation Operation. As used in this Code, Optional Premises Cultivation Operation shall mean a business operated to cultivate or grow Medical Marijuana under a state license as described in C.R.S. 12-43.3-403.

5. Person. As used in this Code, Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization, or a manager, agent, director, servant, officer or employee thereof

II. Ordinance Effective Immediately.

The Board of Trustees finds that this Ordinance is necessary to the immediate preservation of the public health and welfare as stated herein, and as such it shall become effective immediately upon adoption.

ADOPTED AND ORDERED PUBLISHED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

MAYOR:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Town Clerk

**ORDINANCE 282**

**AN ORDINANCE OF THE TOWN OF IGNACIO AMENDING THE TOWN OF IGNACIO MUNICIPAL CODE, CHAPTER III, LAND USE, BUSINESS ZONING DISTRICT USES AND DEVELOPMENT STANDARDS.**

**WHEREAS**, the Town of Ignacio, Colorado has adopted municipal codes and the municipal codes are being reviewed; and

**WHEREAS**, the needs of the town have made it necessary to revise two sections of the Land Use Chapter involving the Business Zoning and Development Standards; and

**WHEREAS**, guidelines and standards need to be updated to promote appropriate growth within the town and accommodate changing needs of citizens; and

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO THAT THE LAND USE CHAPTER IS AMENDED ONLY AS SHOWN IN BOLD ITALICS:**

3-5-7 Table of Permitted Uses

Business (B)

1. **Use by right**: The purpose for which land or a structure is designed, arranged, intended or occupied.
2. **Special use**: A use identified by this code which is pre-approved within a zone district and requires a special permit to be issued after review and approval by staff.

Note: If the staff determines there would be a significant impact, then plans can be referred to the Planning Commission.

Uses Permitted	Uses Not Allowed
1. <b><i>Automobile Services</i></b> : Filling Station, with bulk storage or inflammable liquids underground, Repair, Carwash	Mechanical service work not in an enclosed building.
2. Tire display, sales and service, paint shop, auto parts, <b><i>auto sales</i></b> .	Trucks, machinery and equipment, farm implement, trailer, boat sales, adult inventory. Heavy industrial equipment.

3-6-2 Wall, Fence or Hedge may be maintained

No fence, wall, or hedge shall be permitted which exceeds the following height limits above the existing ground level:

- (1) Between an abutting front or side street and the minimum distance the nearest main building is required to set back from such street forty-two inches (42).
- (2) Elsewhere: six feet (6). *Exceptions can be made for properties bordering open space or agricultural lands.*

**APPROVED BY THE BOARD OF TRUSTEES on this 13th day of July, 2010.**

**TOWN OF IGNACIO, COLORADO**

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**George Whitt, Mayor**

**Attest:**

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**Town Clerk**

**ORDINANCE NO. 283**

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO AMENDING SECTION 1-6 OF THE TOWN CODE REGARDING THE POLICY FOR ADJUSTING RATES, FEES, FINES AND OTHER ASSESSMENTS.

WHEREAS, the Board of Trustees finds that utility rates, fees, fines and assessments must be amended from time to time, and

WHEREAS, the Board of Trustees desires to have a consistent process for adjusting utility rates, fees, fines and other assessments, and

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

1. Section 1-6 of the Town Code is amended to read in its entirety as follows:

Section 1-6 Rates, Fees, Fines and Assessments.

It shall be the policy of the Town to complete an annual review of all rates, fees, fines and assessments charged by the Town for any reason. However, any of those rates, fees, fines or assessments may be adjusted from time to time when deemed necessary by the Board.

Generally, the Town shall provide at least thirty day's notice of any proposed change to rates, fees, fines or assessments to the public through the Town's Newsletter and by other similar means prior to the meeting where the change will be considered. In addition, notice of any proposed changes to utility rates shall be done at a public hearing after the publication of notice of the public hearing at least thirty days in advance. Provided however, since gas rates are extremely volatile, gas rates may be subject to more frequent change, and shall be made at a regular public meeting of the Board after routine notice of the meeting agenda which shall include notice of any proposed change to the gas rates.

