CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad, Colorado, will be held on Tuesday, December 3, 2013 at 7:00 P.M. in City Council Chambers at City Hall

The following items are on file for consideration of Council:

1) **ROLL CALL**

2) **APPROVAL OF MINUTES,** Regular Meeting of November 19, 2013

3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**

4) **COUNCIL REPORTS**

5) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**

6) **UNFINISHED BUSINESS**

7) **MISCELLANEOUS BUSINESS**

   a) Tavern liquor license renewal request by Gino's Sports Bar, LLC at 991 E. Main Street

   b) Modification of premises request by Robinson Liquor, LLC d/b/a Arizona Liquor Store at 847 Arizona Avenue

   c) Special events permit request by Trinidad & Las Animas County Chamber of Commerce at 150 E. Main Street for December 13, 2013 (Pioneer Natural Resources Christmas Party)

   d) Declaration that a vacancy exists on City Council and determining that the vacancy will be filled by the seating of the respective elected official on January 7, 2014

   e) First reading of an ordinance appropriating certain sums of money out of the revenues of the City of Trinidad, Colorado, to defray and meet the liabilities of the City of Trinidad for the fiscal year beginning January 1, 2014 and ending December 31, 2014; said ordinance being termed the annual appropriation bill for the 2014 fiscal year, and setting a hearing date for consideration of said ordinance

   f) First reading of an ordinance of the City of Trinidad, Colorado, repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purposes of (i) adopting by reference uniform codes for the regulation of buildings—to wit, the 2009 Editions of the *International Building Code*, *International Residential Code*, *International Fire Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Property Maintenance Code*, and *International Private Sewage Disposal Code*; and the 2011 Edition of the National Electrical Code; and (ii) replacing currently-adopted building codes in conflict therewith, and setting a hearing date for consideration of said ordinance

8) **BILLS**

9) **PAYROLL**, November 23, 2013 through December 6, 2013

10) **ADJOURNMENT**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Audra Garrett, City Clerk, 135 N. Animas Street, Phone (719) 846-9843, or FAX (719) 846-4140. At least a 48 hour advance notice prior to the scheduled meeting would be appreciated so that arrangements can be made to locate the requested auxiliary aid(s).

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, November 19, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor Pro-Tem	Velasquez, presiding
	Councilmembers	Bolton, Bonato, Mattie, Miles, Shew
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Special Meetings of October 22 and November 12, 2013 and Regular Meeting of November 6, 2013. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Shew. The motion carried unanimously upon roll call vote, excepting Mayor Pro-Tem Velasquez who abstained.

PUBLIC HEARING. 2014 Capital Improvement Projects Budget. Mayor Pro-Tem Velasquez declared the public hearing re-opened, reminding Council that they had previously recessed the hearing, and called for comments from the audience. There being none, the hearing was closed.

2014 Annual Budget. Mayor Pro-Tem Velasquez declared the public hearing open and called for comments on the 2014 annual budget. There were none. The hearing was closed.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

COUNCIL REPORTS. Councilmember Bolton had nothing to report, however thanked Council for meeting at 7:00 p.m. rather than 6:00 p.m. as had been previously discussed.

Councilmembers Shew and Mattie had nothing to report this evening.

Councilmember Miles reported that the ARPA mediation has been postponed at the request of Syncora. They wanted to give their expert additional time to evaluate the facility. She said they suspect they didn't get things done on time. The new dates set for mediation are January 6th and 7th in Denver. Councilmember Bolton asked the trail date. There was some confusion as to whether it is February 3rd or 23rd and City Manager Acre said he would confirm the correct date. City Manager Acre said there are two days planned for mediation. January 7, 2014, is the first City Council meeting date of the new year. In discussions with the attorney it is thought they will have a good feel on the progress by mid-day on January 7th. He said he and Councilmember Miles will be able to get back for that meeting. Also, there was a conference call with B & W today and additional information was given to Syncora on the project. Councilmember Miles reported that she recently attended the TLACED (Trinidad-Las Animas County Economic Development) meeting. She said they are trying to get guidance from the City and County on funding as they are going through their 2014 budget. They have to look at things backwards to determine budget amounts. Councilmember Miles said if anything can be done to hasten that meeting it would be appreciated. They are also closing in on getting their financials and audits caught up. City Manager Acre said he's had a discussion with County Administrator LeAnn Fabec on trying to get the joint meeting between the City, County and Economic Development rescheduled. He said before we finalizes our respective budgets he thought the joint meeting would be good. It will be tight with the holidays. City Manager Acre said he'd reach out to Council with dates to consider. Councilmember Miles concluded that she and Councilmember Bonato attended the I-25 summit and deferred to him to report on it.

Councilmember Bonato reported on his and Councilmember Miles' attendance of the I-25 summit in Pueblo on Friday. He said there was a pretty good turn out and Trinidad was pretty well represented. A Colorado Department of Transportation spokesman gave a program on signage and good information on what they can and cannot do with the project. He said the City Council, County Commissioners and Economic Development will have to come together to make this project flow. He additionally reported on his attendance of the Purgatoire Water Shed meeting. They heard a presentation from a gentleman from Pinon Canyon about lead testing by the river. Since the last study in 1984-1985, the amount of lead has dropped.

Mayor Pro-Tem Velasquez had nothing to report.

REPORT BY CITY MANAGER. Southwest Chief. City Manager Acre pointed out that he had sent out a couple of items to Council and placed a couple at their seating places. One item provided was concerning the meeting he attended last week in La Junta regarding the Southwest Chief. He said he and La Junta City Manager Rick Klein continued to push CDOT to look for funding for the Southwest Chief. Colorado is becoming the weak link in that chain. New Mexico has performed a study of the economic benefits of the Southwest Chief. He and other City Managers will COG or SCEDD or the Office of Economic Development to do the same for Colorado to help with their efforts.

North Lake. City Manager Acre said he will be going to the North Lake Dam project meeting tomorrow morning. He said he's reviewed the revised scheduled from the contractor and doesn't like what he sees with respect to what the contractor has not accomplished due to winter weather. He said he'd talk to the project team and evaluate it further and come back to Council on how to move forward. The stilling basin pipe installation has progressed. There are a couple of items that we need to make sure get done as soon as we can, the staff gage and some grouting and rip rap in places needs to

be done.

ARPA. Council was reminded by City Manager Acre of the monthly ARPA meeting on Thursday. Following that meeting he said he will be attending a meeting in Pueblo with La Junta City Manager Rick Klein that evening on high speed rail. Mr. Klein asked him to attend.

Public Works Director/Utilities Superintendent. City Manager Acre told Council that he had three good interviews today for the Public Works Director/Utilities Superintendent position. He said he anticipates making a decision either after Thanksgiving or the first week of December.

Southwest Chief. Councilmember Bonato said he thought he understood that New Mexico was willing to give money for our Southwest Chief lines. City Manager Acre said he's heard it isn't for the entire line. Their transportation commission is pushing for funding in New Mexico for improvements to the New Mexico line, just as Kansas is doing. We are making a push in Colorado through CDOT. The executive director of CDOT is hearing them, but they are saying their hands are tied. They don't think they can use Faster funding for rail. They've posed the question if Faster money can be used for buses why can't it be used for rail. Also, he said that BNSF may be interested in doing some line work between Trinidad and La Junta. Councilmember Mattie asked the level of funding being sought. City Manager Acre said they are seeking $4 million per year for over ten years. There are some capital costs to replace rail and some maintenance costs, the cost of which continues to go down as they ask questions.

REPORT BY CITY ATTORNEY. Medical Marijuana. City Attorney Downs advised Council that he and the City Clerk have been working on a proposed medical marijuana code for Council to start having a blueprint and rough draft for them to work on and make the big decisions on. He said he hoped to have it for them by the first work session in December, December 10th. City Manager Acre told Council that the City has had inquiries from people interested in the business. City Attorney said he too has had inquiries, especially regarding retail marijuana. Councilmember Mattie asked if they are locals. City Attorney Downs said a lot of them are from out of town. He continued that he had a phone call at the end of last week talking also about taking over Cougar Canyon. The party seemed very serious and gave his name to Google. He reiterated that he seemed serious and said he thought he could get investors.

TLACED. Councilmember Miles added to her previous report that there have been rumors about someone opening a wholesale brewery in Trinidad. It has been difficult to find the right location. Originally they looked at Industrial Park and then in town. TLAC Economic Development is entering into negotiations for a lease in the Industrial Park. She said it could eventually result in a couple of dozen of jobs. City Manager Acre added that it takes time as they work through the process and that he and Planning Director Fineberg had had discussions with them.

UNFINISHED BUSINESS. Appointment of Planning, Zoning and Variance Commission member. Mayor Pro-Tem Velasquez identified David Baca and Wayne Pritchard as those individuals who submitted letters of interest in filling the vacancy. Councilmember Mattie reminded that there had previously been a tie vote whereby he had been in support of the appointment of David Baca due to his youth and being a small business owner. He said while he still subscribes to that philosophy, however in retrospect he may have been blinded by interest from a youthful person. At the most recent meeting he reminded having mentioned that Mr. Baca's appointment could put him at a disadvantage since he has not participated on a board with such responsibility without having been on other boards previously. At the same time he said he talked to Wayne Pritchard who wears many hats, being on the Board of Appeals and the Economic Development Board and now wants to be on this board. Mr. Pritchard has expressed his willingness to resign his position on the Board of Appeals to allow inclusiveness. Councilmember Mattie said he realizes that Council can't just automatically appoint David Baca in his place if he does resign; the vacancy would have to be advertised. He said he hasn't been able to communicate with Mr. Baca, but supports Wayne Pritchard for this position. Councilmember Bolton moved for the appointment of Wayne Pritchard to the Planning, Zoning and Variance Commission. Councilmember Mattie added that it should be with the understanding that he resign from the Board of Appeals. Councilmember Miles seconded the motion. Upon roll call vote the motion carried with all Councilmembers present voting aye with the exception of Councilmember Bonato who cast a dissenting vote. Councilmember Mattie asked if Mr. Pritchard does resign from the Board of Appeals would staff send a letter to Mr. Baca as a matter of courtesy when the notice to the general public is made. Councilmember Bolton reminded Councilmember Bonato that he needed to abstain from the vote. Councilmember Bonato said the motion was for Wayne Pritchard, not David Baca. City Attorney Downs reminded Council of the e-mail he issued providing the opinion which was confirmed by Tami Tanoue of CIRSA that if a Councilmember is related to an applicant it is not considered appropriate to vote on that person, but it is also not appropriate to vote on the person running against that person. Councilmember Bonato changed his vote to an abstention.

Public hearing for consideration of an ordinance regarding the provision of natural gas service by the Trinidad Municipal Natural Gas Department, and decreasing the gas supply charge applicable to all customer service classifications. Mayor Pro-Tem Velasquez declared the public hearing open and called for comments regarding the ordinance. There being none, the hearing was closed.

Second reading of an ordinance regarding the provision of natural gas service by the Trinidad Municipal Natural Gas Department, and decreasing the gas supply charge applicable to all customer service classifications. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Shew and seconded by Councilmember Bolton. Councilmember Miles stated that she and City Manager Acre and Finance Director Medina met to discuss ways to dampen fluctuation of rates. The City is exposed to the spot market now and we don't want too much exposure. They talked of ways to reduce that going forward. She opined that the ordinance is fine as it stands, but the issue needs to be addressed in the future. She recalled that Councilmember Shew talked about big fluctuations having happened from year to year and coming out of the City's reserve funds. Roll call was taken and the motion carried unanimously. The ordinance was approved and will become effective on November 29, 2013.

AN ORDINANCE REGARDING THE PROVISION OF NATURAL GAS SERVICE BY THE TRINIDAD MUNICIPAL NATURAL GAS DEPARTMENT, AND DECREASING THE GAS SUPPLY CHARGE APPLICABLE TO ALL CUSTOMER SERVICE CLASSIFICATIONS

MISCELLANEOUS BUSINESS. Tavern liquor license renewal request by Robert Leonetti d/b/a Park Café at 608 Arizona Avenue. Mr. Leonetti's presence was noted. A motion to approve the license renewal was made by Councilmember Shew. Councilmember Bonato seconded the motion. Roll call was taken on the motion which carried unanimously.

3.2% Beer Retail – Off Premises – license renewal request by JR's Fuel Stop, Inc. d/b/a JR's Fuel Stop 810 at 731 E. Main Street. Ray Duran's presence was noted. Councilmember Bolton moved for the renewal of the license and Councilmember Shew seconded the motion. The motion carried unanimously with Councilmember Mattie conditioning approval on the fire extinguishers being corrected and the rear exit doors being unlocked during hours of operation. Mr. Duran said he didn't know those things were of issue, but would make sure they were resolved. City Manager Acre noted that he was present during the Fire Chief's inspection. Fire Chief Trammell said it was really a building inspection requirement. Under the Fire Code it could remain locked because of other accesses. Councilmember Mattie said he recognizes the need for security for the business, but at the same time maybe a crash bar could be installed so people can get out.

3.2% Beer Retail – Off Premises – license renewal request by JR's Fuel Stop, Inc. d/b/a JR's Fuel Stop 811 at 105 E. Colorado Avenue. Councilmember Shew noted the requirement for the fire extinguishers to be recertified. Mr. Duran said he would get them recertified. Councilmember Shew moved to renew the license and Councilmember Mattie seconded the motion.

Club liquor license renewal request by BPO Elks Lodge #181 at 120 S. Maple Street. Councilmember Mattie made a motion to renew the club license. Councilmember Bolton seconded the motion. Councilmember Miles pointed out that the inspection report mentions the CO detector and fire extinguishers need attention, but more importantly that the boiler needs to be recertified. Wanda Sola on behalf of the licensee said the CO detector and fire extinguishers are being addressed, however the boiler is not due for certification until May 31, 2014. It was certified in May, 2012 and is good for two years. She said she didn't point the certificate out when the inspection was being done and he was looking at the sticker on the boiler and thought it was only good for one year. She said they are supposed to inspect their boiler; they don't call them in to make the inspection. Upon roll call vote the motion to renew the license carried unanimously.

Appointment to the Arkansas River Power Authority Board of Directors for the term 1/1/14 to 12/31/17. Councilmember Bolton moved for the appointment of Michelle Miles as the City's representative on the ARPA Board. The motion was seconded by Councilmember Bonato and carried unanimously however with Councilmember Miles abstaining from the vote.

Consideration of Department of Local Affairs Commercial Street Phase I Contract. Councilmember Bolton recalled their discussion of this item at the last work session and that the only change was a signatory change. She said unless something else changed, she moved for the approval of the contract. Councilmember Miles reminded that they had discussed the contract naming a key person and that Planning Director Fineberg was going to bring up the issue to DOLA. The issue being if Planning Director Fineberg were gone, how long it would take with torn up street on Commercial Street to get him as the key person waived or replaced. Planning Director Fineberg said he didn't have that conversation with DOLA, however did regarding the contract naming Bernadette Baca Gonzalez as the Mayor. Lee Merkel from DOLA said that wasn't worth changing. Councilmember Miles reminded that she expressed her concerns at work session. Planning Director Fineberg said that Mr. Merkel felt that it would be implied or assumed that whoever holds that title would be the signatory. He said he compared that to be the same with him being named as the contact person. Any successor would be the same thing but it might require a modification. He said he could make sure that the signed copy reflects 'or successor'. Councilmember Miles said her concern is because we will be tearing up Commercial Street. Councilmember Miles asked how much of this is dependent on their unique trust in Planning Director Fineberg. Planning Director Fineberg said they understand that employees leave jobs. He added that he didn't think they would be granting is solely because of him. He offered to call DOLA. He continued that he has thought a lot about the timing on this grant. When the City first applied we had an engineer on staff that was going to do a lot of the design work and now we have to put out an RFP for those services. While the design work was going on, staff intended to have meetings with the store owners on what the best time would be for the actual construction. By the time the design was done it would be near the beginning of the summer and probably not a good time to start that work with it being the busier season. He said he thinks the best time would be January, after Thanksgiving and Christmas. There's no rush. Planning Director Fineberg said if Council wants to get the contract amended before it is signed it wouldn't be an issue. Councilmember Miles said she thought it prudent given we are tearing up Commercial Street and there doesn't seem to be any down side to it. Planning Director Fineberg stated he didn't think DOLA will have that much of an issue. Councilmember Bolton reminded that she brought up the fact at the last work session that with the new Public Works Director we may be able to do the engineering in-house rather than put it out to bid. She asked if that were the case what the timing would be then. Planning Director Fineberg said that all of the Commercial Street intersections have been designed; we just need the design work for the sections between the intersections. The bulk of the work is done and so it may be within the capabilities of the new Public Works Director. He suggested it would be a similar time frame. Councilmember Mattie opined that it seems the agreement is between the City and DOLA and not the signatory or key person, but if it makes it cleaner or simpler to change the key person to read "or their successor" he didn't think it would hurt. Councilmember Miles said there's low risk and high downside. Councilmember Bolton amended her motion to approve the contract with that slight amendment. Councilmember Miles seconded the motion as amended, which carried by a unanimous roll call vote.

