

# **BUENA VISTA MUNICIPAL CODE**

**1992**

A Codification of the General Ordinances  
of the Town of Buena Vista, Colorado

Published by  
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of the  
**TOWN OF BUENA VISTA**

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Cara Russell

*Mayor Pro Tem*  
Robert Flint

*Board of Trustees*  
Keith Baker  
Joel Benson  
Duff Lacy  
Brett Mitchell  
Norm Nyberg

*Town Administrator*  
Susan Boyd

*Town Clerk*  
Diane Spomer

*Town Attorney*  
Lee C. Phillips

BUENA VISTA MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 13, 2009, adopted November 24, 2009.**

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COLORADO CODE PUBLISHING COMPANY  
Fort Collins, Colorado

March 2010

BUENA VISTA MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 22, 2008, adopted October 23, 2008.**

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COLORADO CODE PUBLISHING COMPANY  
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February 2009

BUENA VISTA MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 10, 2007, adopted November 13, 2007.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

March 2008

BUENA VISTA MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 7, 2006, adopted November 14, 2006.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

February 2007

BUENA VISTA MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 16, 2005, adopted September 27, 2005.**

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COLORADO CODE PUBLISHING COMPANY  
Fort Collins, Colorado  
March 2006

BUENA VISTA MUNICIPAL CODE

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This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 10, 2004, adopted December 14, 2004.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

March 2005

**Supplement No. 11**

**BUENA VISTA MUNICIPAL CODE**

**Supplementation Instructions**

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**COLORADO CODE PUBLISHING COMPANY**  
Fort Collins, Colorado  
April 2004

**Supplement No. 10**

**BUENA VISTA MUNICIPAL CODE**

**Supplementation Instructions**

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 2, 2003, adopted January 14, 2003.**

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**COLORADO CODE PUBLISHING COMPANY**

Fort Collins, Colorado

March 2003

**Supplement No. 9**

BUENA VISTA MUNICIPAL CODE

Supplementation Instructions

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

March 2002

**Supplement No. 8**

BUENA VISTA MUNICIPAL CODE

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

January 2001

**Supplement No. 7**

BUENA VISTA  
MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 7, 1999, adopted December 14, 1999.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

February 2000

**Supplement No. 6**

**BUENA VISTA  
MUNICIPAL CODE**

**Supplementation Instructions**

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 14, 1998, adopted November 24, 1998.**

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**COLORADO CODE PUBLISHING COMPANY**

Fort Collins, Colorado  
April 1999

**Supplement No. 5**

**BUENA VISTA  
MUNICIPAL CODE  
Supplementation Instructions**

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 5, 1998, adopted March 10, 1998.**

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**COLORADO CODE PUBLISHING COMPANY  
Fort Collins, Colorado  
May 1998**

Supplement No. 4

BUENA VISTA  
MUNICIPAL CODE  
Supplementation Instructions

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado  
February 1997

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_

Supplement No. 3

BUENA VISTA  
MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 23, 1995, adopted November 22, 1995.**

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File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado  
March 1996

Filed by: \_\_\_\_\_  
Date: \_\_\_\_\_

Supplement No. 2

BUENA VISTA  
MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 29-1994, adopted December 27, 1994.**

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File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado  
February 1995

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_

Supplement No. 1

BUENA VISTA  
MUNICIPAL CODE

Supplementation Instructions for Police Version

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 19-1993, adopted November 9, 1993.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado  
January 1994

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_

## SUPPLEMENTATION

Supplements to this Code provide periodic updating through the removal and replacement of pages. This inter-leaf supplementation system requires that each page which is to be removed and replaced is identified so that the updating may be accurately accomplished and historically maintained.

Instructions for supplementation are provided for each supplement, identified by Supplement number, date and inclusive ordinance numbers. The Instructions for posting the removal and replacement of pages must be followed and accomplished in sequence, with the most recent supplementation posted **last**.

When supplementation is completed and the removal and replacement of all pages are accomplished, the Instructions should be placed under the Supplementation tab, behind this page, with the most recent Instruction sheet on top. Previous Instructions should not be removed, so that the user may refer to this tab section to verify whether the code book is fully updated with all supplements included.

The maintenance of a Municipal Code with all supplementation is an important activity which deserves close attention so that the value of the code is maintained as a fully comprehensive compilation of the legislative ordinances of the municipality.