Court fines and assessments shall be adjusted from time to time by amending the schedule of Rates which was adopted as Exhibit A to Ordinance no. 214 after notice as provided herein.

Any other fees may be adjusted by adopting amendments to existing schedules of fees, or by other action of the Board after notice as provided herein.

2. The provisions of this Ordinance shall prevail over any contrary provisions in any other Ordinances.

ADOPTED AND ORDERED PUBLISHED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

MAYOR:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Town Clerk



**ORDINANCE 284**

**AN ORDINANCE OF THE TOWN OF IGNACIO AMENDING THE TOWN OF IGNACIO MUNICIPAL CODE, CHAPTER IV, BUSINESS, ADDING SCHEDULE 9b, FEES & FINES.**

**WHEREAS**, the Town of Ignacio, Colorado has adopted municipal codes and the municipal codes are being reviewed; and

**WHEREAS**, the inconsistency and clarity of the fees, renewal and penalty process make it necessary to revise the Business Chapter by adding a Schedule and description for ease of understanding and use of the staff and public; and

**WHEREAS**, guidelines and standards need to be continually updated to accommodate changing needs of citizens; and

**WHEREAS**, the following sections are hereby repealed and replaced with the Penalties and Violations portion of Schedule 9B:

Business Section 9-1-10 Penalties, Sales Tax Licenses 9-3-26 Penalties for Violations, 9-4-8 Failure to Comply

**WHEREAS**, the following sections are hereby repealed and replaced with Schedule 9b:  
9-2-8 Expiration of Licenses and Permits

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO THAT THE BUSINESS CHAPTER IS AMENDED BY ATTACHED SCHEDULE 9b.**

**APPROVED BY THE BOARD OF TRUSTEES on this 9th day of November, 2010.**

**TOWN OF IGNACIO, COLORADO**

\_\_\_\_\_  
**George Whitt, Mayor**

**Attest:**

\_\_\_\_\_  
**Town Clerk**

**ORDINANCE 285**

**AN ORDINANCE OF THE TOWN OF IGNACIO AMENDING THE TOWN OF IGNACIO COMPREHENSIVE PLAN, ORDINANCE 223, ADDING AND UPDATING ALL PARTS.**

**WHEREAS**, the Town of Ignacio Board of Trustees desires to continually upgrade its guidelines to benefit the citizens of the town; and

**WHEREAS**, the Town of Ignacio, Colorado had adopted a Comprehensive Plan under Ordinance 223 on October 12, 2004, and multiple studies and the needs of the town have made it necessary to revise and make additions to the plan; and

**WHEREAS**, the Planning Commission held open meetings during all of 2010 noticing discussion and proposed adoption of revised Land Use Goals and additional contents and maps for an updated Comprehensive Plan, thus giving the public an opportunity to comment; and

**WHEREAS**, the Planning Commission approved revisions to the current Comprehensive Plan; and

**WHEREAS**, guidelines and standards need to be updated to promote appropriate growth within the town and accommodate changing needs of citizens; and

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO THAT THE COMPREHENSIVE PLAN IS AMENDED, AN OVERVIEW OF THE CONTENTS AS ATTACHED:**

**APPROVED BY THE BOARD OF TRUSTEES on this 9th day of November, 2010.**

**TOWN OF IGNACIO, COLORADO**

\_\_\_\_\_  
**George Whitt, Mayor**

**Attest:**

\_\_\_\_\_  
**Town Clerk**

ORDINANCE # 286

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF IGNACIO, COLORADO FOR THE 2011 BUDGET YEAR.

WHEREAS, the Board of Trustees has made provisions for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, so as not to impair the operations of the Town.

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of the Town of Ignacio Colorado;

Section 1. That the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purpose stated.