First reading of an ordinance for the regulation of traffic by the City of Trinidad, Colorado, adopting by reference the 2010 Edition of the "Model Traffic Code for Colorado" and repealing all ordinances in conflict therewith, and setting a

hearing date for consideration of said ordinance. Councilmember Bolton introduced the ordinance and it was read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on December 17, 2013, was made by Councilmember Bolton and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote. Councilmember Bonato asked where the fine money goes. City Manager Acre answered that it goes into the General Fund. Councilmember Bonato asked how much is collected and what the cost is to have court. City Attorney Downs said that information is in the budget – what is brought in and what Municipal Court's budget is. He said they try to make sure that Municipal Court, within reason, brings in all the money it can. Councilmember Mattie commented that it is dangerous to tie enforcement to finances. Roll call was taken and the motion carried unanimously.

Resolution supporting a grant application to the Colorado Department of Local Affairs seeking funding for an update to the City's Comprehensive Plan. Planning Director Fineberg addressed Council. He said it has been since 2008 since the last Comprehensive Plan update was done, about six years. The plan is a guiding policy document for the City to guide the City's physical development and economic development. He said the City is going to ask DOLA for funding to do this update. It will be a collaborative process, not just hiring a consultant to do it. The consultant would work with staff to put the plan together. The request to DOLA will be for about $70,000 for this grant. This is the same grant program the City went to for the Commercial Street Project. Currently Phase 2 of the Commercial Street Project is in front of DOLA. He said staff thought about going for Phase 3 of Commercial Street which encompasses the possibility of roundabout at Exit 14, but staff doesn't really have time to put an application that complex together that might better be left for a future April or August grant round. Councilmember Miles commented that she read the 2008 Comprehensive Plan and found it to be a terrific document. She asked if it is a guide for him or for grant applications. Planning Director Fineberg answered that it is for both. It outlines the City's priorities with regard to development and it certainly helps in determining good grant projects. Also it is also usually necessary when applying for a grant. The update would give the City a chance to prioritize and talk about official issues and about where to focus development and how much weight to put on the different priorities. He said he doesn't think there's a state statute about how often it needs to be done in Colorado. City Manager Acre agreed and added that it is common practice to update it every five years. Given we've seen a change in development patterns it may be time to look at it. In addition to being a guide for staff and the Planning Commission, it provides a guide to the public for development and gives support in decisions made by Council and staff. Councilmember Miles said she read the document before she joined Council and learned a lot about the City. She asked if there's some way to get the word out that the document exists. Planning Director Fineberg said they will make the process very accessible to the citizens of Trinidad and it will be inclusive. A motion to adopt the resolution was made by Councilmember Bolton and the motion was seconded by Councilmember Miles. Roll call was taken and the motion carried unanimously.

RESOLUTION NO. 1420

RESOLUTION SUPPORTING A GRANT APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS SEEKING FUNDING FOR AN UPDATE TO THE CITY'S COMPREHENSIVE PLAN

BILLS. Councilmember Miles noted that Susan Conway from TLACED was present in the audience and introduced her as their new office manager. She said she's done a great job in keeping the office running on fumes and keeping the brewery possibility going. Ms. Conway announced that the brewery owner signed a lease. It should be up and running in three to four months. A motion to approve payment of the bills was made by Councilmember Bolton. The motion was seconded by Councilmember Shew. Roll call was taken on the motion and it carried unanimously.

PAYROLL, October 26, 2013 through November 8, 2013 & November 9, 2013 through 22, 2013. A motion to approve the payroll was made by Councilmember Shew and seconded by Councilmember Bolton. The motion carried unanimously.

Councilmember Bolton pointed out that Council received a November 19th draft of the 2014 budget. She asked if there's a red-line version to show the changes. Finance Director Medina offered to go over it with her following the meeting and said there were only two lines items that changed in each budget.

ADJOURNMENT. There being no further business to come before Council, a motion to adjourn the regular meeting was made by Councilmember Bolton and seconded by Councilmember Shew. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

LINDA VELASQUEZ, Mayor Pro-Tem

AUDRA GARRETT, City Clerk

7a

CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 3, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: Audra Garrett
 # OF ATTACHMENTS: 6

SUBJECT: Tavern liquor license renewal request by Gino's Sports Bar, LLC at 991 E. Main Street

PRESENTER: Gino's Sports Bar, LLC representative

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The renewal application is in order.
- No concerns were raised with respect to annual inspection by the Fire Department and Building Inspector.
- The Police Department had four calls for service to report relative to this licensee. Supporting documentation is provided
- The Health Department indicated the licensee's compliance.
- Disclosure statements provided by Council members Miles and Velasquez are attached.
- Appropriate fees have been paid.

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DR 8400 (Revised 09/01/12)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
SUBMIT TO LOCAL LICENSING AUTHORITY

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Fees Due	
Renewal Fee	$500.00
Storage Permit $100 x ____	
Optional Premise $100 x ____	
Related Resort $75 x ____	
Amount Due/Paid	

GINOS SPORTS BAR LLC
991 E MAIN ST
TRINIDAD CO 81082-2724

Make check payable to: **Colorado Department of Revenue.** The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name		DBA		
GINOS SPORTS BAR LLC		GINOS SPORTS BAR LLC		
Liquor License #	**License Type**	**Sales Tax License #**	**Expiration Date**	**Due Date**
12933190000	Tavern (city)	12933190000	1/2/2014	11/18/2013
Street Address				**Phone Number**
991 E MAIN ST TRINIDAD CO 81082-2724				(719) 845 0388
Mailing Address				
991 E MAIN ST TRINIDAD CO 81082-2724				
Operating Manager	**Date of Birth**	**Home Address**		**Phone Number**
Joe Cordova	[redacted]	[redacted]		[redacted]

1. Do you have legal possession of the premises at the street address above? ☒ YES ☐ NO
   Is the premises owned or rented? ☒ Owned ☐ Rented* *If rented, expiration date of lease_____
2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. ☐ YES ☒ NO

   NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. ☐ YES ☒ NO
4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. ☐ YES ☒ NO
5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. ☐ YES ☒ NO
6. **SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and **attach a copy of their driver's license, state-issued ID or valid passport.**

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business	Title
Gino's Sports Bar LLC	Co-Owner
Signature	**Date**
Chris B. Velasquez	11/12/13

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For		Date
Trinidad		
Signature	**Title**	**Attest**
	Mayor Pro-Tem	

11/13/13

DEPARTMENTAL INSPECTION REPORT
3.2% BEER (FERMENTED MALT BEVERAGE)
OR LIQUOR LICENSE

Applicant: Gino's Sports Bar, LLC

dba:

Address: 991 E. Main Street

Type of License: Tavern

__X__ Renewal _____Transfer _____ Change of Location _____ New _____ Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: December 3, 2013

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DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

_____

_____

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_____

_____

_____

_____

11/20/13
Date

Anthony Trammell
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 22, 2013

11/13/13

10:30 Wad

DEPARTMENTAL INSPECTION REPORT
3.2% BEER (FERMENTED MALT BEVERAGE) OR LIQUOR LICENSE

Applicant: Gino's Sports Bar, LLC

dba:

Address: 991 E. Main Street

Type of License: Tavern

__X__ Renewal _____Transfer _____ Change of Location _____ New _____ Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: December 3, 2013

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DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Approved

11-20-2013
Date

Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 22, 2013

11/13/2013

DEPARTMENTAL INSPECTION REPORT
3.2 % BEER (FERMENTED MALT BEVERAGE)
OR LIQUOR LICENSE

Applicant's Name: Gino's Sports Bar, LLC

DBA:

Business Address: 991 E. Main Street

Type of License: Tavern

X Renewal ____ Transfer ____ Change of Location ____ New ____ Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: December 3, 2013

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DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

Date	Sequence Number	Call Type	Case number
11/24/2012	TPD201224781	Bar disturbance	12-04297

Disagreement between two male parties, Boccaccio struck Torres. Torres refused to press charges.

4/14/2013	TPD201305495	Assault	13-01274

Female party reported that she was assaulted by someone at the bar. She went home and called police. She was asked to provide a written statement and refused to do so. No charges were filed due to the victim's lack of cooperation.

7/6/2013	TPD201310449	Bar disturbance	13-02257

Four parties were charged with disturbing the peace

9/15/2013	TPD201314437	Disturbance in progress	13-03037

Female party was struck in the head by a bottle. She refused medical help. The party who threw the bottle was arrested and charged with assault.

11-20-13
Date

Charles J. Hanna
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 22, 2013

TIBURON

CAD Abstract

Number of Responses : 1

Sequence Number: TPD201224781

Call Answered	Call Code	Case Number
	BARDIS	**TPD201204297**

Created	Dispatched	Completed	Disposed
11/24/2012 01:08:21	11/24/2012 01:08:21	11/24/2012 01:27:14	11/25/2012 06:06:27

Response Information

Response Type :	BARDIS
Reason for Stop :	
Stop Statute :	
Primary Resource :	T110 ;LEPLATT,CLAYTON
Primary Trooper :	LEPLATT,CLAYTON
Response Origin :	Quick Call
Disposition Codes :	RPT

Incident Information

Validated Address : : True

Common Place :		Zone :	
House Number :	991	City :	
Street Name :	MAIN	State:	
Suffix :	E	ZIP Code :	
Street Type :	ST	X Coordinate	3292650.5419798698
Cross Streets:	CAPITOL HILL DENVER	Y Coordinate	1185709.8373801601
Free Format Address :	991 E MAIN ST (CAPITOL HILL ST/S DENVER ST)		

Location History

Date/Time	Address	Dispatcher / Position
11/24/2012 01:08:21	991 E MAIN ST (CAPITOL HILL ST/S DENVER ST)	ZUNIGA,KRISTINA / POSITION1

Person 1 of 2

Last Name :	BOCCACCIO	First Name :	DEAN	Middle Name :	DEAN ANTHONY
Suffix :		DOB :	[redacted]	SOC :	[redacted]
Involvement :	SUBJECT	DL State :	CO	DL Number :	[redacted]
Perceived Race :		Perceived Gender :		Address :	[redacted]
Race :		Gender :	MALE	Phone :	
Notes :					

Person 2 of 2

Last Name :	TORRES	First Name :	ARTHUR	Middle Name :	ARTHUR
Suffix :		DOB :	[redacted]	SOC :	
Involvement :	VICTIM	DL State :	CO	DL Number :	
Perceived Race :		Perceived Gender :		Address :	
Race :	WHITE	Gender :	MALE	Phone :	
Notes :					

Vehicle 1 of 1

State :	CO	License # :		Reg Type :	
VIN :		Color :		Make :	
Model :		Reg Owner :		# Occupants :	
Involvement :				Reg Year :	
Notes :					

Resource Activity Statuses

Date/Time	Unit ID	Status	Dispatcher / Position
11/24/2012 01:08:25	T105	DP	ZUNIGA,KRISTINA / POSITION1
11/24/2012 01:08:29	T105	AR	ZUNIGA,KRISTINA / POSITION1
11/24/2012 01:19:18	T105	AD	GUTIERREZ,COREY / POSITION2
11/24/2012 01:27:14	T105	CL	GUTIERREZ,COREY / POSITION2
11/24/2012 01:08:21	T110	DP	ZUNIGA,KRISTINA / POSITION1
11/24/2012 01:08:21	T110	AR	ZUNIGA,KRISTINA / POSITION1
11/24/2012 01:19:21	T110	AD	GUTIERREZ,COREY / POSITION2
11/24/2012 01:27:13	T110	CL	GUTIERREZ,COREY / POSITION2
11/24/2012 01:08:25	T125	DP	ZUNIGA,KRISTINA / POSITION1
11/24/2012 01:08:27	T125	AR	ZUNIGA,KRISTINA / POSITION1
11/24/2012 01:17:02	T125	ED	GUTIERREZ,COREY / POSITION2
11/24/2012 01:19:15	T125	AD	GUTIERREZ,COREY / POSITION2
11/24/2012 01:27:14	T125	CL	GUTIERREZ,COREY / POSITION2

Incident Notes

Date/Time	Note	Dispatcher / Position
11/24/2012 01:08:22	Incident Premises History check returns 1 occurence(s) of the same location.	ZUNIGA / POSITION1
11/24/2012 01:11:57	PER 212 W3 STUMBLED INTO A SMALL FIGHT	GUTIERREZ / POSITION2
11/24/2012 01:12:05	WILL HAVE 1 DETAINED AND ED SHORTLY	GUTIERREZ / POSITION2
11/24/2012 01:12:10	Response TPD201224781. Call code changed from BARCHK to BARDIS.	GUTIERREZ / POSITION2
11/24/2012 05:18:40	C10-OTHER HALF WAS ART TORRES,[redacted]	ZUNIGA / POSITION1
11/24/2012 05:18:54	C10-ACCORDING TO BAR OWNERS TORRES HADNT DONE ANYTHING TO PROVOKE BOCCACCIO AND BOCCACCIO STRUCK TORRES	ZUNIGA / POSITION1
11/24/2012 05:19:12	C10-TORRES WAS INTOXICATED AT THE TIME AND DID NOT WANT ACTION TAKEN AGAINST BOCCACCIO, TORRES WAS GIVEN A CARD AND ADVISED TO CONTACT PD IF HE CHANGES HIS MIND	ZUNIGA / POSITION1

TIBURON

CAD Abstract

Number of Responses : 1

Sequence Number: TPD201305495

Call Answered	Call Code	Case Number
04/14/2013 02:40:14	**ASSLTS**	**TPD201301274**

Created	Dispatched	Completed	Disposed
04/14/2013 02:40:14	04/14/2013 02:43:02	04/14/2013 03:45:55	04/15/2013 01:06:45

Response Information

Response Type : ASSLTS
Reason for Stop :
Stop Statute :
Primary Resource : T116
Primary Trooper : GILLIS-TODD,MEGAN
Response Origin : CAD
Disposition Codes : CC

Incident Information

Validated Address : : True

Common Place :
House Number : 991
Street Name : MAIN
Suffix : E
Street Type : ST
Cross Streets: CAPITOL HILL DENVER
Free Format Address : 991 E MAIN ST (CAPITOL HILL ST/S DENVER ST)

Zone :
City :
State:
ZIP Code :
X Coordinate 3292524.3564311699
Y Coordinate 1185581.3751048001

Location History

Date/Time	Address	Dispatcher / Position
04/14/2013 02:40:19	991 E MAIN	MANTELLI,BRYAN / POSITION1
04/14/2013 02:41:31	991 E MAIN ST (CAPITOL HILL ST/S DENVER ST)	MANTELLI,BRYAN / POSITION1

Person 1 of 1

Last Name :
First Name :
Middle Name :
Suffix :
DOB : 01/01/1900
SOC :
Involvement : REPORTING PARTY
DL State : CO
DL Number :
Perceived Race :
Perceived Gender :
Address :
Race :
Gender :
Phone :
Notes :

Generated on:2013-18-Nov 02:26:36

Vehicle 1 of 1

State :	CO	License # :	[redacted]	Reg Type :	
VIN :		Color :		Make :	
Model :		Reg Owner :		# Occupants :	
Involvement :				Reg Year :	
Notes :					

Resource Activity Statuses

Date/Time	Unit ID	Status	Dispatcher / Position
04/14/2013 02:43:05	T108	DP	MANTELLI,BRYAN / POSITION1
04/14/2013 02:43:08	T108	EN	MANTELLI,BRYAN / POSITION1
04/14/2013 02:50:04	T108	AP	MANTELLI,BRYAN / POSITION1
04/14/2013 03:07:25	T108	CL	SALAS,CLIFFORD / POSITION2
04/14/2013 02:43:23	T115	DP	MANTELLI,BRYAN / POSITION1
04/14/2013 02:43:25	T115	AR	MANTELLI,BRYAN / POSITION1
04/14/2013 02:50:10	T115	AP	MANTELLI,BRYAN / POSITION1
04/14/2013 03:07:19	T115	CL	SALAS,CLIFFORD / POSITION2
04/14/2013 02:43:01	T116	DP	MANTELLI,BRYAN / POSITION1
04/14/2013 02:43:03	T116	AR	MANTELLI,BRYAN / POSITION1
04/14/2013 02:50:08	T116	AP	MANTELLI,BRYAN / POSITION1
04/14/2013 03:45:55	T116	CL	SALAS,CLIFFORD / POSITION2

Incident Notes

Date/Time	Note	Dispatcher / Position
04/14/2013 02:40:19	Address of TPD201305495 has been modified to 991 E MAIN.	MANTELLIB / POSITION1
04/14/2013 02:40:43	RP STATES HER CURRENT GF WAS SCRATCHED BY HER EX GF AT GINOS EARLIER	MANTELLIB / POSITION1
04/14/2013 02:41:11	RP STATES THEY WILL BE AT THE HOUSE BY THE PD AS YOU ENTER THE TRAILER PARK BY THE PD	MANTELLIB / POSITION1
04/14/2013 02:41:27	AND THE RP WILL BE STANDING OUTSIDE BY THE BACK OF THE HOUSE NOT THE FRONT	MANTELLIB / POSITION1
04/14/2013 02:41:31	Address of TPD201305495 has been modified from 991 E MAIN to 991 E MAIN ST (CAPITOL HILL ST/S DENVER ST).	MANTELLIB / POSITION1
04/14/2013 02:49:58	C40-OUT AT THE PD WITH RP TO GET STATEMENT AND PHOTOS]	MANTELLIB / POSITION1

Crime/Incident Report

Print Date: 11/18/2013 16:42:45

TPD

Case Id	Seq #	Type Description	Report Date
TPD201301274		ASSLTS	04/14/2013 2:53

Location	Occurred From	Occurred To
991 E MAIN ST (CAPITOL HILL ST/S DENVER ST)	04/14/2013 2:53	04/15/2013 01:06

District	Linked Incident
5	

OFFENSES

OFFENSE	DESCRIPTION	LOCATION TYPE	UCR
18-3-204 (1)(a)	Assault in the Third Degree- Knowingly- Reckless- Bodily Injury (M1)	BAR	04

INVOLVED PARTIES

		DOB	AGE	SEX	RACE	WEIGHT	HEIGHT	HAIR	EYE
REPORTING PAR	VILLANI MARTINEZ,NICOLINA		[redacted]					BRO	BRO
	[redacted]								
	Home #:	Bus #:	Cell #:						
	SSN:	DLN:							
VICTIM	HARRISON,JAZMYN, LEI		[redacted]					BRO	BRO
	[redacted]								
	Home #:	Bus #:	Cell #:						
	SSN:	DLN:							

PROPERTY

MO

CRIME PREVENTION	:
SOLICITED FOR	:
POINT OF ENTRY	:
TOOLS USED	:
METHOD OF ENTRY	:
TARGET	:
USE OF FORCE CODE	:
EVIDENCE OBTAINED	:

VEHICLES

NARRATIVE

SYNOPSIS: On April 14th, 2013 at approximately 0253 hours, your RO was dispatched to the 2300 block of E. Main St. in the city of Trinidad, county of Las Animas and State of Colorado on report of a cold assault that had occurred earlier at Gino's Bar.