## AMENDMENTS

Amendments may be made to the Code by additions, revisions or deletions therefrom. Those changes may be made as follows:

**Additions:** Additions may be made by ordinance to the Code as follows:

The "Buena Vista Municipal Code" is amended by the addition thereto of a new Section 2-121, which is to read as follows:

(Set out full section number, title and contents)

or if the location of the new section number or numbers is undetermined, the Code may be amended as follows:

The "Buena Vista Municipal Code" is amended by the addition of the following:

(Set out section title and contents)

**Revisions:** A revision of the Code may be accomplished as follows:

Section 2-121 of the "Buena Vista Municipal Code" is repealed in its entirety and readopted to read as follows:

(Set out section number, title and entire contents of the readopted code section)

or as follows:

Section 2-121 of the "Buena Vista Municipal Code" is amended to read as follows:

(Set out section number, title and entire contents of the amended code section)

**Repeal:** Sections, articles and chapters may be repealed as follows:

Section 2-121 of the "Buena Vista Municipal Code" is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY

## PREFACE

The Town of Buena Vista, a statutory town, has published its Municipal Code in a format which features the following:

The *Table of Contents* is the table containing each chapter and article title, with reference to page location. Preceding each chapter is a chapter table of contents, also identifying each article by the subject name provided.

The *two-place section numbering system* places the chapter number first, followed by a hyphen and section number. This two-place system is simplified by the elimination of article numbering. Each section may be cited by the chapter and section numbers which, together with reserved section numbers, are in sequence within each chapter.

The *open chapter and page numbering system* creates reserved chapter and page numbers for expansion or revision of the code without undue complication when changes are made to the code by supplementation.

The *Disposition of Ordinances Table* identifies the source for the contents of the code. This table provides ordinance numbers in chronological order and location by section number for the present code contents. Thus, if there is interest in determining whether an ordinance, or a portion thereof, is contained within the code, the Disposition of Ordinances Table will provide that information. The *Table of Up-to-Date Pages* lists all of the current pages through the most recent supplementation.

The *Index* provides references by common and legal terminology to the appropriate code sections. Cross references are provided with the Index when appropriate.

*Supplements* to the code provide regular updating of the code to maintain it as a current compilation of all the legislation which has general and continuing effect. Without regular supplementation, the code would soon lose its usefulness as a complete source of the general law of the municipality. Supplementation is accomplished by the periodic publication of additions and amendments to the code.

COLORADO CODE PUBLISHING COMPANY  
323 West Drake Road, Suite 200  
Fort Collins, CO 80526-2865  
(800) 352-9229 ♦ (970) 498-9229  
colocode@frii.com ♦ www.colocode.com

TOWN OF BUENA VISTA, COLORADO

ORDINANCE NO. 26-1992

Series of 1992

AN ORDINANCE ADOPTING BY REFERENCE A RECODIFICATION OF THE ORDINANCES OF THE TOWN OF BUENA VISTA OF A GENERAL AND PERMANENT NATURE, ENTITLED THE "BUENA VISTA MUNICIPAL CODE, 1992 EDITION"; ADOPTING VARIOUS SECONDARY CODES BY REFERENCE; SETTING FORTH AMENDMENTS TO THE ADOPTED CODES; PROVIDING PENALTIES FOR THE VIOLATIONS OF THE ADOPTED CODES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED IN SUCH MUNICIPAL CODE; PROVIDING FOR THE MANNER OF AMENDING SUCH MUNICIPAL CODE; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, the Colorado General Assembly has provided for the codification and publication of the permanent and general ordinances of cities and towns in Sections 31-16-201 through 31-16-208, C.R.S.; and

WHEREAS, the Board of Trustees of the Town of Buena Vista has determined that it is appropriate that the ordinances of the Town of a permanent and general nature be recodified; and

WHEREAS, Colorado Code Publishing Company, 305 West Magnolia, Suite 382, Fort Collins, CO 80521, has compiled, edited and published a recodification of the general and permanent ordinances of the Town, which recodification is designated as the "Buena Vista Municipal Code," 1992 Edition.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, as follows:

*Section 1.* The code entitled "Buena Vista Municipal Code," 1992 Edition, published by Colorado Code Publishing Company, 305 West Magnolia, Suite 382, Fort Collins, CO 80521, consisting of Chapters 1 through 18, inclusive ("Buena Vista Municipal Code") is hereby adopted as a primary code by reference pursuant to Part 2 of Article 16 of Title 31, C.R.S.

*Section 2.* The purpose of the "Buena Vista Municipal Code" is to codify the ordinances of the Town of Buena Vista which are of a general and permanent nature. The subject matter of the "Buena Vista Municipal Code" includes general provisions concerning the application and interpretation of the code; the administration, personnel and organization of the Town government; revenue and finance; franchises and communications systems; business licenses and regulations; health, sanitation and animals; vehicles and traffic; general offenses; streets, sidewalks and public property; municipal utilities; annexations; zoning; subdivisions; and building regulations.

*Section 3.* The primary code adopted by reference in this Ordinance shall be known as the "Buena Vista Municipal Code," and it shall be sufficient to refer to said code as the "Buena Vista Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity.