## GENERAL FUND:

Current operating expenses	\$1,250,407
<u>Transfer to Debt Fund</u>	<u>60,000</u>
Total	\$1,310,407

## IMPACT FEES FUND:

Current expenses	\$ 5,000
<u>Transfers</u>	<u>\$ 0</u>
Total	\$ 5,000

## CAPITAL IMPROVEMENT FUND:

Capital Projects	\$ 115,000
<u>Transfers</u>	<u>\$ 0</u>
Total	\$ 115,000

## SEWER FUND:

Current operating expenses	\$ 438,090
<u>Transfers</u>	<u>\$ 0</u>
Total	\$ 438,090

## IRRIGATION FUND:

Current operating expenses	\$ 18,351
<u>Transfers</u>	<u>\$ 0</u>
Total	\$ 18,351

## DEBT FUND:

Debt service payments	\$ 136,963
<u>Transfers</u>	<u>\$ 0</u>
Total	\$ 136,963

## ECONOMIC DEVELOPMENT FUND:

Current operating expenses	\$ 0
<u>Transfers</u>	<u>\$ 0</u>
Total	\$ 0

## WATER FUND:

Administration and Operating expenses	\$ 337,059
<u>Transfer to Debt Fund</u>	<u>\$ 30,000</u>
Total	\$ 367,059

## GAS FUND:

Administration and Operating expenses	\$ 621,981
<u>Transfer to Debt Fund</u>	<u>\$ 45,000</u>
Total	\$ 666,981

## CONSERVATION TRUST FUND:

Operating expenses	\$ 27,000
<u>Transfers</u>	<u>\$ 0</u>
Total	\$ 27,000

ADOPTED, this 14<sup>th</sup> day of December A.D. 2010

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George Whitt, Mayor

ATTEST: \_\_\_\_\_  
Town Clerk

ORDINANCE # 287

AN ORDINANCE FOR A SUPPLEMENTAL BUDGET FOR 2010 FOR THE TOWN OF IGNACIO, COLORADO.

WHEREAS, the Town's General Fund, received an additional \$76,500 from the Gaming Grant, \$27,500 from the El Paso Road Settlement, and \$25,000 from County Sales Tax, that was not planned for at the time of the preparation of the budget,

NOW THEREFORE BE IT ORDAINED by the Town Board of Trustees of the Town of Ignacio Colorado;

That the 2010 supplemental budget for the General Fund be increased \$129,000 for monies received in the General Fund, for a total available revenue of \$1,738,769.

ADOPTED, this 14<sup>th</sup> day of December A.D. 2010.

\_\_\_\_\_  
George Whitt, Mayor

ATTEST: \_\_\_\_\_  
Town Clerk

DATE: \_\_\_\_\_

**ORDINANCE 288**

**AN ORDINANCE OF THE TOWN OF IGNACIO UPDATING THE TOWN OF IGNACIO MUNICIPAL CODE, CHAPTER IV, BUSINESS.**

**WHEREAS**, the Town of Ignacio, Colorado has adopted municipal codes and the municipal codes are being reviewed; and

**WHEREAS**, state and local laws have been passed that make portions of the existing chapter invalid, thus making it necessary to revise the Business Chapter; and

**WHEREAS**, standards need to be continually updated and improved to facilitate citizen understanding; and

**WHEREAS**, new sections related to applications, fees and fines are identified as Schedules, to be easily accessed for reference and use;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO THAT THE BUSINESS CHAPTER IS UPDATED AS SHOWN IN THE ATTACHED CHAPTER.**

**APPROVED BY THE BOARD OF TRUSTEES on this 14th day of December, 2010.**

**TOWN OF IGNACIO, COLORADO**

\_\_\_\_\_  
**George Whitt, Mayor**

**Attest:**

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**Town Clerk**

## **ORDINANCE 289**

### **AN ORDINANCE OF THE TOWN OF IGNACIO AMENDING THE MUNICIPAL CODE, CHAPTER V, ADDITION TO SECTION 5-12 DEVELOPMENT STANDARDS FOR PUBLIC IMPROVEMENTS AND CONSTRUCTION SPECIFICATIONS, GENERAL Section 200.0**