Upon arrival, your RO and other officers contacted the RP, Nicolina Villani Martinez and the victim, **Jazmyn Harrison**. Villani Martinez and Harrison stated that they were at the bar earlier in the night and Villani Martinez' ex-girlfriend's friend, a "butch girl with short, brown hair named Crystal" was talking crap about Jazmyn. When

Villani Martinez and Harrison went to leave the bar at around 0200 hours, the girl identified as "Crystal" cheap-shotted Harrison and punched/scratched her in the face. Your RO did observe visible injuries to Harrison's face in the form of scratches and minor bruising.

Your RO asked Villani Martinez and Harrison why they waited nearly an hour to report the assault to the police and Villani Martinez stated that because the suspect was her ex-girlfriend's friend, she did not want her to get in trouble and she just wanted her ex-girlfriend to say sorry. Villani Martinez then stated that once the ex-girlfriend refused to say sorry that that's when she decided to call and report the assault to the police. Your RO asked Harrison if she was willing to press charges against "Crystal" for the assault and Harrison stated that she did wish to press charges.

Photographs were taken of Harrison's injuries.

Your RO requested that both Villani Martinez and Harrison fill-out voluntary, written statement forms regarding the events that took place and both parties completed statements and returned them to your RO.

Based on the description provided by the witness and victim, your RO believes the suspect "Crystal" to be **Crystal Gonzales**. The witness and victim stated that "Crystal" was wearing a red jersey and had several tattoos.

ITEMS STOLEN AND RECOVERED: None.

OFFICERS PRESENT AND DUTIES: Gillis- initial investigation and report, Ofc. Riddle-initial investigation, and Sgt. Massarotti-initial investigation.

CRIME SCENE DESCRIPTION: This crime occurred at 991 E. Main St. in the city of Trinidad, county of Las Animas and state of Colorado.

MODOUS OPRENDI: The suspect (possibly Crystal Gonzales) unlawfully, knowingly or recklessly, caused bodily injury to Jazmyn Harrison.

EVIDENCE FOUND: Your RO observed scratches and light bruising on Harrison's face.

PHOTOGRAPHS: Photographs were taken of the injuries to Harrison's face.

CIRCUMSTANCES OF ARREST:
18-3-204(1)(a) Assault in the Third Degree-Knowingly-Reckless-Bodily Injury C1M

ADDITIONAL INFORMATION: Your RO did leave a voicemail for the Harrison party to return to the police department to fill out an additonal voluntary, written statement when she was sober, however, Harrison has not returned to do so.

A photo line-up including the possible suspect will be completed for identification purposes.

END OF REPORT.....

SUMMARY

REVIEW STATUS: APPROVED	**REVIEWED BY:** T108	**DATE:** 04/15/2013 03:25
INVESTIGATOR ASSIGNED:	**ASSIGNED DATE:**	
DEPT. CASE DISPOSITION: OPEN	**DATE:**	
UCR STATUS: OPEN	**DATE:** 4/14/2013 3:05:33AM **IBR EXEP CLEAR CLASS:**	

Reporting Officer	Reviewed/Approved by	Date Reviewed/Approved
T116 GILLIS-TODD,MEGAN	**MASSAROTTI MASSAROTTI,JOHN SGT**	**04/15/2013 03:25**

TIBURON

CAD Abstract

Number of Responses : 1

Sequence Number: TPD201310449

Call Answered	Call Code	Case Number
07/06/2013 23:14:28	**BARDIS**	**TPD201302257**

Created	Dispatched	Completed	Disposed
07/06/2013 23:14:53	07/06/2013 23:14:57	07/07/2013 00:31:39	07/08/2013 05:57:08

Response Information

Response Type : BARDIS
Reason for Stop :
Stop Statute :
Primary Resource : T110 ;LEPLATT,CLAYTON
Primary Trooper : LEPLATT,CLAYTON
Response Origin : P911
Disposition Codes : RPT

Incident Information

Validated Address : : True

Common Place :		Zone :	
House Number :	991	City :	
Street Name :	MAIN	State:	
Suffix :	E	ZIP Code :	
Street Type :	ST	X Coordinate	3292524.3564311699
Cross Streets:	CAPITOL HILL DENVER	Y Coordinate	1185581.3751048001

Free Format Address : 991 E MAIN ST (CAPITOL HILL ST/S DENVER ST)

Location History

Date/Time	Address	Dispatcher / Position
07/06/2013 23:14:53	991 E MAIN	MANTELLI,BRYAN / POSITION1
07/06/2013 23:15:20	991 E MAIN ST (CAPITOL HILL ST/S DENVER ST)	MANTELLI,BRYAN / POSITION1

Person 1 of 3

Last Name :	BUNCE	First Name :	ALEXIS	Middle Name :	ALEXIS
Suffix :		DOB :	[redacted]	SOC :	
Involvement :	SUBJECT	DL State :	CO	DL Number :	
Perceived Race :		Perceived Gender :		Address :	
Race :		Gender :		Phone :	
Notes :					

Person 2 of 3

Last Name :	ARRAZOLA	First Name :	RASHELLE	Middle Name :	RASHELLE
Suffix :		DOB :	[redacted]	SOC :	
Involvement :	SUBJECT	DL State :	CO	DL Number :	
Perceived Race :		Perceived Gender :		Address :	
Race :		Gender :		Phone :	
Notes :					

Person 3 of 3

Last Name :	LOPEZ	First Name :	RICHARD	Middle Name :	RICHARD
Suffix :		DOB :	[redacted]	SOC :	
Involvement :	SUBJECT	DL State :	CO	DL Number :	
Perceived Race :		Perceived Gender :		Address :	
Race :		Gender :		Phone :	
Notes :					

Resource Activity Statuses

Date/Time	Unit ID	Status	Dispatcher / Position
07/06/2013 23:14:58	T105	DP	MANTELLI,BRYAN / POSITION1
07/06/2013 23:15:16	T105	EN	MANTELLI,BRYAN / POSITION1
07/06/2013 23:16:01	T105	AR	MANTELLI,BRYAN / POSITION1
07/06/2013 23:32:47	T105	ED	MANTELLI,BRYAN / POSITION1
07/06/2013 23:55:44	T105	CL	SALAS,CLIFFORD / POSITION2
07/06/2013 23:14:57	T110	DP	MANTELLI,BRYAN / POSITION1
07/06/2013 23:15:12	T110	AR	MANTELLI,BRYAN / POSITION1
07/06/2013 23:30:57	T110	ED	SALAS,CLIFFORD / POSITION2
07/06/2013 23:33:59	T110	AD	SALAS,CLIFFORD / POSITION2
07/06/2013 23:55:49	T110	CL	SALAS,CLIFFORD / POSITION2
07/06/2013 23:27:03	T115	DP	SALAS,CLIFFORD / POSITION2
07/06/2013 23:27:06	T115	AR	SALAS,CLIFFORD / POSITION2
07/06/2013 23:30:28	T115	AH	SALAS,CLIFFORD / POSITION2
07/07/2013 00:31:39	T115	CL	MANTELLI,BRYAN / POSITION1
07/06/2013 23:15:00	T125	DP	MANTELLI,BRYAN / POSITION1
07/06/2013 23:15:14	T125	EN	MANTELLI,BRYAN / POSITION1
07/06/2013 23:16:03	T125	AR	MANTELLI,BRYAN / POSITION1
07/06/2013 23:57:19	T125	CL	MANTELLI,BRYAN / POSITION1

Incident Notes

Date/Time	Note	Dispatcher / Position
07/06/2013 23:15:08	101-OUT WITH DIS PRG HERE	MANTELLIB / POSITION1
07/06/2013 23:15:20	Address of TPD201310449 has been modified from 991 E MAIN to 991 E MAIN ST (CAPITOL HILL ST/S DENVER ST).	MANTELLIB / POSITION1
07/06/2013 23:17:49	C10-C4	MANTELLIB / POSITION1
07/06/2013 23:21:53	FEMALE 10-95 PER 305	MANTELLIB / POSITION1
07/06/2013 23:28:38	101-LOPEZ DETAINED FOR DETOX	MANTELLIB / POSITION1
07/06/2013 23:28:55	305-EH WITH FEMALE FOR MED CLEARANCE	MANTELLIB / POSITION1
07/06/2013 23:31:14	101-LOPEZ ED HAVE FUI WITH THIS THE WILL TRY TO PULL VIDEO FOR THIS TOMORROW	MANTELLIB / POSITION1
07/06/2013 23:32:42	C10-CLEAR ED	MANTELLIB / POSITION1
07/06/2013 23:34:04	101-AD	MANTELLIB / POSITION1
07/06/2013 23:43:17	101-MALE PLACED AT DETOX WITHOUT INCIDENT	MANTELLIB / POSITION1
07/06/2013 23:56:59	Response TPD201310449. Call code changed from DISPRG to BARDIS.	MANTELLIB / POSITION1
07/07/2013 00:31:31	305-CLEAR FROM ER FEMALE WAS LEFT TO HER MOTHER	MANTELLIB / POSITION1

Crime/Incident Report

Print Date: 11/18/2013 16:46:01

TPD

Case Id	Seq #	Type Description	Report Date
TPD201302257		BARDIS	07/06/2013 23:22

Location	Occurred From	Occurred To
991 E MAIN ST (CAPITOL HILL ST/S DENVER ST)	07/06/2013 23:20	07/06/2013 23:25

District	Linked Incident
5	

OFFENSES

OFFENSE	DESCRIPTION	LOCATION TYPE	UCR
18-9-106(1)(d)	Disorderly Conduct - Fighting in Public (M3)		24

INVOLVED PARTIES

		DOB	AGE	SEX	RACE	WEIGHT	HEIGHT	HAIR	EYE
SUBJECT	ARRAZOLA,RASHELLE LEE		[redacted]						
	[redacted],TRINIDAD CO 81082								
	Home #:	Bus #:	Cell #:						
	SSN:	DLN:							
SUBJECT	LOPEZ,RICHARD ALEX								
	[redacted],TRINIDAD CO 81082								
	Home #:	Bus #:	Cell #:						
	SSN:	DLN:							
SUBJECT	VELASQUEZ,CHRIS R.								
	[redacted],TRINIDAD CO 81082								
	Home #:	Bus #:	Cell #:						
	SSN:	DLN:							
SUBJECT	VELASQUEZ,LISA L								
	[redacted],TRINIDAD CO 81082								
	Home #:	Bus #:	Cell #:						
	SSN:	DLN:							

PROPERTY

MO

CRIME PREVENTION	:
SOLICITED FOR	:
POINT OF ENTRY	:
TOOLS USED	:
METHOD OF ENTRY	:
TARGET	:
USE OF FORCE CODE	:
EVIDENCE OBTAINED	:

VEHICLES

NARRATIVE

SYNOPSIS: On July 6, 2013 at approximately 2322hrs Reporting Officer Clayton LePlatt of the Trinidad Police Department was on routine patrol on the 900blk E. Main St. located in the city of Trinidad, county of Las Animas, state of Colorado.

RO passed by Ginos bar 991 E. Main St. and RO observed a large crowd of people standing outside the front of the bar on the sidewalk. RO could hear people hollering and arguing and also observed two males who appeared as they were getting ready to fight. At this time RO advised Dispatch about the incident and immediately parked my patrol unit and walked towards the large group of people. RO identified himself as Police and had to shout loud enough to get the group of people to stop and to seperate.

The group of people were still very rowdy and there were two males who were attempting to get at one another. RO had to grab one of the males by the arm and move him to my patrol unit on the street due to him shouting and attempting several times to go past your RO towards the other male party. RO also observed two females who were still shouting obscenities to one another and challenging each other to fight. At this time several other TPD Officer's arrived on scene and we were able to get all parties separated.

RO spoke with the male that I had at my patrol unit **Richard Lopez,** Lopez was very upset and stated that his girlfriend identified as **Rashelle Arrazola,** had just been jumped inside the bar and stated that he had also been assaulted inside the bar. Lopez stated that he had also been involved in the altercation. As Lopez was talking with RO I could smell the odor of an unknown alcoholic beverage emitting from his breath. RO then had Lopez sit on the sidewalk while RO went to speak with other people involved in the incident.

RO then spoke with **Lisa Velasquez** who was still very hyped up and was cussing and talking very loudly. Lisa stated that she had been punched in the mouth by Arrazola inside the bar. Lisa stated that she has had ongoing problems with Arrazola for over a year. Lisa stated that she was inside Gino's with her husband **Chris Velasquez.** Lisa stated that from across the bar she observed Arrazola "staring at her" and saw her"flip me off." Lisa stated that is when she walked over to Arrazola and confronted her and asked her "what her problem was." Lisa stated that Arrazola then punched her in the mouth and that is when a fight ensued. Lisa stated that during the fight Linda Velasquez and other bar staff made everyone go outside where the fight continued. Lisa stated that she wanted to press charges. RO observed that Lisa had a "split" lip both the top and bottom lip. RO could also smell the odor of an unknown alcoholic beverage emitting from her breath as well. RO did not speak with Chris Velasquez at the scene due to the fact that RO was unable to contact him

RO then went and spoke with Arrazola who was speaking with Officer Riddle. Arrazola stated that she went with her boyfriend (Lopez) to watch the fights. Arrazola stated that she observed Lisa and Chris across the bar, but at that time nothing was said. Arrazola stated that after the fights were over and she was getting ready to leave, that Lisa approached her and immediately got on her face and began to "talk [redacted]" Arrazola stated a short time later Lisa attacked her and began to "punch her in the face." Arrazola state that she was pushed into a corner and was also attacked by a bartender whom she stated was "Roxanne Cagnina". Arrazola stated that she had to defend herself and that the fight eventually spilled over into the sidewalk outside. Arrazola stated that is when she finally saw the Police arrive. Arrazola stated that she wanted to pursue charges on Lisa since she started the fight and assaulted her. RO could also smell the odor of an unknown alcoholic beverage emitting from her breath. Arrazola was complaining of a headache and was transported to MSRH ER where she was medically cleared and was released to her mother. RO observed that Arrazola was starting to get bruising around her upper arms and also had scratches on her arms and some on her face, also had an abrasion to her head and appeared that she had minor swelling to her upper face by her eyes.

The next day when Arrazola came into the Police Department to fill out a written statement, Arrazola stated in her statement when she was s assaulted outside the bar she as laying on the sidewalk and was being kicked in the head. Arrazola then states that she looked up and saw Linda Velasquez standing by her and states that Linda was the one who kicked her. Arrazola never mentioned anything to RO when the incident happened about Linda Velasquez kicking her in the head.

RO then spoke with Linda Velasquez who stated that she observed Arrazola approach Lisa inside the bar. Linda stated that Arrazola then began to fight with Lisa, and in turn she immediately got them out of the bar. As I spoke with Linda a bartender **Roxanne Cagnina** approached RO and stated while the fight was taking place she attempted to break up the fight, and she stated that is when Lopez went by her and hit her in the face. RO did not observe aby injuries to Cagnina where she stated she was hit.

RO was not able to speak to any other sober parties, or witnesses on what exactly took place. RO was getting multiple conflicting stories from the Velasquez's and also from Arrazola and Lopez. RO spoke with SGT. MacWaters and decided that RO needed to review the video surveillance inside the bar to see what took place and to try and see who actually started the fight. RO spoke to Linda who stated that RO could review the video surveillance when either herself, or her husband would meet RO at the bar to review the video.

RO and SGT. MacWaters decided to resolve the incident by removing the aggressors and taking them to CMCS, in which it was alleged to Officer's that Lopez/Arrazola were the aggressors. It appears the incident was basically a confrontation between the Velasquez's and Lopez/Arrazola which escalated into a fight amongst them. All parties to this fight are likely to be charged with disorderly conduct unless evidence is found indicating a clear aggressor(s).

At this time all the parties involved in the altercation were advised that no charges/arrests were going to be made at this time until the video surveillance is reviewed due to the fact that there were conflicting accounts on how the incident happened, and due to everyone being intoxicated. They were advised that they could come in in to the TPD when sober to provide a voluntary written statement.

At this time RO transported Lopez to CMCS where he was placed due to the fact that he was intoxicated and did not have a responsible party to look after him. Lopez was advised when he was released from CMCS that he could come in and provide a voluntary written statement. At this time the incident was cleared and follow up to be completed.