*Section 4.* The following secondary codes were adopted by reference and incorporated into the Buena Vista Municipal Code:

(1) The *Model Traffic Code for Colorado Municipalities*, 1977 edition, published by the State Department of Highways, as adopted and amended in Section 8-1 *et seq*;

(2) The *Uniform Building Code*, 1985 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-21 *et seq*;

(3) The *National Electrical Code*, 1990 edition, published by the National Fire Protection Association, as adopted and amended in Section 18-41 *et seq*;

(4) The *Uniform Mechanical Code*, 1985 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-61 *et seq*;

(5) The *Uniform Plumbing Code*, 1985 edition, published by the International Association of Plumbing and Mechanical Officials, as adopted and amended in Section 18-81 *et seq*;

(6) The *Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings*, 1978 edition, published by the State Office of State Planning and Budgeting, Board for Energy Efficient Nonresidential Building Standards and the *Colorado Recommended Energy Conservation Performance Code for New Construction and Renovation of Residential Buildings*, 1978 edition, published by the Division of Housing, State Housing Board, as adopted and amended in Section 18-101 *et seq*.

(7) The *Uniform Fire Code*, 1979 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association, as adopted and amended in Section 18-121 *et seq*;

*Section 5.* The penalties provided by the Buena Vista Municipal Code are hereby adopted as follows:

(1) **Sec. 1-72. General penalty for violation.**

(a) No person shall violate any of the provisions of the ordinances of the Town or of this Code. Except in cases where a different punishment is prescribed by any ordinance of this Town or this Code, any person who violates any of the provisions of the ordinances of the Town or of this Code shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed one hundred eighty (180) days, or by both such fine and imprisonment, except as hereinafter provided in Section 1-73; and provided further that no indigent person shall be punished by imprisonment unless he or she has been given the opportunity to be represented by counsel. In addition, such person shall pay all court costs and expenses imposed by the court.

(2) **Sec. 1-73. Application of penalties to juveniles.**

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Chapter, shall be punished by a fine of not more than five hundred dollars (\$500.00) per violation or count.

(3) **Sec. 1-78. Surcharge on fines.**

Upon sentencing any person for any violation of this Code or other municipal law, the Municipal Judge shall impose upon the offender a surcharge in the amount of twenty-five percent (25%) of the amount of the fine imposed. The Municipal Judge shall include such surcharge on any fine schedules which he or she now has or may hereafter establish. The proceeds of the surcharge imposed by this Section shall be paid over to the Town and kept

in a separate Town fund to be known as the "Police and Court Education Fund," as established at Section 4-34 of this Code.

(4) **Sec. 2-98. Contempt power.**

(a) When the Municipal Court finds any person to be in contempt, the Municipal Court may vindicate its dignity by imposing on the contemnor a fine not to exceed five hundred dollars (\$500.00) and imprisonment not to exceed a term of ten (10) days.

(5) **Sec. 5-35. Penalty. (Article I, Cable Television System)**

Any person violating any of the provisions of Section 5-31 or 5-32 of this Article shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) or imprisonment not exceeding ninety (90) days.

(6) **Sec. 6-4. Suspension or revocation; fine. (Article I, Alcoholic Beverages)**

(b) The fine accepted shall be equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

(7) **Sec. 7-146. Minimum fines. (Article VI, Dogs)**

(a) A person convicted of violating any provision of this Article shall be punished in accordance with Section 1-72 of this Code; provided, however, that the minimum fine for any such violation shall be as follows:

(1) Upon first conviction within any three (3) year period, a fine of twenty-five dollars (\$25.00);

(2) Upon second conviction within any three (3) year period, a fine of fifty dollars (\$50.00); and

(3) Upon third or subsequent conviction within any three (3) year period, a fine of one hundred dollars (\$100.00).

(8) **Sec. 11-87. Removal of dead or diseased trees on private property.**

The Board of Trustees shall have the power to provide for and compel the removal of any dead or diseased trees located on private property when such trees constitute a hazard to life on the property, or harbor insects or disease which constitute a potential threat to other trees within the Town. The Board of Trustees shall provide the owner of such trees with written notice of any order to remove a tree under this Section, and shall further provide the property owner with at least sixty (60) days within which to complete the removal of the dead or diseased tree. If the tree owner fails or refuses to remove the tree within the time specified in the written notice, the Town may proceed to remove the dead or diseased tree and the whole cost thereof, including collection expenses, may be assessed against the lot or tracts from which the tree was removed. The assessment shall be a lien against such lot or tract until paid, and shall have priority over all other liens except general taxes and prior special assessments. Further, in case such assessment is not paid within ninety (90) days after becoming due, it may be certified by the Town Clerk to the County Treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected.

