

ORDINANCE # 2012-6

AN ORDINANCE AMENDING ORDINANCE #88-5 RELATING TO BUILDING  
UPON TOWN PROPERTY AND RIGHTS-OF-WAY

WHEREAS, Ordinance #88-5 prohibited building upon town property and further prohibited repairs and renovations of any structures existing upon town property at the time of enactment of said ordinance; and

WHEREAS, the stringent provisions of said ordinance would prevent property owners from renovating structures, buildings and fences which are not deemed to obstruct or impair the immediate need of the town for said property.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Saguache that Section 1 of Ordinance #88-5 (An Ordinance to prevent further building upon property owned by the Town of Saguache, Colorado) be amended to read as follows:

Section 1.

- a. No person shall erect or cause to be erected any structure, building, fence, barrier or other tangible object upon or which encroaches upon land owned by the Town of Saguache.
- b. **Any structure, building or fence which exists upon town property or a town right-of-way may continue for the purpose of repairs and renovations to said structures; provided that if use of said structure is discontinued for a period of one year, said structure shall be removed by the encroaching property owner. Said structure shall not be extended and if said structure is damaged by fire, flood, wind, explosion or act of God, to an extent exceeding fifty percent (50%) of its appraised value for tax purposes, exclusive of its foundations, then said structure shall likewise be removed. If destruction is determined to be less than fifty percent (50%) restoration must be started within twelve (12) months of the damage and completed within twenty four (24) months.**
- c. **Nothing contained in this section shall be deemed to be an abandonment of any public property or town right-of-way owned by the Town of Saguache nor any recognition of any right by any person in town property superior to that of the town, and the town reserves its right to demand removal of any encroaching structure building or fence upon town**

**property or town right-of-way when deemed necessary by the  
Town.**

IT IS HEREBY DECLARED THAT THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY DUE TO THE NECESSITY OF REPAIRS TO PROPERTY ENCROACHING ON TOWN PROPERTY AND RIGHTS-OF-WAY AND SHALL BECOME EFFECTIVE AND BE ENFORCED FROM AND AFTER PASSAGE OF THE SAME.

Read in full, and approved this 20<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
Milton Jones, Mayor

ATTEST:

\_\_\_\_\_  
Therese Garcia, Town Clerk

**CERTIFICATION**

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Saguache, Colorado, on the \_\_\_\_ day of August, 2012, and published by title in the Saguache Crescent, a legal newspaper in the Town of Saguache on \_\_\_\_\_.

\_\_\_\_\_  
Therese Garcia, Town Clerk