Lisa Velasquez, Rashelle Arrazola, Richard Lopez, Roxanne Cagnina, John Torres, Mary Valenzuela, Michelle Murnane, and Renee Clark all brought in voluntary written statements to TPD days later.

OFFICERS PRESENT AND DUTIES:
Trinidad Police Officer Clayton LePlatt Initial Report/Investigation
Trinidad Police Sergeant Anthony MacWaters Assisted Investigation
Trinidad Police Officer Nick Yurcaba Assisted Investigation
Trinidad Police Officer Lauren Riddle Assisted Investigation

CRIME SCENE DESCRIPTION: The crime occurred at 991 E. Main St. located in the city of Trinidad, county of Las Animas, state of Colorado.

MODUS OPERANDI: Lisa Velasquez, Chris Velasquez, Rashelle Arrazola, and Richard Lopez all actively participated in a fight with one another inside Ginos bar, and outside the bar as well.

EVIDENCE FOUND: No evidence was collected.

PHOTOGRAPHS: Photos were taken of Lisa Velasquez, Rashelle Arrazola, and Roxanne Cabnina injuries.

PERSONS INTERVIEWED:
Lisa Velasquez
Rashelle Arrazola
Richard Lopez
Roxanne Cabnina

SUSPECTS:
Lisa Velasquez
Chris Velasquez
Rashelle Arrazola
Richard Lopez

INVESTIGATIVE LEADS: Once video surveillance is reviewed then the appropriate charges will be filed one the suspects

CIRCUMSTANCES OF ARREST: Once video surveillance is reviewed the following charges may apply:

CRS 18-9-106(1)(D) Disorderly Conduct C3M

ADDITIONAL INFORMATION: RO spoke with Chief Glorioso about the incident on 7-8-13, and advised him that video surveillance still needed to be reviewed from Ginos, Chief Glorioso stated that one of the TPD Detectives would go to Ginos and review the video footage. At this time RO has not seen the video footage and is unaware if a Detective has seen the video surveillance as well, therefore no further action was taken at this time.

RO believes if the video cannot be observed then Lisa Velasquez, Chris Velasquez, Richard Lopez, and Rashelle Arrazola will be charged with CRS 18-9-106(1)(D) Disorderly Conduct C3M

END OF REPORT.....

SUMMARY		
REVIEW STATUS: APPROVED	**REVIEWED BY:** SEC	**DATE:** 08/22/2013 08:46
INVESTIGATOR ASSIGNED:	**ASSIGNED DATE:**	
DEPT. CASE DISPOSITION: OPEN	**DATE:**	
UCR STATUS: OPEN	**DATE:** 7/6/2013 11:29:03PM **IBR EXEP CLEAR CLASS:**	

Reporting Officer	Reviewed/Approved by	Date Reviewed/Approved
T110 LEPLATT,CLAYTON	**PELHAM PELHAM,KIM**	**08/22/2013 08:46**

Trinidad Police Department

Phil A. Martin Jr., Detective Sergeant
2309 E Main St.
Trinidad, Co 81082
(719) 846-4449 Ext. 140 (office)
(719) 846-3728 (fax)
phil.martin@trinidad.co.gov

TO: Frank E Ruybalid, District Attorney
From: Det Sgt Phil Martin
Date: July 23, 2013
RE: CR# 13-02257 **Review**
Suspect: MULTIPLE-
Victim: STATE OF COLORADO

Charges & Class of Charges:_____Disorderly Conduct_____
Statute of limitations expires on:_____

This agency request the following action on the above listed report. Please return form to Chief Charles Glorioso

(X) Request review of report and advisement of charges
( ) Report for informational purposes only
( ) Request juvenile petition
( ) Request felony summons
( ) Affidavit for arrest review
( ) Other_____

##

District Attorney response

Date report reviewed: JUL 25 2013
Comments: From reviewing these reports, it appears there is sufficient evidence for charges of Disorderly Conduct, C.R.S. 18-9-106(1)(d), Fighting in Public, class 3 misdemeanor, against the participants Lisa Velasquez, Chris Velasquez, Rashelle Arrazola, and Richard Lopez.

Frank E Ruybalid
Reviewing attorney

TIBURON

CAD Abstract

Number of Responses : 1

Sequence Number: TPD201314437

Call Answered	Call Code	Case Number
	DISPRG	**TPD201303037**

Created	Dispatched	Completed	Disposed
09/14/2013 23:29:16	09/14/2013 23:29:16	09/14/2013 23:52:46	09/15/2013 23:18:31

Response Information

Response Type : DISPRG
Reason for Stop :
Stop Statute :
Primary Resource : T112
Primary Trooper : TIHONOVICH,MICHAEL
Response Origin : Quick Call
Disposition Codes : AR

Incident Information

Validated Address : : True

Common Place :
House Number : 991
Street Name : MAIN
Suffix : E
Street Type : ST
Cross Streets: CAPITOL HILL DENVER
Free Format Address : 991 E MAIN ST (CAPITOL HILL ST/S DENVER ST)

Zone :
City :
State:
ZIP Code :
X Coordinate 3292524.3564311699
Y Coordinate 1185581.3751048001

Location History

Date/Time	Address	Dispatcher / Position
09/14/2013 23:29:16	991 E MAIN ST (CAPITOL HILL ST/S DENVER ST)	GUTIERREZ,COREY / POSITION1

Person 1 of 3

Last Name : GALLEGOS
Suffix :
Involvement : VICTIM
Perceived Race :
Race :
Notes :

First Name : THERESA
DOB : [redacted]
DL State : CO
Perceived Gender :
Gender : FEMALE

Middle Name : THERESA ANN
SOC :
DL Number : [redacted]
Address :
Phone :

Generated on:2013-18-Nov 02:22:24

Person 2 of 3

Last Name :	TREVINO	First Name :	SONJA	Middle Name :	SONJA M
Suffix :		DOB :	[redacted]	SOC :	[redacted]
Involvement :	SUBJECT	DL State :	CO	DL Number :	[redacted]
Perceived Race :		Perceived Gender :		Address :	
Race :		Gender :	FEMALE	Phone :	
Notes :					

Person 3 of 3

Last Name :	SANCHEZ	First Name :	NATALIE	Middle Name :	NATALIE VICTORIA
Suffix :		DOB :	[redacted]	SOC :	[redacted]
Involvement :	VICTIM	DL State :	CO	DL Number :	[redacted]
Perceived Race :		Perceived Gender :		Address :	
Race :		Gender :	FEMALE	Phone :	
Notes :					

Resource Activity Statuses

Date/Time	Unit ID	Status	Dispatcher / Position
09/14/2013 23:29:50	T106	DP	GUTIERREZ,COREY / POSITION1
09/14/2013 23:29:57	T106	AR	GUTIERREZ,COREY / POSITION1
09/14/2013 23:46:08	T106	CL	GUTIERREZ,COREY / POSITION1
09/14/2013 23:30:49	T111	DP	GUTIERREZ,COREY / POSITION1
09/14/2013 23:30:51	T111	AR	GUTIERREZ,COREY / POSITION1
09/14/2013 23:42:31	T111	CL	GUTIERREZ,COREY / POSITION1
09/14/2013 23:29:16	T112	DP	GUTIERREZ,COREY / POSITION1
09/14/2013 23:29:16	T112	AR	GUTIERREZ,COREY / POSITION1
09/14/2013 23:43:04	T112	ED	GUTIERREZ,COREY / POSITION1
09/14/2013 23:45:03	T112	AD	GUTIERREZ,COREY / POSITION1
09/14/2013 23:50:25	T112	CL	GUTIERREZ,COREY / POSITION1
09/14/2013 23:29:32	T115	DP	GUTIERREZ,COREY / POSITION1
09/14/2013 23:29:55	T115	AR	GUTIERREZ,COREY / POSITION1
09/14/2013 23:42:40	T115	ED	GUTIERREZ,COREY / POSITION1
09/14/2013 23:45:00	T115	AD	GUTIERREZ,COREY / POSITION1
09/14/2013 23:52:46	T115	CL	GUTIERREZ,COREY / POSITION1
09/14/2013 23:29:31	T126	DP	GUTIERREZ,COREY / POSITION1
09/14/2013 23:29:54	T126	AR	GUTIERREZ,COREY / POSITION1
09/14/2013 23:45:28	T126	EP	GUTIERREZ,COREY / POSITION1
09/14/2013 23:52:46	T126	CL	GUTIERREZ,COREY / POSITION1

Incident Notes

Date/Time	Note	Dispatcher / Position
09/14/2013 23:29:29	Response TPD201314437. Call code changed from SUBSTP to DISPRG.	GUTIERREZ / POSITION1
09/14/2013 23:29:48	PER 302 SOMEONE ASSLTED W/BOTTLE OTHER HALF 1 BLK WEST WALKING	GUTIERREZ / POSITION1
09/14/2013 23:30:06	304 OUT W/FEM IN FRONT OF TROMMETER ROOFING	GUTIERREZ / POSITION1
09/14/2013 23:30:19	1 FEM DETAINED HAD BIG ROCK IN HAND AND TRYING TO RUN PER 302	GUTIERREZ / POSITION1
09/14/2013 23:33:09	PER 302 VICTIM IS REFUSING MED DESPITE LARGE LUMP ON HEAD	GUTIERREZ / POSITION1
09/14/2013 23:42:15	304 ED W/TREVINO PARTY	GUTIERREZ / POSITION1
09/14/2013 23:42:55	302 ED	GUTIERREZ / POSITION1
09/14/2013 23:52:35	PER 304 PARTY PLACED AD WITHOUT INCIDENT ON POLICE HOLD	GUTIERREZ / POSITION1

Crime/Incident Report

Print Date: 11/18/2013 16:47:50

TPD

Case Id	Seq #	Type Description	Report Date
TPD201303037		DISPRG	09/14/2013 23:41

Location	Occurred From	Occurred To
991 E MAIN ST (CAPITOL HILL ST/S DENVER ST)	09/14/2013 23:41	09/14/2013 23:55

District	Linked Incident
5	

OFFENSES

OFFENSE	DESCRIPTION	LOCATION TYPE	UCR
18-3-204 (1)(a)	Assault in the Third Degree- Knowingly- Reckless- Bodily Injury (M1)		04
18-9-106(1)(d)	Disorderly Conduct - Fighting in Public (M3)		24

INVOLVED PARTIES

		DOB	AGE	SEX	RACE	WEIGHT	HEIGHT	HAIR	EYE
SUBJECT	TREVINO,SONJA M [redacted],DENVER CO 80223		[redacted]						
	Home #:	Bus #:	Cell #:						
	SSN:	DLN:							
VICTIM	GALLEGOS,THERESA ANN [redacted],LAMAR CO 81052		[redacted]						
	Home #:	Bus #:	Cell #:						
	SSN:	DLN:							

PROPERTY

MO

CRIME PREVENTION	:
SOLICITED FOR	:
POINT OF ENTRY	:
TOOLS USED	:
METHOD OF ENTRY	:
TARGET	:
USE OF FORCE CODE	:
EVIDENCE OBTAINED	:

VEHICLES

NARRATIVE

On 9/14/13, while on routine patrol in the City of Trinidad, County of Las Animas and State of Colorado, I, Officer Kelly Mestas, heard Officer Michael Tihonovich state over the radio that he was being waved down by pedestrians outside of Gino's Sports bar for a disturbance that just

occurred. One female involved in the incident was walking away from the scene. The other female party involved was still inside Gino's bar and a third female party was standing outside of the bar holding an ice pack on her head. Upon my arrival on scene, Officer Riddle had one female party detained. This female party was identified as Sonja M. Trevino. I later learned Trevino was trying to flee the scene and had picked up a large rock off the ground which she had in her hands when contacted by Officer Tihonovich. Officer Tihonovich escorted Trevino to Officer Riddle's marked patrol unit where she was upon my arrival at the scene. Trevino dropped the large rock upon Officer Tihonovich's command to do so.

After making sure Officer Riddle was ok, I walked to the front of Gino's bar and came in contact with Theresa Ann Gallegos. Gallegos stated she and her friends were sitting at a table when she noticed two women arguing. The group of females at the table realized the two women were about to fight. Gallegos and her friends got up from the table to move out of the way. They even moved their chairs away from the fight. According to Gallegos and several other parties, the two women did have some form of physical altercation. After the altercation, the other female began to walk away from Trevino. Trevino became enraged that the female was walking away. Trevino picked up a beer bottle and threw it towards the other female. Trevino's aim was off and the bottle struck Gallegos in the forehead above her left eye. I observed a bump above Gallegos' left eye. Gallegos refused medical attention at the scene. Officer Wold spoke to the party Trevino was fighting with. Officer Wold informed me Trevino's aunt was the other female involved. The aunt told Officer Wold she did not want to press charges as long as Trevino was not going to press charges and she wanted to "call it cool." Trevino did not wish to press charges against her aunt. Because of this, Trevino's aunt's information was not obtained.

Gallegos did wish to press charges on Trevino for throwing a beer bottle which struck her in the head. Gallegos stated "I don't even know that girl" and "hell yeah I want to press charges." I informed Gallegos I would not collect a written statement from her at scene since she was intoxicated. I smelled the odor of an unknown alcoholic beverage coming from her person.

I obtained Gallegos' contact information and asked that she report to the Trinidad Police Department in the morning when she was sober to fill out a written statement. Photographs of her injury may be obtained at that time if she reports as requested.

Based on the totality of the circumstances, I find probable cause to arrest Trevino on the charge of 3rd degree assault as Trevino recklessly caused bodily injury to Gallegos. Trevino will also be charged with disorderly conduct as she intentionally, knowingly and recklessly made a display in a public place; which incited an immediate breech of the peace and according to several bar

patrons, fought with her aunt in a public place.

SUMMARY		
REVIEW STATUS: APPROVED	**REVIEWED BY:** T106	**DATE:** 09/17/2013 03:32
INVESTIGATOR ASSIGNED:	**ASSIGNED DATE:**	
DEPT. CASE DISPOSITION: OPEN	**DATE:**	
UCR STATUS: OPEN	**DATE:** 9/15/2013 12:00:03AM **IBR EXEP CLEAR CLASS:**	

Reporting Officer	Reviewed/Approved by	Date Reviewed/Approved
T126 MESTAS,BRYAN OFFICER	**BARRY BARRY,BRANDON SERGEANT**	**09/17/2013 03:32**

Audra Garrett

From: John Martinez [jmartinez@la-h-health.org]
Sent: Wednesday, November 13, 2013 3:08 PM
To: Audra Garrett
Subject: RE: liquor

Audra;
Gino's Sports Bar, LLC located at 991 E. Main Street is in compliance with this Office. John

John Martinez
Environmental Health Specialist III
jmartinez@la-h-health.org

Las Animas-Huerfano Counties District Health Department

Trinidad Office
412 Benedicta Ave
Trinidad, CO 81082
(Ph) 719-846-2213
(Fax)719-846-4472

Walsenburg Office
119 E. Fifth Street
Walsenburg, CO 81089
(Ph)719-738-2650
(Fax)719-738-2653

From: Audra Garrett [mailto:audra.garrett@trinidad.co.gov]
Sent: Wednesday, November 13, 2013 9:52 AM
To: John Martinez
Subject: liquor

Hi John,
Please confirm compliance with your office for Gino's Sports Bar, LLC at 991 E. Main Street. Thank you.

Audra Garrett City Clerk
City of Trinidad
135 N. Animas Street
Trinidad, CO 81082
(719) 846-9843 ext. 135
(719) 846-4140 fax
audra.garrett@trinidad.co.gov

DISCLOSURE STATEMENT

I, Linda Velasquez, hereby state and affirm that I am a member of Gino's Sports Bar, LLC, a Colorado limited liability company formed on September 9, 2011, whose principal office address is 310 Spruce Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Gino's Sports Bar, a tavern licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 991 E. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 25% interest in Gino's Sports Bar, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.

Linda Velasquez

12/4/12

Date

DISCLOSURE STATEMENT

I, Michelle Miles, hereby state and affirm that I am a member of Opera House Wine & Spirits, LLC, a Colorado limited liability company formed on February 22, 2010, whose principal office address is 601 W. Main Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Tire Shop Wine & Spirits, a retail liquor store licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 601 W. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 99% interest in Opera House Wine & Spirits, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.

Michelle Miles

12/4/12

Date

7b

CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 3, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: Audra Garrett
 # OF ATTACHMENTS: 6

SUBJECT: Modification of premises request by Robinson Liquor, LLC d/b/a Arizona Liquor Store at 847 Arizona Avenue

PRESENTER: Representative of Robinson Liquor, LLC

RECOMMENDED CITY COUNCIL ACTION: Consider approval of the modification as requested

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application is in order. The licensee seeks to permanently modify the licensed premise by the addition of a walk-in cooler.
- According to the departmental reports, the Building Inspector, Fire Chief and Police Chief have expressed no concerns with the proposal.
- Disclosure statements provided by Council members Miles and Velasquez are attached.
- Appropriate fee has been paid.