(9) **Sec. 13-83. Billing and payment. (Article V, Water Rates and Charges)**

(b) Bills shall be mailed monthly and shall be payable by the twenty-first day of the month following statement date. Bills for customers paid after the twenty-first day after the date on the statement will be charged a penalty of one percent (1%) per month on total balance due.

(c) Bills for water service materials (corporation cocks, curb stops, curb boxes, meters, etc.) paid after the twenty-first day after the date on the statement shall be charged a penalty fee of one percent (1%) per month of the balance due.

*Section 6.* Additions or amendments to the Buena Vista Municipal Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Buena Vista Municipal Code, shall be deemed to be incorporated into the Buena Vista Municipal Code, such that reference to the Buena Vista Municipal Code includes the additions and amendments.

*Section 7.* Ordinances adopted after January 12, 1993 that amend or refer to ordinances that have been codified in the Buena Vista Municipal Code shall be construed as if they amend or refer to those provisions of the Buena Vista Municipal Code.

*Section 8.* All ordinances or portions of ordinances of a general and permanent nature of the Town enacted on or before January 12, 1993 which are inconsistent with the provisions of the Buena Vista Municipal Code, to the extent of such inconsistency, are hereby repealed. The repeal of ordinances and parts of ordinances of a general and permanent nature by this Section 8 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 when said ordinances and parts of ordinances are repealed. Further, the repeal of ordinances of a general and permanent nature by this Section 8 shall not repeal any ordinance or part thereof saved from repeal specifically by the Buena Vista Municipal Code; nor shall such repeal affect any ordinance:

1. Promising, guaranteeing or authorizing the payment of money by or for the Town.
2. Authorizing or relating to specific issuances of bonds or other evidences of indebtedness.
3. Granting a franchise.
4. Establishing the compensation of Town officers or employees.
5. Levying taxes, making appropriations or adopting a budget.
6. Creating specific local improvement districts.
7. Making special assessments for local improvements.
8. Vacating, accepting, establishing, locating, relocating or opening any street or public way.
9. Affecting the corporate limits of the Town.
10. Which is of a special or temporary nature.
11. Dedicating or accepting by plat or subdivision.

12. Making a change in the Town's Zoning map and ordinance as it pertains to specific real property.

*Section 9.* The repeal established in the foregoing section of this Ordinance shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

*Section 10.* If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases had been declared invalid.

*Section 11.* If any section, subsection or provision of the codes adopted by reference in this Ordinance, or the application thereof to any person or circumstances, is declared unconstitutional or otherwise invalid by any competent court, such invalidity shall not affect the other sections, subsections, provisions or applications of such code(s) if they can be given effect without the invalid sections, subsection, provision or application.

*Section 12.*

A. At least one (1) copy of the Buena Vista Municipal Code, and of each secondary code adopted therein, all certified by the Mayor and the Town Clerk to be true copies of such codes as they were adopted by this Ordinance, shall be kept on file in the office of the Town Clerk and shall be available for public inspection.

B. The Town Clerk shall prepare and publish revised sheets of every loose leaf page of the Buena Vista Municipal Code in need of revision by reason of amendment, addition or repeal. The Town Clerk shall distribute said revised loose leaf sheets for such fee as the Board of Trustees may direct.

*Section 13.* The Town Clerk shall maintain a reasonable supply of copies of the codes adopted by reference in this Ordinance to be available for purchase by the public at a moderate price.

*Section 14.* The Board of Trustees hereby finds, determines and declares that it has the power to adopt this Ordinance under the provisions of Section 31-16-201, *et seq.*, C.R.S., as amended, and the general powers granted to municipalities in Colorado.

*Section 15.* The Board of Trustees hereby finds, determines and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health and safety in order to make this ordinance applicable to the Town at the earliest possible date so that administrative efficiency may be obtained therefrom and to assure that the purposes of this Ordinance are met.

*Section 16.* This Ordinance shall take effect and be in full force and effect upon adoption of this Ordinance by three-fourths ( $\frac{3}{4}$ ) of the members of the Board of Trustees.

INTRODUCED the 8th day of December, 1992, and a public hearing shall be held on this Ordinance on January 12, 1993 at 7:30 p.m. The Clerk shall give notice thereof as required by law.

TOWN OF BUENA VISTA, COLORADO

ATTEST:

(signature) \_\_\_\_\_  
Mayor

(signature) \_\_\_\_\_  
Town Clerk

READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 12th day of January, 1993.

TOWN OF BUENA VISTA, COLORADO

ATTEST: (signature) \_\_\_\_\_  
Mayor

(signature) \_\_\_\_\_  
Town Clerk

PUBLISHED in full following adoption in \_\_\_\_\_, a newspaper of general circulation in the Town on \_\_\_\_\_, 1993.

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