**WHEREAS**, the Town of Ignacio, Colorado has adopted standards for public improvements; and

**WHEREAS**, the needs of the Town have made it necessary to revise the Development Standards approved March 8, 2006; and

**WHEREAS**, guidelines and standards need to be updated to promote appropriate growth within the town; and

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

The Town Code is amended by the addition to Chapter V, Section 5-12 Development Standards for Public Improvements and Construction Specifications, General Section 200.0 as follows:

#### Street Layouts and Designations.

Arrangement of streets and selection of typical road sections shall conform as nearly as possible to and be compatible with the objectives established by the Town of Ignacio Land Use Goals. In all cases, provisions shall be made for the extension of arterials and collectors as are determined by the town engineer.

In neighborhoods designed for residential development, streets, except for cul-de-sacs, shall be configured to encourage low vehicle speeds. Streets designed for residential development shall have no reach of street longer than 800 feet without at least one of the following features: traffic turnaround, offset intersection, cul-de-sac, center landscaped median, curve of at least 90 degrees with a radius of no more than 200 feet, or drainage structures which require reduced speed.

#### Bicycle Ways

Bicycle ways shall be provided on arterials and collector rights-of-way. Bike lanes for new roadways shall be at least five (5) feet wide, as measured from the flow line of the gutter. Off-street bicycle ways may be required through subdivisions if they are part of an area bicycle system. Where off-street paved bikeways are provided, they shall have a minimum paved surface of ten (10) feet in width and a minimum right-of-way of twelve (12) feet in width.

## Intersections

Curb corner radii at intersections shall be between ten (10) and twenty (20) feet, except that corner radii in commercial and industrial areas may be thirty (30) feet.

## Driveways and curb cuts.

A maximum of one curb cut per dwelling unit is allowed in any residentially zoned area. Each residential curb cut shall be no more than twenty-four (24) feet wide and each commercial curb cut no more than thirty-five (35) feet wide, as shown in standard drawing No S9 and/or S10. Curb cuts larger than thirty-five (35) feet in width may be made in industrial zones where no sidewalks are proposed. Curb cuts shall be no closer than forty (40) feet from the intersection of any road as measured from the curb line extended. Curb cuts shall be no closer than twenty (20) feet apart as measured at the right-of-way line. Curb cuts shall be no closer than ten (10) feet from the property line as measured at the curb line from the property line extended.

Curb cuts/driveway intersections for commercial lots designed for use by large commercial vehicles shall be designed in accordance with AASHTO guidelines and shall be analyzed on a case by case basis as a part of site plan review.

Residential properties fronting collector or arterial roads shall not be allowed curb cuts which require backing into the public right-of-way, except alley. Where residential properties front both arterial or collector and local streets, access shall be allowed from the local street.

In commercial areas, parking shall be accommodated so that no backing into the public right of way will be allowed except that backing into the public right-of-way of an alley is allowed.

## Cul-de-sac and dead-end street.

Dead-end streets are not allowed unless provisions are made for turning of emergency vehicles. The minimum pavement diameter for turning shall be seventy (70) feet. Configurations other than circular drives shall be allowed where maneuvering room comparable to a seventy (70) foot diameter is provided.

Dead-end streets proposed to be extended to connect with future development shall be provided with a temporary turnaround which will consist of a seventy (70) foot diameter graveled surface meeting base requirements of the paved section of the street.



Maximum length of cul-de-sac shall be five hundred (500) feet. Maximum lengths of one thousand (1,000) feet are permitted when serving fewer than twenty (20) dwelling units.

**PASSED, APPROVED AND ORDERED PUBLISHED this 8<sup>TH</sup> day of February, 2011.**

**TOWN OF IGNACIO, COLORADO**

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**George Whitt, Mayor**

**Attest:**

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**Town Clerk**