7b

DR 8442 (09/24/09) Page 1
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
DENVER, COLORADO 80261
(303)-205-2300

FOR DEPARTMENT USE ONLY

PERMIT APPLICATION AND REPORT OF CHANGES

CURRENT LICENSE NUMBER 42 93639 0000
ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
LOCAL LICENSE FEE $ _____
APPLICANT SHOULD OBTAIN A COLORADO LIQUOR & BEER CODE BOOK TO ORDER CALL (303) 370-2165

1. Applicant is a
☐ Corporation ☐ Individual
☐ Partnership ☒ Limited Liability Company

PRESENT LICENSE NUMBER: 42936390000

2. Name of Licensee: Robinson Liquor LLC
3. Trade Name: Arizona Liquor Store
4. Location Address: 847 Arizona Ave
City: Trinidad
County: Las Animas
ZIP: 81082

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change

• License Account No. _____

1983-750 (999) ☐ Manager's Registration (Hotel & Restr.)..$75.00

2012-750 (999) ☐ Manager's Registration (Tavern).....$75.00

☐ Change of Manager (Other Licenses) NO FEE

Section B – Duplicate License

• Liquor License No. _____

2270-100 (999) ☐ Duplicate License $50.00

Section C

2210-100 (999) ☐ Retail Warehouse Storage Permit (ea) $100.00

2200-100 (999) ☐ Wholesale Branch House Permit (ea).... 100.00

2260-100 (999) ☐ Change Corp. or Trade Name Permit (ea) .50.00

2230-100 (999) ☐ Change Location Permit (ea)..... 150.00

2280-100 (999) ☒ Change, Alter or Modify Premises
$150.00 x 1 Total Fee 150.00

2220-100 (999) ☐ Addition of Optional Premises to Existing H/R
$100.00 x _____ Total Fee _____

1988-100 (999) ☐ Addition of Related Facility to Resort Complex
$75.00 x _____ Total Fee _____

DO NOT WRITE IN THIS SPACE – FOR DEPARTMENT OF REVENUE USE ONLY

DATE LICENSE ISSUED	LICENSE ACCOUNT NUMBER	PERIOD

-750 (999)	-100 (999)	The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.	TOTAL AMOUNT DUE	$ .00

INSTRUCTION SHEET

FOR ALL SECTIONS, COMPLETE QUESTIONS 1-4 LOCATED ON PAGE 1

☐ Section A

To Register or Change Managers, check the appropriate box in section A and complete question 8 on page 4. Proceed to the Oath of Applicant for signature (Please note: Hotel, Restaurant, and Tavern licensees are required to register their managers).

☐ Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 4 for Oath of Applicant signature.

☒ Section C

Check the appropriate box in section C and proceed below.

1) ***For a Retail Warehouse Storage Permit,*** go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

2) ***For a Wholesale Branch House Permit,*** go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

3) ***To Change Trade Name or Corporation Name,*** go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

4) ***To modify Premise,*** go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

5) ***For Optional Premises or Related Facilities*** go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

6) ***To Change Location,*** go to page 3 and complete question 7. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

STORAGE PERMIT

5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit

☐ **Retail Warehouse Permit for:**

☐ On–Premises Licensee (Taverns, Restaurants etc.)

☐ Off–Premises Licensee (Liquor stores)

☐ **Wholesalers Branch House Permit**

Address of storage premise: _____

City _____, County _____, Zip _____

Attach a deed/ lease or rental agreement for the storage premises.
Attach a detailed diagram of the storage premises.

CHANGE TRADE NAME OR CORPORATE NAME

6. Change of Trade Name or Corporation Name

☐ Change of Trade name / DBA only

☐ Corporate Name Change (Attach the following supporting documents)

1. Certificate of Amendment filed with the Secretary of State, or
2. Statement of Change filed with the Secretary of State, and
3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.

Old Trade Name	New Trade Name
Old Corporate Name	New Corporate Name

CHANGE OF LOCATION

7. Change of Location

NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of $750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 12-47-311 (1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.

Date filed with Local Authority _____ **Date of Hearing** _____

(a) Address of current premises _____

City_____County_____Zip_____

(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)

Address _____

City_____County_____Zip_____

(c) New mailing address if applicable.

Address _____

City _____ County _____ State _____ Zip _____

(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.

CHANGE OF MANAGER

8. Change of Manager or to **Register the Manager** of a Tavern or a Hotel and Restaurant liquor license.

(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only)

Former manager's name _____

New manager's name _____

(b) Date of Employment _____

Has manager ever managed a liquor licensed establishment?..... Yes ☐ No ☐

Does manager have a financial interest in any other liquor licensed establishment?..... Yes ☐ No ☐

If yes, give name and location of establishment _____

MODIFY PREMISES OR ADDITION OF OPTIONAL PREMISES OR RELATED FACILITY

9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility

NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

(a) Describe change proposed Adding a walk-in cooler

(b) **If the modification is temporary,** when will the proposed change:

Start _____ (mo/day/year) End _____ (mo/day/year)

NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS $300.00

(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

(If yes, explain in detail and describe any exemptions that apply).....Yes ☐ No ☒

(d) Is the proposed change in compliance with local building and zoning laws?.....Yes ☒ No ☐

(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises?

.....N/A.....Yes ☐ No ☐

(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.

(g) Attach any existing lease that is revised due to the modification. N/A

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature	Title	Date
Gregory R Robusa	Owner	11-19-13

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY / COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended. THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	Date filed with Local Authority
Trinidad	11/21/2013

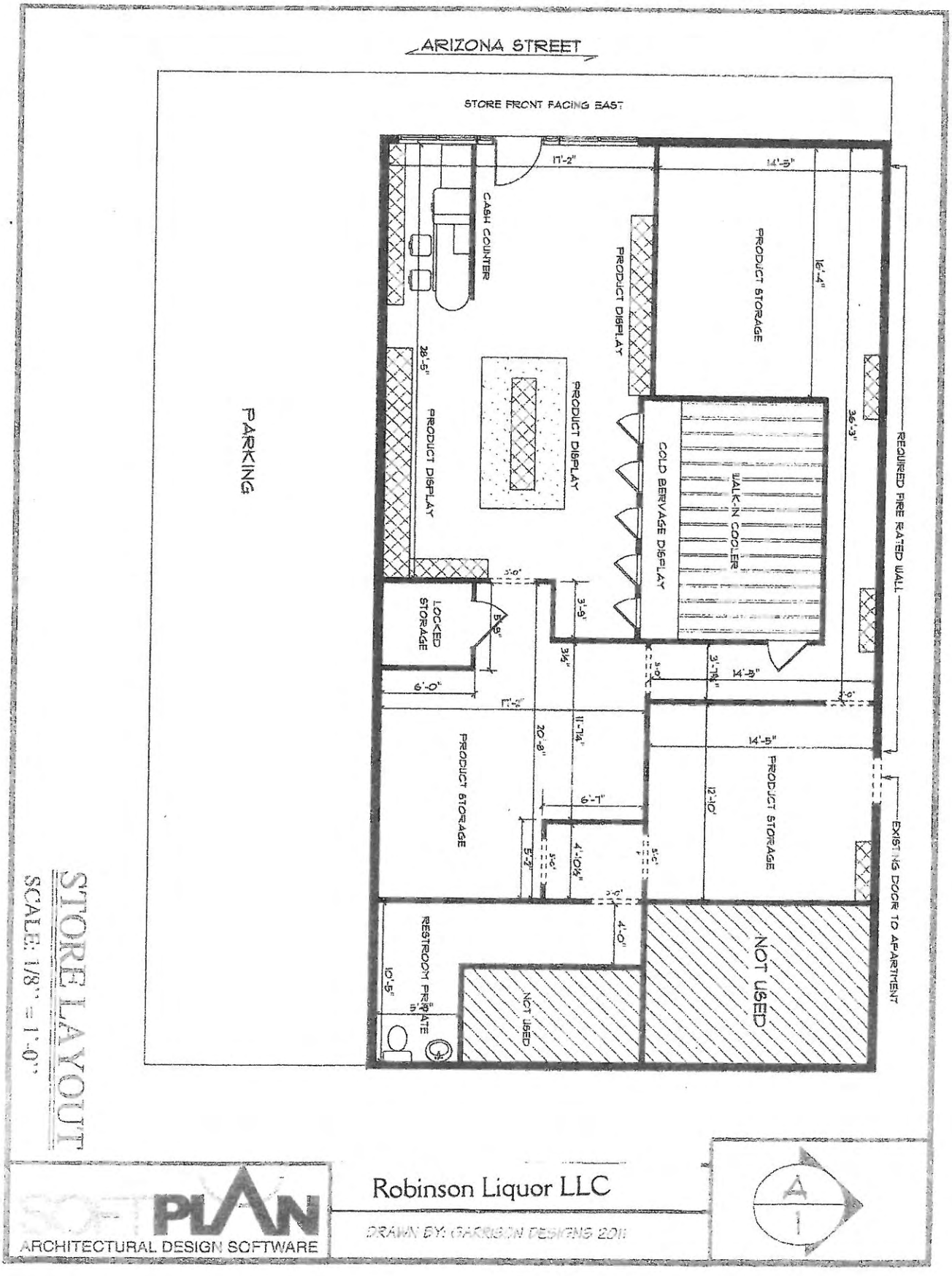
Signature	Title	Date
	Mayor Pro-Tem	

REPORT OF STATE LICENSING AUTHORITY

The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

Signature	Title	Date

Current



STORE LAYOUT

SCALE: 1/8" = 1'-0"

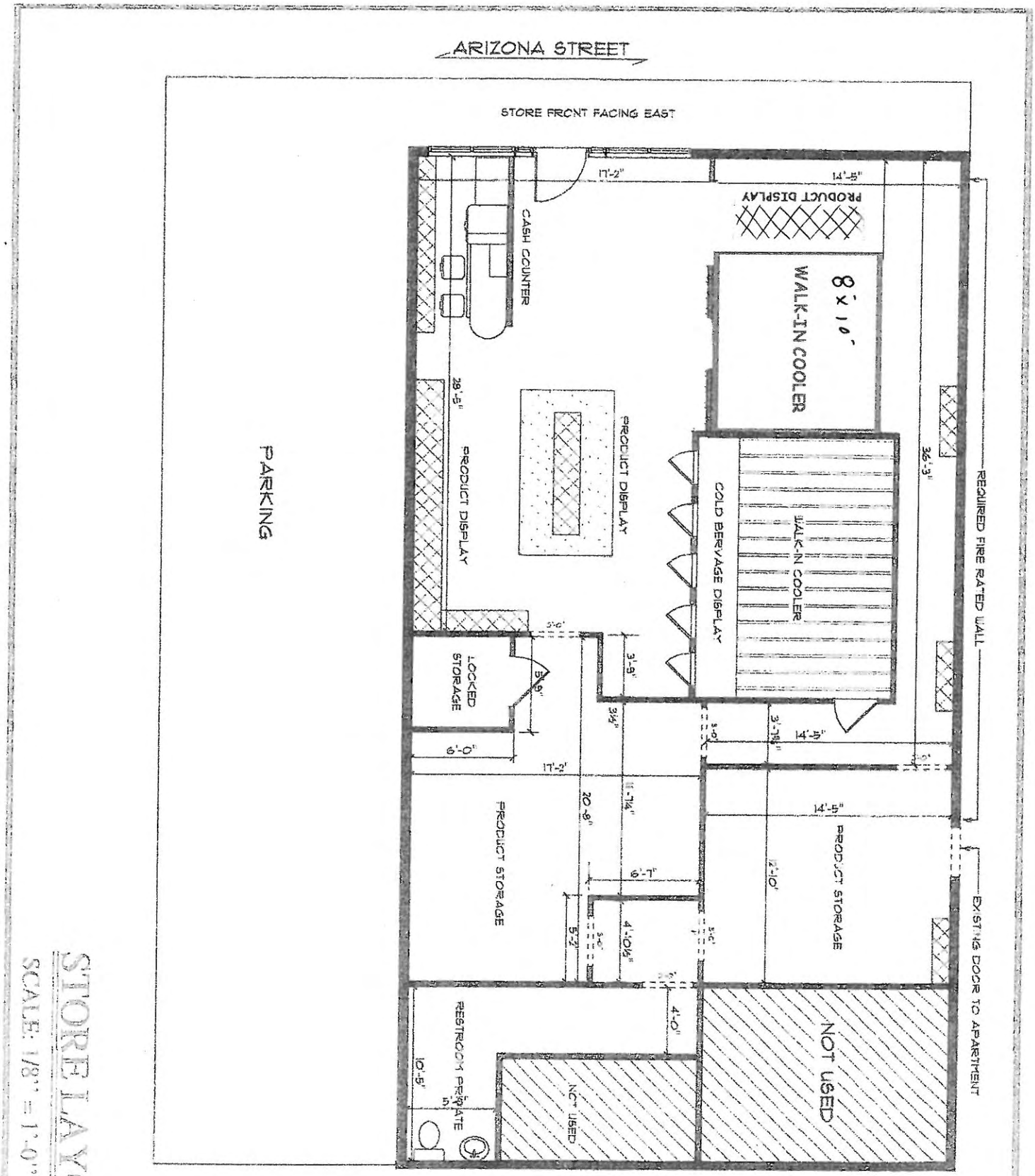
SOFTPLAN ARCHITECTURAL DESIGN SOFTWARE

Robinson Liquor LLC

DRAWN BY: GARRISON DESIGNS 2011

A-1

After Change



STORE LAYOUT

SCALE: 1/8" = 1'-0"

Robinson Liquor LLC

11/22/13

DEPARTMENTAL INSPECTION REPORT
3.2% BEER (FERMENTED MALT BEVERAGE)
OR LIQUOR LICENSE

Applicant: Robinson Liquor, LLC

dba: Arizona Liquor Store

Address: 847 Arizona Avenue

Type of License: Liquor Store – MODIFICATION OF PREMISES

_____ Renewal _____Transfer _____ Change of Location _____ New _____ Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: December 3, 2013

****

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: NEW cooler only [redacted]

11-26-2013
Date

Chris D. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 26, 2013

11/22/13

DEPARTMENTAL INSPECTION REPORT
3.2% BEER (FERMENTED MALT BEVERAGE) OR LIQUOR LICENSE

Applicant: Robinson Liquor, LLC

dba: Arizona Liquor Store

Address: 847 Arizona Avenue

Type of License: Liquor Store – MODIFICATION OF PREMISES

_____ Renewal _____Transfer _____ Change of Location _____ New _____ Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: December 3, 2013

****

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

_____

_____

_____

_____

_____

_____

_____

11/26/13
Date

Anthony Tramel
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 26, 2013

11/22/13

DEPARTMENTAL INSPECTION REPORT
3.2% BEER (FERMENTED MALT BEVERAGE)
OR LIQUOR LICENSE

Applicant: Robinson Liquor, LLC

dba: Arizona Liquor Store

Address: 847 Arizona Avenue

Type of License: Liquor Store – MODIFICATION OF PREMISES

_____ Renewal _____Transfer _____ Change of Location _____ New _____ Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: December 3, 2013

****

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: No concerns

11/25/13
Date

Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 26, 2013

7c

CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 3, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: Audra Garrett
 # OF ATTACHMENTS:

SUBJECT: Special events permit request by Trinidad & Las Animas County Chamber of Commerce at 150 E. Main Street for December 13, 2013 (Pioneer Natural Resources Christmas Party)

PRESENTER: Trinidad & Las Animas County Chamber of Commerce representative

RECOMMENDED CITY COUNCIL ACTION: Consider approval of the permit as requested

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application is in order.
- The departmental report from the Building Inspector and Fire Chief reflected compliance. The Fire Department Safety Plan was approved by the Fire Chief.
- Police Department recommends following the security plan.
- Disclosure statements provided by Council members Miles and Velasquez are attached.
- Appropriate fees have been paid.

7c

DR 8439 (06/28/06)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1375 SHERMAN STREET
DENVER CO 80261
(303) 205-2300

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU **MUST BE NONPROFIT AND ONE OF THE FOLLOWING** *(See back for details.)*

- [x] SOCIAL
- [ ] FRATERNAL
- [ ] PATRIOTIC
- [ ] POLITICAL
- [ ] ATHLETIC
- [ ] CHARTERED BRANCH, LODGE OR CHAPTER
- [ ] OF A NATIONAL ORGANIZATION OR SOCIETY
- [ ] RELIGIOUS INSTITUTION
- [ ] PHILANTHROPIC INSTITUTION
- [ ] POLITICAL CANDIDATE
- [ ] MUNICIPALITY OWNING ARTS FACILITIES

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	
2110	[x] MALT, VINOUS AND SPIRITUOUS LIQUOR	$25.00 PER DAY
2170	[ ] FERMENTED MALT BEVERAGE (3.2 Beer)	$10.00 PER DAY

DO NOT WRITE IN THIS SPACE
LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE: Trinidad + Las Animas County Chamber of Commerce
State Sales Tax Number (Required): 22-09909

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP)
136 W. Main Street
Trinidad, CO 81082

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP)
150 East Main Street
Trinidad, CO 81082

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE: Tara Marshall	[redacted]	[redacted]	[redacted]
5. EVENT MANAGER: Les Downs	[redacted]	[redacted]	[redacted]

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
[ ] NO [x] YES HOW MANY DAYS? 3

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
[x] NO [ ] YES TO WHOM?

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? [x] Yes [ ] No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
12/13/2013				
Hours From 5:00 p.m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To 11:59 p.m.	To .m.	To .m.	To .m.	To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE	TITLE	DATE
[signature]	President	11/12/13

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)		TELEPHONE NUMBER OF CITY/COUNTY CLERK
Trinidad	[x] CITY [ ] COUNTY	(719) 846-9843

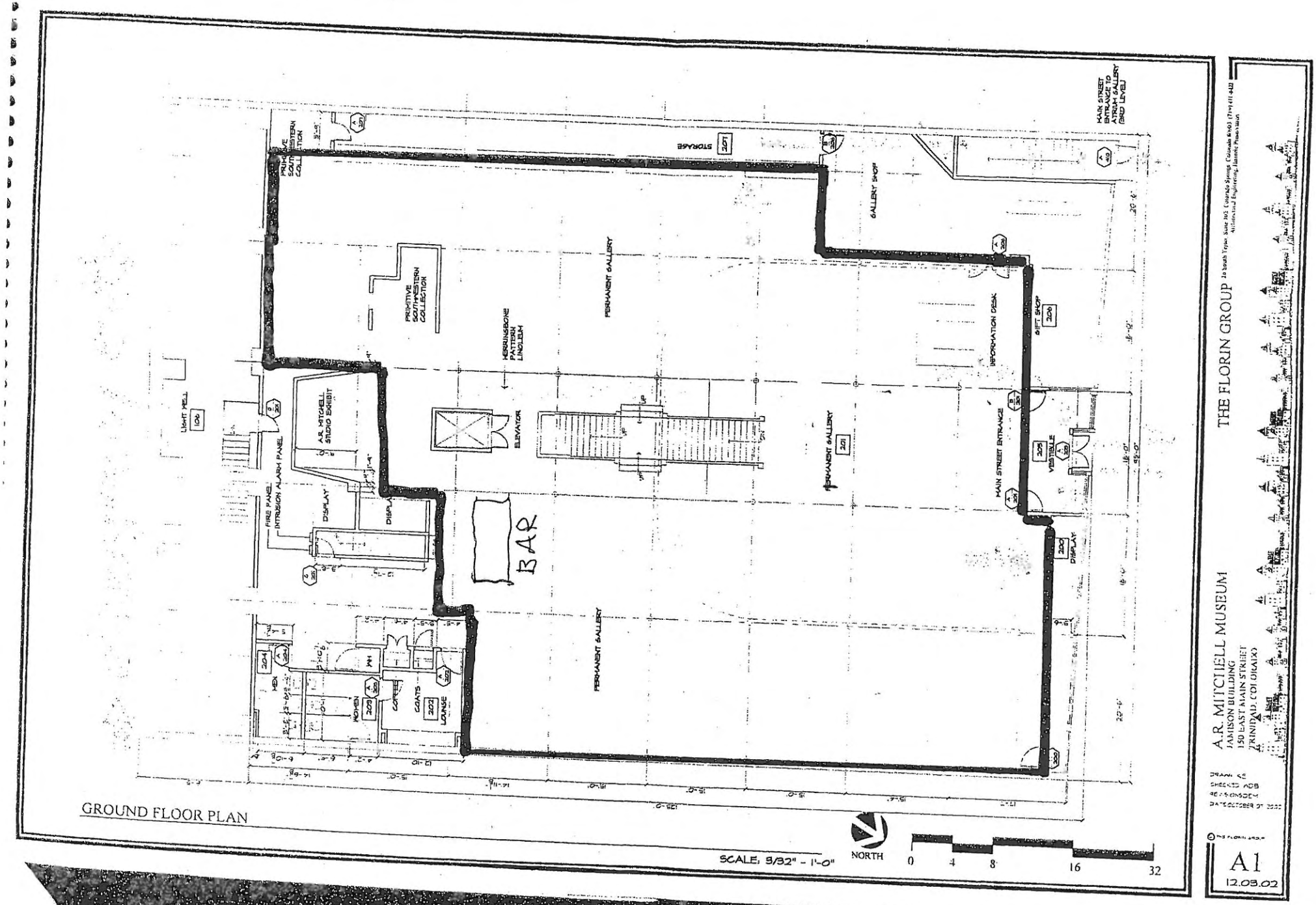
SIGNATURE	TITLE	DATE
	Mayor Pro-Tem	

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		-750 (999)	$

(Instructions on Reverse Size)



GROUND FLOOR PLAN
SCALE: 3/32" - 1'-0"
NORTH
0 4 8 16 32
THE FLORIN GROUP
A.R. MITCHELL MUSEUM
JAMISON BUILDING
150 EAST MAIN STREET
TRINIDAD, COLORADO
A1
12.03.02
PRIMITIVE SOUTHWESTERN COLLECTION
STORAGE
GALLERY SHOP
PERMANENT GALLERY
HERRINGBONE PATTERN LINOLEUM
ELEVATOR
A.R. MITCHELL STUDIO EXHIBIT
DISPLAY
FIRE PANEL
INTRUSION ALARM PANEL
LIGHT WELL
BAR
INFORMATION DESK
GIFT SHOP
MAIN STREET ENTRANCE
VESTIBULE
MAIN STREET ENTRANCE TO ATRIUM GALLERY (3RD LEVEL)
MEN
WOMEN
COATS
LOUNGE

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

TRINIDAD-LAS ANIMAS COUNTY CHAMBER OF COMMERCE

is a **Nonprofit Corporation** formed or registered on 01/13/1999 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19991007228.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 11/07/2013 that have been posted, and by documents delivered to this office electronically through 11/12/2013 @ 09:36:45.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 11/12/2013 @ 09:36:45 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8687886.

Secretary of State of the State of Colorado

**********End of Certificate**********

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, http://www.sos.state.co.us/biz/CertificateSearchCriteria.do entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, http://www.sos.state.co.us click Business Center and select "Frequently Asked Questions."

Director
Paula Little

Board of Directors
Mike Dixon
Ben Canizaro
Marilyn Leuszler
Gail Meehan
Cy Michaels
Cindy Montoya
Suz Porterfield
Vilas Tonape

Nov. 8, 2013

To whom it may concern:

Pioneer Natural Resources has permission to use the premises of the A.R. Mitchell Museum for their Christmas Party on Dec. 13, 2013.
The Trinidad Chamber of Commerce has permission to serve alcohol on said date for the Pioneer Natural Resources Christmas Party.

Sincerely,
Paula Little

Director

Emeritus
Willard Louden

Honorary
Jay Cimino
Charles Murphy
Rodney Wood

A.R. MITCHELL MEMORIAL MUSEUM
150 East Main St. • P.O. Box 95 • Trinidad, CO 81082 • (719) 846-4224
www.armitchell.org mitchellmuseum@qwestoffice.net

11/13/13

DEPARTMENTAL INSPECTION REPORT
3.2% BEER (FERMENTED MALT BEVERAGE)
OR LIQUOR LICENSE

Applicant: Trinidad & Las Animas County Chamber of Commerce

dba: for Pioneer Christmas Party

Address: 150 E. Main Street

Type of License: Malt, Vinous & Spirituous

_____ Renewal _____Transfer _____ Change of Location _____ New __X__ Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: December 3, 2013

****

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

_____

_____

_____

_____

_____

_____

_____

11/20/13
Date

Anthony Tramontana
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 22, 2013

TRINIDAD & LAS ANIMAS COUNTY
CHAMBER OF COMMERCE

Fire Plan

Pioneer Natural Resources Christmas Party
Permit and Bar managed by the Trinidad & Las Animas County Chamber of Commerce

Date of Operation: December 13, 2013

Location: A.R. Mitchell Museum, 150 East Main Street

Planned Attendance: 300

Primary Access Point: 1 set of double doors on Main Street (North) side of the building. Primary access point will be manned by security personal from the Trinidad Police department and TIP's certified Chamber staff for ID checks.

Emergency Egress Points: There is also a secondary route of egress located on the (South) side of the building in case of emergency. Exit Routes shall be clearly marked. The means of egress, including exit discharge, shall be illuminated at all times the building served by the means of egress is occupied. The path of egress travel shall not be interrupted by any building element. Obstructions shall not be placed in the required width of means of egress

The Trinidad & Las Animas County Chamber of Commerce will be responsible for adhering to the posted capacity of the building, set by the Trinidad Fire Marshall. The occupancy load of the building as determined by the Trinidad Fire Marshall will be strictly adhered to by the Trinidad & Las Animas County Chamber of Commerce.

Fire extinguishers will be located in accessible areas.

In case of emergency local fire and EMS will be notified immediately through 911 dispatch. The Trinidad Police Department will be the security for this event.

Approved by: Anthony Trammell Date: 11/20/13
FIRE CHIEF

11/13/13

DEPARTMENTAL INSPECTION REPORT
3.2% BEER (FERMENTED MALT BEVERAGE)
OR LIQUOR LICENSE

Applicant: Trinidad & Las Animas County Chamber of Commerce

dba: for Pioneer Christmas Party

Address: 150 E. Main Street

Type of License: Malt, Vinous & Spirituous

_____ Renewal _____Transfer _____ Change of Location _____ New __X__ Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: December 3, 2013

****

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: when Fire plan is approved by the Fire Chief I am then OK with this

11-20-2013
Date

Chris S. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 22, 2013

TRINIDAD & LAS ANIMAS COUNTY
CHAMBER OF COMMERCE

Operations Plan-Pioneer Natural Resource Christmas Party

Date of Operation: December 13, 2013
Operational Period: 17:00 – 24:00 (5:00pm – 12:00am)

Location of Operation: A. R. Mitchell Museum.

Operation Objectives: Provide security for the Pioneer Natural Resources Annual Christmas Party. Maintain public peace and order during this event. Provide security in the operational area to include event BAR. It should be noted that ingress/egress is located at the front entrance to the building (facing Main). An emergency EGRESS is located adjacent to the bar and will NOT be used to allow access into the facility. A map is attached to this plan to show the operational area.

Radio Frequency: Officers assigned to this detail will set all 800 MGZ radios to TPD TAC3. This will allow communications between officers and the Trinidad Communications Center. STAFF EVENT PERSONNEL will make contact with officers via the COMMUNICATIONS CENTER.

Event Staffing: Four (4) Police officers will be assigned to this event. One officer will be assigned to work the bar area. One officer will be assigned to work the main entrance to the event. One officer will be assigned to work the NW corner of the facility. One officer will be assigned to work the SE corner of the facility

Handling of Calls within the Operations Area: Officers assigned to this detail will take all calls for service that occur within the vent area. Violation of Statute will be handled accordingly by officers assigned to this operation. Any need to transport to jail and/or Detox will be done by patrol, a request will be made via TPD TAC3 to the Communications Center. Officers will be responsible for affidavits and associated paper work upon the completion of their assignment. Custody forms will be turned over to the transporting officer upon turning the suspect over for transport.

Officers should note that the staff operating the "bar" is to have received TIPS training. It should be noted that the Trinidad & Las Animas County Chamber of Commerce will be operating the bar. ALL staff working the bar will have received TIPS training. In addition, all WAIT STAFF working the event will have received TIPS training.

ALL persons who enter the bar area shall be 21 years of age or older. Prior to entering the bar, ALL ID's will be checked. Only persons of legal age to consume alcohol will be permitted in the

bar area. ALL persons of legal drinking age will have a color wristband placed on them. NO ID = NO BAND = NO ALCOHOL.

Officers AND bar staff should pay special attention to ensure that underage persons ARE NOT being served alcohol. Also, officers should ensure that overly intoxicated persons are not being served (As per CRS and Municipal Code). Any violation of the Colorado Beer and Alcohol Code shall be handled accordingly.

NO PERSON WHO IS NOT DESIGNEATED BY THE TRINIDAD & LAS ANIMAS COUNTY CHAMBER OF COMMERCE STAFF, AS A BAR EMPLOYEE WILL BE ALLOWED BEHIND THE BAR. Any unauthorized person found behind the bar will be removed from the area. Appropriate enforcement action will also be taken.

The bar will have in place an accounting system for tracking all bar receipts and tip receipts. A "tip" jar will not be left where it can be accessed by unauthorized persons. TIP jars will be emptied and accounted for during normal case drops.

No person is allowed to bring alcoholic beverages into the gym. No person is allowed to take alcoholic beverages out of the gym. Appropriate action will be taken for said violations.

Person(s) assigned to the bar shall wear a distinctive colored shirt that is NOT the same Colorado as other event staff. This is so they can be easily identified as being authorized to work in the bar area.

Officer Safety: All officers assigned to this operation will be in full uniform and will be required to wear their ballistic vests.

Critical Incidents: Any incident requiring command staff notification will be immediately reported to the operations commander. He will make the appropriate notifications.

Officers Assignments: OFFICER ASSIGNMENTS WILL BE HANDLED UPON FINAL SUBMISSION OF OP PLAN.

Breaks: Operations supervisor will make sure that officers are periodically given a break.

Prepared by: Det Sgt Phil Martin November 27, 2013

Approved By: _____ Date: 11-27-13

STATE OF COLORADO)

COUNTY OF LAS ANIMAS) SS

CITY OF TRINIDAD)

CERTIFICATE OF POSTING

I, Audra Garrett, City Clerk of the City of Trinidad, Colorado, do hereby certify that pursuant to the laws of the State of Colorado, and the ordinances of the City of Trinidad, Trinidad & Las Animas County Chamber of Commerce, 136 W. Main Street, Trinidad, Colorado, which business has applied for a Special Events Permit, to sell and dispense Malt, Vinous and Spirituous Liquors at 150 E. Main Street, Trinidad, Colorado, on December 13, 2013, was duly posted for no less than ten continuous days, with the first day of posting occurring on the 14th day November, 2013.

WITNESS, my hand and the official seal of the City of Trinidad, Colorado, this 14th day of November, 2013.

CITY OF TRINIDAD, COLORADO

(S E A L)

Audra Garrett

Audra Garrett, City Clerk

DISCLOSURE STATEMENT

I, Linda Velasquez, hereby state and affirm that I am a member of Gino's Sports Bar, LLC, a Colorado limited liability company formed on September 9, 2011, whose principal office address is 310 Spruce Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Gino's Sports Bar, a tavern licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 991 E. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 25% interest in Gino's Sports Bar, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.

Linda Velasquez

12/4/12

Date

DISCLOSURE STATEMENT

I, Michelle Miles, hereby state and affirm that I am a member of Opera House Wine & Spirits, LLC, a Colorado limited liability company formed on February 22, 2010, whose principal office address is 601 W. Main Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Tire Shop Wine & Spirits, a retail liquor store licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 601 W. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 99% interest in Opera House Wine & Spirits, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.

Michelle Miles

12/4/12

Date

7d

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 3, 2013
PREPARED BY: Les Downs, City Attorney
DEPT. HEAD SIGNATURE:
 # OF ATTACHMENTS: 1

SUBJECT: Declaration that a vacancy exists on City Council and determining that the vacancy will be filled by the seating of the respective elected official on January 7, 2014

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Declare the vacancy and how it will be filled by the popular vote results of the November 5, 2013

SUMMARRY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: The Home Rule Charter Section 5.14 sets forth the requirements to fill vacancies on Council

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- Bernadette Baca Gonzalez submitted a signed letter of resignation dated November 6, 2013, creating a Mayoral seat vacancy.

7d

Resignation of Bernadette Baca Gonzalez

Bernadette Baca Gonzalez

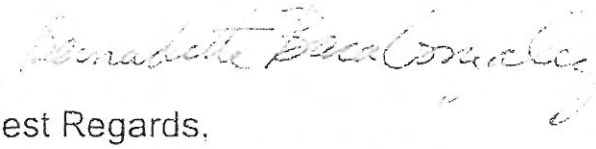
Bernadette Baca Gonzalez <bg81082@gmail.com> Wed, Nov 6, 2013 at 4:20 AM
To: Tom Acre <tom.acre@trinidad.co.gov>

To City Manager Tom Acre & the Members of the Trinidad City Council

I am writing to inform you that I am resigning as Mayor, effective immediately.

The Home Rule Charter of the City of Trinidad provides that city council may select a mayor, in the event of my resignation. Because far too many critical decisions affecting the future of this city are pending and require the immediate attention of a Mayor who shall be able to lead the city beyond December 31, 2013; I respectfully request that council consider the immediate selection of Joe Reorda (Mayor Elect), to serve the remaining weeks of my term of office.

I believe this course of action will be in the best interests of the citizens of Trinidad, Colorado.



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Best Regards,
Bernadette Baca Gonzalez
bg81082[at]gmail.com
phone: 719-845-0093

7e

CITY OF TRINIDAD, COLORADO
1876

Council Communication

City Council Meeting: December 3, 2013
Prepared: November 27, 2013
Dept. Head Signature:
# of Attachments: 1

SUBJECT: Ordinance appropriating funds for the City of Trinidad 2014 Budget

Presenter: Tom Acre, City Manager

Recommended City Council Action: Staff recommends City Council adopt the Ordinance appropriating funds for the City of Trinidad 2014 Budget.

Summary Statement: Staff and City Council have had previous discussions regarding the finalization of the 2014 Budget and 2014-2018 Capital Improvement Projects Plan.

Expenditure Required: $36,479,237

Source of Funds: Revenue from the General, Power and Light, Water, Gas, Sewer, Capital Projects, Lottery and Tourism Funds

Policy Issue: Development of the 2014 City Budget

Alternative: The City must adopt the 2014 Budget

Background Information: Staff has been working on the preliminary budget since the first of August and will provide a draft budget to City Council on October 1, 2013 for consideration. Staff will present and discuss the budget at the October 8, 2013 City Council Work Session with public input being sought beginning on October 15, 2013. The City is required to adopt a budget for the ensuing year by December 31st.

Staff provided City Council with a preliminary budget and financial update at the September 24, 2013 City Council Work Session. The Draft 2014 Budget was provided to City Council on October 1, 2013 and is available to the general public for review at City Hall and the Library. Public Hearings seeking citizen input on the 2014 Budget and the 2014-2018 Capital Improvement Project Plan were opened on October 15, 2013 and were continued until November 19, 2013. Staff presented information regarding the Utilities and Special Funds, proposed departmental and capital improvement budgets, answered questions and received input from City Council. Information regarding the general fund was presented at the October 8, 2013 City

Council Work Session. The public hearing on the Draft 2014 Budget and the Draft proposed 2014-2018 Capital Improvement Project Plan was opened on October 15, 2013 and was continued to November 19, 2013. Additional public input to the budget and the 2014-2018 CIPP was sought on November 19, 2013, no additional comments were provided by the public. Staff and City Council had additional discussion regarding the potential budget cuts for 2014 in a work session following the regular meeting on November 19, 2013 during a special work session on Monday November 25, 2013 and at the Work Session on November 26, 2013.

ORDINANCE NO.

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY OUT OF THE REVENUES OF THE CITY OF TRINIDAD, COLORADO, TO DEFRAY AND MEET THE LIABILITIES OF THE CITY OF TRINIDAD FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014; SAID ORDINANCE BEING TERMED THE ANNUAL APPROPRIATION BILL FOR THE 2014 FISCAL YEAR

WHEREAS, in order to defray all expenses and liabilities for the fiscal year beginning January 1, 2014, and ending December 31, 2014, it is deemed necessary by the City Council of the City of Trinidad to appropriate the sums of money hereinafter set out.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO:

Section 1: That the following sums of money be and the same are hereby appropriated out of the revenues of the City of Trinidad, Colorado, for the object and purpose as specified immediately preceding each sum to defray the expenses and meet the liabilities of the City of Trinidad, Colorado, for the fiscal year beginning January 1, 2014 and ending December 31, 2014, in accordance with the budget to be adopted by said Council of the City of Trinidad, Colorado, pursuant to and in compliance with Title 31 of the Colorado Revised Statutes of the State of Colorado:

GENERAL FUND

TOTAL EXPENDITURES	$ 9,011,228

POWER AND LIGHT FUND

TOTAL EXPENDITURES	$ 8,563,800

WATER FUND

TOTAL EXPENDITURES	$ 6,017,150

GAS FUND

TOTAL EXPENDITURES	$ 3,971,600

SEWER FUND

TOTAL EXPENDITURES	$ 1,964,659

CAPITAL PROJECTS FUND

TOTAL EXPENDITURES	$ 6,591,900

LOTTERY FUND

TOTAL EXPENDITURES	$ 180,000

TOURISM FUND

TOTAL EXPENDITURES	$ 178,900
TOTAL OF ALL FUND EXPENDITURES	$36,479,237

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED this _____ day of December, 2013.

FINALLY PASSED AND APPROVED this _____ day of December, 2013.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE _____ day of December, 2013.

_____
LINDA VELASQUEZ, Mayor Pro-Tem

ATTEST:

_____
AUDRA GARRETT, City Clerk

7f

CITY OF TRINIDAD, COLORADO
1875

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 3, 2013
PREPARED BY: Chris Kelley
DEPT. HEAD SIGNATURE: Chris S. Kelley CBO
ATTACHMENTS:

SUBJECT: Adoption of Revision to Chapter 5 of the Code of Ordinances (Buildings)

PRESENTER: Chris Kelley, Chief Building Inspector

RECOMMENDED CITY COUNCIL ACTION: Staff recommends City Council adopt the Ordinance providing for revisions to Chapter 5 of the Trinidad Code of Ordinances (Buildings) re-adopting building codes for the regulation of buildings.

SUMMARY STATEMENT: Staff with input from City Council over the past several months is proposing changes to Chapter 5 – Buildings in the City's Code of Ordinances to increase the ability for the City to bring enforcement action if buildings are vacant and deteriorating and add some flexibility to certain aspects of the Building Code. Staff also hosted a meeting to gain input from others in the community including building contractors.

Proposed changes to the code previously sent out to City Council are shown in redline track changes format.

At a future work session staff is proposing additional discussion with City Council regarding an additional change to the Commercial Building code the requirement for sprinklers in commercial buildings, specifically related to single family (one unit) residential in commercial buildings.

EXPENDITURE REQUIRED: None at this time.

SOURCE OF FUNDS: N/A

POLICY ISSUE: Changes to the City's Code of Ordinances to increase the effectiveness of building code enforcement and to allow alternatives to be considered by the Building Official to certain aspects of the Building Code.

ALTERNATIVE: Building codes and processes related to vacant buildings could remain as is. At a minimum the existing building code needs to be re-adopted before the end of 2013 to allow for continuation of the requirement that sprinklers not be required in single family residential building under the Residential Portion of the Buildings Code.

BACKGROUND INFORMATION:
Staff has previously provided City Council with information regarding the current building ordinance and information on the International Code Council property maintenance code and

7f

municipal code. City Council and staff have had discussions regarding changes that the City should consider to improve how the City's ordinances and building codes and how we can increase code compliance and encourage building owners to make the necessary improvements to the buildings to remedy continued deterioration and any life safety issues.

TO REDUCE EXPENSE, ONLY COPIES OF THE RED-LINE PAGES SHOWING CHANGES HAVE BEEN COPIED AND PROVIDED.

NOTATION: Reference City of Trinidad Municipal Code Chapter 7, Article 3, Section 7-23 regarding imposition of Use Tax.
* Or the total hourly cost to the City, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved. ** Actual costs include administrative and overhead costs. *** $500.00 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.

(c) Amend **IBC § 114.4, Violation penalties**, to read: Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(d) Amend **IBC § 115.3, Unlawful continuance**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(e) Amend **IBC and IFC § 903.2.8, Group R**, as follows: **R-3 only** to be excluded from sprinkler requirements **only if** a two hour minimum fire separation completely separates the R-3 from any and all other occupancy classes and **only** when there is **one** R-3 unit within a commercial building. Said exclusion shall only be effective through December 31, 2016.

(f) Amend **IBC § 1612.3, Establishment of flood hazard areas**, as follows: insert name of jurisdiction as "the City of Trinidad, Colorado," and insert "April 3, 1984," as the date of issuance.

(g) Amend **IBC § 3412.2, Applicability**, as follows: insert date of "January 1, 1950."

Section 5-8. International Residential Code.

(Buildable lot size shall be a minimum of 6,000 square feet. Twenty-five percent (25%) of the total lot area must remain open space. Accessory structures shall not exceed 75% of the *primary structure footprint*.)

(1) The *International Residential Code*, 2009 Edition, including Appendix Chapters E, L, F, and M, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Residential Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of

(d) Business references.

(e) Signature, title and date of person making oath of accuracy.

ARTICLE 3. NON-CONFORMANCE

Section 5-23. Non-Conformance.

(1) **Definition.** Legal Non-Conforming refers to uses and structures, excluding single family residences (R-3), which were begun or constructed when the law allowed for them but have since become noncompliant due to a change in legislation (for example, new codes are adopted).

(2) **How a structures loses non-conforming status.** Any structure or building within the city limits is a non-conforming structure meaning that when the City adopts a new code or standard the buildings built to the previous code are no longer conforming to the existing code. A non-conforming structure is allowed to remain as is, as long as it is generating sales tax revenue and is open for business. Once the business ceases to generate revenue or is vacant for no less than twelve consecutive months it loses its non-conforming status. A building under these circumstances must, therefore, be brought up to current code standards. Part of that process requires an assessment by a registered design professional be provided to the Building Official. Owner may apply via the Variance Application Form to the CBO for review and consideration of a six (6) month extension. The CBO will consider all reasons the extension is being requested in making the decision.

ARTICLE 4. MEANS OF APPEAL

Section 5-24. Board of Building Code Appeals and Means of Appeal.

(1) **Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within fifteen (15) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The Board may only rule on the code interpretation of the CBO.

(2) **Membership of board.** The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The board shall be appointed by the City Manager, and shall serve staggered and overlapping two-year terms.

(a) **Alternate Members.** The City Manager shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications

CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, REPEALING AND RE-ENACTING CHAPTER 5 ("BUILDINGS"), AND ARTICLE 1 OF CHAPTER 8 ("FIRE PREVENTION"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSES OF (i) ADOPTING BY REFERENCE UNIFORM CODES FOR THE REGULATION OF BUILDINGS—TO WIT, THE 2009 EDITIONS OF THE *INTERNATIONAL BUILDING CODE*, *INTERNATIONAL RESIDENTIAL CODE*, *INTERNATIONAL FIRE CODE*, *INTERNATIONAL PLUMBING CODE*, *INTERNATIONAL MECHANICAL CODE*, *INTERNATIONAL FUEL GAS CODE*, *INTERNATIONAL EXISTING BUILDING CODE*, *INTERNATIONAL PROPERTY MAINTENANCE CODE*, AND *INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE*; AND THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE; AND (ii) REPLACING CURRENTLY-ADOPTED BUILDING CODES IN CONFLICT THEREWITH

WHEREAS, Chapter II, § 2.4, of the Home Rule Charter for the City of Trinidad, Colorado, provides that "[t]he City shall have all powers of local self government and Home Rule possible for a city to have under the Constitution and laws of [the state of Colorado] as fully and completely as though they were specifically enumerated in this Charter."; and

WHEREAS, § 31-15-601 *et seq.*, C.R.S., confers upon the City general powers to establish building and fire safety regulations; and

WHEREAS, the City Council of the City of Trinidad, Colorado, herein desires to adopt by reference uniform codes for the regulation of buildings—to wit, the 2009 editions of the *International Building Code*, *International Residential Code*, *International Fire Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Property Maintenance Code*, and *International Private Sewage Disposal Code* and the 2011 edition of the National Electrical Code—to establish minimum requirements to safeguard the public health, safety, and general welfare from fire and other hazards attributed to the built environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, THAT:

Section 1. Repeal and Re-enactment of Chapter 5 ("BUILDINGS") of the Code of the City of Trinidad, Colorado. Chapter 5 ("BUILDINGS") of the Code of the City of Trinidad, Colorado, is hereby repealed and re-enacted in its entirety as follows:

CHAPTER 5. BUILDINGS.

ARTICLE 1. IN GENERAL.

Section 5-1. In General.

(1) Entity charged with code administration department having jurisdiction or similar words shall be the Chief Building Official (CBO) who shall be ICC certified. The CBO, appointed by the City Manager, is charged with the direct overall administration and enforcement of this code; and, in the performance of said duties, may delegate the necessary authority to the appropriate technical, administrative and compliance staff under the supervision of the building official.

(2) Authority of the Chief Building Official.

(a) The CBO is hereby authorized and directed to enforce all the provisions of this

Article. For such purposes, the Building Official shall have the authority to adopt and promulgate administrative rules and procedures consistent with the provisions of this Article; to interpret and implement the provisions of this Article; to secure the intent thereof; to enforce all provisions of this Article pursuant to the authority granted; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in the adopted building code, or of violating accepted engineering methods involving public safety.

(b) It shall not be a requirement that the CBO be a certified peace officer.

(3) **Policy making power.** The Chief Building Official may promulgate policies and procedures as necessary for his/her department.

In example:

(a) Issuance of Notice and Order citations.

(b) Stop Work orders

(c) Contractor licensing

(d) Payment of fees

(e) Accepting plans and specifications. The review of said plans and specifications.

(f) Issuing of permits and performing required inspections.

(4) **Inspections.**

(a) *Generally.* When necessary to make an inspection to enforce any provisions of this Code, or when the city has reason to believe there exists in any building or upon any land any condition that constitutes a violation of this Code, an authorized city employee or agent may present proper credentials and request entry. If entry is refused or if the owner cannot be located after reasonable effort, the city shall give the owner or, if the owner cannot be located, leave at the building or premises, a written notice of the city's intent to inspect the property. The notice shall set forth the time, not sooner than twenty-four (24) hours after the notice of intent to inspect is given or left, at which the city will return for inspection. The notice shall state that the owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a municipal judge of the city, or by a judge of any other court having jurisdiction.

(b) *Search warrants.* Upon application by the city and a showing of probable cause, the judge shall issue a search warrant entitling the city agent to enter the building or the

premises and authorizing the use of reasonable force, if necessary, to gain entry. To establish probable cause, the city agent shall not be required to demonstrate specific knowledge of the violation at issue, but must show some factual or practical circumstances that would cause an ordinary prudent person to believe a violation exists.

(c) *Emergencies.* When an emergency situation exists in relation to the enforcement of any of the provisions of this Code, a city agent may enter any building or upon any premises within the city, using such reasonable force as may be necessary. An emergency situation includes any situation of imminent danger of loss of, or injury or damage to, life, limb, property, or threat to public safety. It is unlawful for any owner of the building or premises to deny entry to a city agent or to resist reasonable force used by such agent acting pursuant to this subsection.

(5) **Violations.**

(a) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

(b) *Notice of violation.* The Chief Building Officer shall serve a notice of violation or order in accordance with Section 107 of the International Property Maintenance Code (IPMC).

(c) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with Section 107 of the IPMC shall be deemed guilty of a civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense.* If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be assessed upon the real estate upon which the structure is located and/or a judgment shall be filed against the owner of record.

(i) *Civil judgment.* In any case in which a public nuisance is established, in addition to a permanent abatement order, the City may seek to have the Court impose a separate civil judgment on every part-defendant who committed, conducted, promoted, facilitated, permitted, failed to prevent or otherwise let happen any public nuisance in or on the parcel that is the subject of the public nuisance action. This civil judgment shall be for the purpose of compensating the City for costs it incurs in pursuing the remedies under this Section.

(d) *Violation penalties.* Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(e) *Abatement of violation.* The imposition of the penalties herein described shall not preclude the City Attorney of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

(f) *Unauthorized tampering.* Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

Section 5-2. Abatement of unsanitary or dangerous premises.

(1) If either the City Manager, the City Engineer, the Building Official or the Fire Marshal determines that any premises within the City are unsanitary, as determined by the County Department of Health and Environment, or dangerous to the life or property of persons or constitute a fire hazard, a written notice of such condition shall be given by the City to the owner, agent or occupant of the property ordering the premises to be put in proper condition within such period as is set out in the notice and order. Such period shall not be less than twenty-four (24) hours.

(2) **Abatement by City in cases of emergency.** Nothing herein shall be deemed to limit the power of the City Manager, City Engineer, Building Official or Fire Marshal, in case of an emergency for the preservation of the public health or safety, to summarily remedy, change, repair, abate or order the evacuation of any dangerous or unhealthy condition found to exist without any notice to any person.

(3) **Abatement of nuisances when property owner absent.** If the lot or premises is not occupied and the owner is not found within the City when the notice is about to be given, the City Council may have the premises cleaned, changed, repaired or the nuisance abated without serving personal notice of any kind upon the owner or agent and may assess the costs against the lot or premises.

(4) **Abatement of nuisances by persons other than City.** Any person ordered to clean, repair, change or make safe any property or abate any nuisance may do so at such person's own expense, if suitable arrangements are made with the City Engineer, Building Official or Fire Marshal, prior to the time when the City shall start carrying out any order made under this Article.

(5) **Provisions to be cumulative.** The provisions of Section 5-2, items 1-5 are cumulative to all other provisions relating to unsanitary and dangerous conditions and to nuisances in this Code.

(6) **Recovery of expenses of abatement.** Once a property owner, agent or occupant of a property has received written notice from the City and the property/premises has not been put in proper condition within twenty-four (24) hours, the City may enter upon such property and abate the nuisance pursuant to the provisions of this ordinance. Actual costs thereof, including five (5) percent for inspection, a minimum fee assessment of fifty ($50.00) dollars and other incidental costs in connect therewith, shall be assessed upon the property/premises.

In any case in which a public nuisance is established, in addition to a permanent abatement order, the City Attorney may seek remedies permitted by law or equity, including those provided in Section 5-1(5).

Section 5-3. Building Maintenance.

(1) **Nuisance declared and prohibited.** No owner or occupant of any real property within the City shall permit the maintenance or existence on such property of defective roofs, windows and decorative facades as said conditions are more particularly addressed and regulated by provisions of this Article, and such conditions are hereby declared to be a nuisance and a menace to the public welfare. This declaration of nuisance and prohibition shall apply to all locations.

(2) **Maintenance.** All roofs, windows and facades shall be in compliance with the current International Building Codes adopted by the City. In effect, building components must meet the climatic and geographic design criteria which are 90 mph winds, seismic B and 30 pound snow loads.

(3) **Abatement.** The owner of any private property on which a nuisance condition occurs is responsible for abating the nuisance. The owner's failure or refusal to abate a nuisance is a civil infraction. A separate offense shall be deemed committed on each day that a violation occurs or continues. The payment of any penalty does not relieve the offender from compliance with the requirements of this Article.

(4) **Violation and penalties; subsequent violation; suspension or revocation of license.**

(a) Whenever, in this Code or in any ordinance of the City, or rule, regulation or order promulgated by any law officer or agency of the City under authority duly vested in him/her or it, any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance or any rule, regulation or order as aforesaid shall be punished by a fine not less than Three Hundred Dollars ($300.00) or to exceed Two Thousand Six Hundred Fifty Dollars ($2,650.00) or by imprisonment in the City Jail or other place of legal incarceration for not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

(b) If the penalty for a particular offense is limited by State statute, then such limitation shall be applicable notwithstanding the provisions of this section.

(c) The suspension or revocation of any license, certificate or other privilege conferred by the City shall not be regarded as a penalty for the purposes of this Code but shall be in addition thereto.

(5) **Continuing offense.** Unless otherwise specifically provided, each day any violation of this Code occurs or continues to exist shall constitute a separate and distinct offense.

Section 5-4. Exterior Property Maintenance.

(1) **Nuisance declared and prohibited.** No owner or occupant of any real property within the City shall permit the maintenance or existence on such property of dirt yards, dilapidated fences or walls as said conditions are more particularly addressed and regulated by provisions of this Article, and such conditions are hereby declared to be a nuisance and a menace to the public welfare. This declaration of nuisance and prohibition shall apply only to locations that are visible from a public street or sidewalk. For the purposes of this Section 5-4, the term yard shall mean the open space between buildings and property lines at the front, rear and sides of any property containing one (1) or more buildings which, if newly constructed, would require a certificate of occupancy under this Code.

(2) **Yard maintenance.** No less than twenty five (25) percent of any yard area, excluding sidewalks and driveways, shall be covered with grass, ground cover plants or other landscaping material, such as mulch, decorative gravel, stone or paving bricks. Ground cover consisting of crushed rock, gravel or similar materials shall be one quarter (1/4) inch or larger in size and shall be maintained at a depth that is sufficient to cover all exposed areas of dirt.

(3) **Fence and wall maintenance.** All fences and walls shall be structurally sound and maintained in good repair so that there are no broken, loose, damaged, removed or missing parts (i.e., pickets, slats, posts, wood rails, bricks, panels). Repair of fences and walls shall be made with materials that are comparable in composition, color, size, shape, design and quality to those originally used to construct the fence or wall being repaired. Nothing herein shall be construed to prohibit or restrict the replacement of a fence or wall.

(4) **Abatement.** The owner of any private property on which a nuisance condition occurs is responsible for abating the nuisance. The owner's failure or refusal to abate a nuisance is a civil infraction. A separate offense shall be deemed committed on each day that a violation occurs or continues. The payment of any penalty does not relieve the offender from compliance with the requirements of this Article.

(5) **Violations and penalties**. Any person who violates any provision of this Article commits a civil infraction and is subject to the penalty provisions of Subsection 5-3(4).

Section 5-5. Notice and Order Procedure.

(1) The following procedures will be in place when a Notice and Order is issued to the owner of record when any of the aforementioned violations are noted or any violations specific to the International Property Maintenance Code.

(a) Notice and Order is sent by certified mail to the owner of record and property is posted as "Do Not Enter. Unsafe To Occupy" along with a copy of the Notice and Order. The structure shall remain vacated.

(i) The owner of record may appeal from this notice and order to the Board of Appeals at the City of Trinidad, provided the appeal is made in writing and filed with the Building Official within fifteen (15) days from the date of service of this notice and order. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(ii) Failure to appeal and/or lack of response i.e. non-delivery/acceptance of notice, no communication written or verbal will constitute a waiver of all right to an administrative hearing and determination of the matter. (Section 111.1)

(iii) A Final Notice and Order will be sent via certified mail to the owner of record for the property. Lack of response and/or appeal warrants the following procedures:

(1) A building permit for the repair or demolition shall be secured by 30 days from the date of the certified letter, and the work shall commence on the date of permit. The work shall be completed within 30 days of permit issuance or as set forth by the building official.

(2) If the necessary repairs or demolition is not commenced or completed by the dates as outlined above, the City of Trinidad will proceed to have the work completed and charge the costs thereof against the real estate upon which the structure is located and a lien shall be filed upon such real estate.

(3) Should you elect to demolish the premises, demolition shall not be considered complete until all debris has been removed and fill material has been placed and compacted to the elevation of the surrounding ground.

(b) A building permit for the repair or demolition shall be secured by 30 days from the date of certified letter, and the work shall commence on the date of permit. The repair work shall be completed within such a time, as the building official shall determine is

reasonable under all of the circumstances. The work shall be completed within 30 days of permit issuance.

(c) If the necessary repairs or demolition are not commenced or completed by the dates as outlined above, the City of Trinidad may proceed to have the work completed with costs being charged against the real estate through a special tax assessment upon which the structure is located and/or a judgment shall be filed against the owner of record.

(i) *Civil judgment.* In any case in which a public nuisance is established, in addition to a permanent abatement order, the City Attorney may seek to have the Court impose a separate civil judgment on every part-defendant who committed, conducted, promoted, facilitated, permitted, failed to prevent or otherwise let happen any public nuisance in or on the parcel that is the subject of the public nuisance action. This civil judgment shall be for the purpose of compensating the City for the costs it incurs in pursuing the remedies under this Section.

(d) Should you elect to demolish the premises, demolition shall not be considered complete until all debris has been removed and fill material has been placed and compacted to the elevation of the surrounding ground.

Section 5-6. Stop Work Order Procedure.

(1) **Authority.** Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

(2) **Issuance.** A stop work order shall be posted on the property in question. Upon issuance of a stop work order, the posted work shall stop immediately. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume. Before resuming any work the code official must be notified.

(3) **Placard removal.** The code official shall remove the stop work placard whenever the defect or defects upon which the posting were based have been eliminated. Any person who defaces or removed a stop work order placard without the approval of the code official shall be subject to the penalties provided by this code.

(4) **Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than Three Hundred Dollars ($300.00) or more than Two Thousand Six Hundred Fifty Dollars ($2,650.00).

Section 5-7. International Building Code.

(1) The *International Building Code*, 2009 Edition, including Appendix Chapter J ("Grading"), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Building Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Building Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Building Code*, 2009 Edition ("IBC"), are hereby revised:

(a) Amend **IBC § 101.1, Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.

(b) Amend **IBC § 109.2, Schedule of permit fees**, as follows: insert the following Schedule of Permit Fees:

Schedule of Permit Fees	
Total Valuation:	**Fee:**
$1.00 to $500.00	$24.00
$501.00 to $2,000.00	$24.00 for the first $500.00; plus $3.00 for each additional $100.00 or fraction thereof, to and including $2,000.00
$2,001.00 to $40,000.00	$69.00 for the first $2,000.00; plus $11.00 for each additional $1,000.00 or fraction thereof, to and including $40,000.00
$40,001.00 to $100,000.00	$487.00 for the first $40,000.00; plus $9.00 for each additional $1,000.00 or fraction thereof, to and including $100,000.00
$100,001.00 to $500,000.00	$1,027.00 for the first $100,000.00; plus $7.00 for each additional $1,000.00 or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$3,827.00 for the first $500,000.00; plus $5.00 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00
$1,000,001.00 to $5,000,000.00	$6,327.00 for the first $1,000,000.00; plus $3.00 for each additional $1,000.00 or fraction thereof, to and including $5,000,000.00
$5,000,001.00 and up	$18,327 for the first $5,000,000.00; plus $1.00 for each additional $1,000.00 or fraction thereof

Other Inspections and Fees:

1. Plan review fee ..... Fifty percent (50%) of the permit fee
2. Inspections outside of normal business hours ..... $50.00 per hour* (Minimum charge – two hours)
3. Reinspection fees assessed under provisions of IBC § 108.4 ..... $50.00 per hour*
4. Inspections for which no fee is specifically indicated ..... $50.00 per hour*
5. Additional plan review required by changes, additions, or revisions to plans ..... $50.00 per hour*
6. For use of outside consultants for plan checking and inspections, or both..... ..... Actual Cost**
7. For issuance of each temporary Certificate of Occupancy $750.00***
8. Administrative Fees ..... $150.00 min ($50.00 per hour thereafter)

NOTATION: Reference City of Trinidad Municipal Code Chapter 7, Article 3, Section 7-23 regarding imposition of Use Tax.
* Or the total hourly cost to the City, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved. ** Actual costs include administrative and overhead costs. *** $500.00 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.

(c) Amend **IBC § 114.4, Violation penalties**, to read: Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(d) Amend **IBC § 115.3, Unlawful continuance**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(e) Amend **IBC and IFC § 903.2.8, Group R**, as follows: **R-3 only** to be excluded from sprinkler requirements **only if** a two hour minimum fire separation completely separates the R-3 from any and all other occupancy classes and **only** when there is **one** R-3 unit within a commercial building. Said exclusion shall only be effective through December 31, 2016.

(f) Amend **IBC § 1612.3, Establishment of flood hazard areas**, as follows: insert name of jurisdiction as "the City of Trinidad, Colorado," and insert "April 3, 1984," as the date of issuance.

(g) Amend **IBC § 3412.2, Applicability**, as follows: insert date of "January 1, 1950."

Section 5-8. International Residential Code.

(Buildable lot size shall be a minimum of 6,000 square feet. Twenty-five percent (25%) of the total lot area must remain open space. Accessory structures shall not exceed 75% of the *primary structure footprint.*)

(1) The *International Residential Code*, 2009 Edition, including Appendix Chapters E, L, F, and M, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Residential Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of

said *International Residential Code*, 2012 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Residential Code*, 2009 Edition ("IRC"), are hereby revised:

(a) Amend **IRC § R101.1, Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.

(b) Amend **IRC § R105.2, Permits,** as follows:
(1) Accessory structures require a permit if greater than 120 square feet.
(2) Fences require a permit if over 5 foot 6 inches (5'6") high.

(c) Amend **IRC § R108.2, Schedule of permit fees**, as follows: **See Building Permit Fees Section 5-6(b). (deleted table)**

(d) Amend **IRC § R113.4, Violation penalties**, to read: Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(e) Amend **IRC § R114.2, Unlawful continuance**, to read: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(f) Amend **IRC Table R301.2(1), Climatic and geographic design criteria**, as follows: Insert the following table:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Roof Snow Load	Wind Speed (mph)	Seismic Design Category	SUBJECT TO DAMAGE FROM				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay					
30 psf	90 mph Exposure "B"	"B"	Severe	32"	Slight to Moderate	None to Slight	1° F	No	Varies	597	51.7° F

(g) Delete IRC Table R302.1 and replace with:

TABLE R302.1
EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	5 feet [1]
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	5 feet [2]
Openings	Not allowed	Not applicable	< 3 feet
	25% maximum of wall area	0 hours	>= 3 feet and < 5 feet
		0 hours	>= 5 feet
Penetrations	All	Comply with IRC § R302.4	< 3 feet
		None required	>= 3 feet

1. Fire separation distance of three (3) feet can be used if the exterior wall cladding and trim are of noncombustible material. (Refer to IRC § R202 for a definition of "noncombustible material.")

2. Fire separation distance of three (3) feet can be used if the soffit cladding and facia board are of noncombustible material. (Refer to IRC § R202 for a definition of "noncombustible material.")

(h) Amend the exception to **IRC § R302.2 , Townhouses**, as follows:
Exception: a common 2-hour . . . . [The remainder is unchanged.]

(i) Amend **IRC § R302.2.4, Structural independence**, by deleting exception No. 5 and replacing it as follows:

5. *Townhouses* separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2.

(j) Amend **IRC § R313.1, Townhouse automatic fire sprinkler systems**, to read: Effective January 1, 2017, an automatic residential fire sprinkler system shall be installed in *townhouses*.

(k) Amend **IRC § R313.2, One- and two-family dwellings automatic fire systems**, to read: Effective January 1, 2017, an automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

(l) Amend **IRC § R315.1, Carbon monoxide alarms**, to read: For new construction, an approved carbon monoxide alarm shall be installed within fifteen feet (15') of the entrance to each bedroom in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages. Any basement, whether finished or not, with fire

fueled appliances requires a carbon monoxide detector hardwired into the smoke detector system.

(m)Add an exception to **IRC § 315.2, Where required in existing buildings**, as follows:

Exception: Work involving the exterior surfaces of dwelling units, such as the replacement of roofing or siding, or the addition of a porch or deck, is exempt from the requirements of this Section. (Amended Ord. No. 1917, 7-15-11)

(n) Delete **IRC Chapter 11**, entitled "**ENERGY EFFICIENCY**," in its entirety. Please refer to the International Energy Conservation Code, adopted in Section 5-6 of this Article, for energy conservation requirements.

(o) Amend **IRC § P2603.6.1, Sewer depth**, as follows: insert "thirty-two (32)" in two locations.

Section 5-9. International Plumbing Code.

(1) The *International Plumbing Code*, 2009 Edition, including Appendix Chapters C, D, and E, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Plumbing Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Plumbing Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Plumbing Code*, 2009 Edition ("IPC"), are hereby revised:

(a) Amend **IPC § 101.1, Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.

(b) Amend **IPC § 106.1, Permits – when required**, to read: Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the *occupancy* of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the work; provided, however, that such a permit shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing plumbing inspections.

(c) Amend **IPC § 106.6.2, Fee schedule**, to read: The fees for all plumbing work requiring a permit from the City of Trinidad**, however, that such a permit shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing plumbing inspections.**

(d) Amend **IPC § 106.6.3, Fee refunds**, as follows: insert "fifty percent (50%)" as the specified percentage in both locations**, however, that such a refund shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing plumbing inspections.**

(e) Amend **IPC § 108.4, Violation penalties**, to read: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair plumbing work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(f) Amend **IPC § 108.5, Stop work orders**, to read: Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Three Hundred Dollars ($300.00) nor more than Two Thousand Six Hundred Fifty ($2,650.00).

(g) Amend **IPC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

(h) Delete **IPC §§ 109.2 through 109.6**, regarding membership and procedures of the board of appeals.

(i) Amend **IPC § 305.6.1, Sewer depth**, as follows: insert "thirty-two (32)" in two locations.

(j) Amend **IPC § 904.1, Roof extension**, as follows: insert "six (6)" where indicated.

Section 5-10. International Mechanical Code.

(1) The *International Mechanical Code*, 2009 Edition, including Appendix Chapter A ("Combustion Air Openings and Chimney Connector Pass-Throughs"), as published by the

International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Mechanical Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Mechanical Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Mechanical Code*, 2009 Edition ("IMC"), are hereby revised:

(a) Amend **IMC § 101.1, Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.

(b) Amend **IMC § 106.5.2, Fee schedule**, as follows: insert the following fee schedule:

Fee Schedule	
Valuation of Work:	**Permit Fee:**
Not more than $2,000.00	$30.00
More than $2,000.00	$10.00 per each $1,000.00 valuation or fraction thereof.

(c) Amend **IMC § 106.5.3, Fee refunds**, as follows: insert "fifty percent (50%)" as the specified percentage in both locations.

(d) Amend **IMC § 108.4, Violation penalties**, to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(e) Amend **IMC § 108.5, Stop work orders**, to read: Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Three Hundred Dollars ($300.00) nor more than Two Thousand Six Hundred Fifty ($2,650.00).

(f) Amend **IMC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the

provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

(g) Delete **IMC §§ 109.2 through 109.6**, regarding membership and procedures of the board of appeals.

Section 5-11. International Fuel Gas Code.

(1) The *International Fuel Gas Code*, 2009 Edition, including Appendix Chapters A, B, C, and D, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Fuel Gas Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Fuel Gas Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Fuel Gas Code*, 2009 Edition ("IFGC"), are hereby revised:

(a) Amend **IFGC § 101.1, Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.

(b) Amend **IFGC § 106.1, Where required**, to read: An owner, authorized agent, or contractor who desires to erect, install, enlarge, alter, repair, remove, convert, or replace an installation regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work; provided, however, that such a permit shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing fuel gas inspections.

Exception: Where *appliance* and *equipment* replacements and repairs are required to be performed in an emergency situation, the permit application shall be submitted within the City's next working business day.

(c) Amend **IFGC § 106.6.2 Fee schedule**, to read: The fees for all fuel gas work requiring a permit from the City of Trinidad shall be as indicated in the following schedule:

Fee Schedule	
Valuation of Work:	**Permit Fee:**
Not more than $2,000.00	$30.00
More than $2,000.00	$10.00 per each $1,000.00 valuation or fraction thereof.

(d) Amend **IFGC § 106.6.3, Fee refunds**, as follows: insert "fifty percent (50%)" as the specified percentage in both locations.

(e) Amend **IFGC § 108.4, Violation penalties**, to read: Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof, or erect, install, alter, or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(f) Amend **IFGC § 108.5, Stop work orders**, to read: Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(g) Amend **IFGC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

(h) Delete **IFGC §§ 109.2 through 109.6**, regarding membership and procedures of the board of appeals.

Section 5-12. International Energy Conservation Code.

(1) The *International Energy Conservation Code*, 2009 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Energy Conservation Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Energy Conservation Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Energy Conservation Code*, 2009 Edition ("IECC"), are hereby revised:

(a) Amend **IECC § 101.1, Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.

(b) Amend **IECC § 108.4, Failure to comply**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

Section 5-13. International Existing Building Code.

(1) The *International Existing Building Code*, 2009 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Existing Building Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Existing Building Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Existing Building Code*, 2009 Edition ("IEBC"), are hereby revised:

(a) Amend **IEBC § 101.1, Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.

(b) Amend **IEBC § 1301.2, Applicability**, as follows: insert "January 1, 2014" as the specified date.

(c) Amend **IEBC § 113.4, Violation penalties**, to read: Any person who violates a provision of this code or who fails to comply with any of the requirements thereof, or who *repairs*, alters, or changes the occupancy of building or structure in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(d) Amend **IEBC § 114.3, Unlawful continuance**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Three Hundred Dollars ($300.00) nor more than Two Thousand Six Hundred Fifty ($2,650.00).

(e) **Add to IEBC § 104.10, Modifications.** Phased Construction (only for existing and historic structures within the city limits).

(i) A Colorado licensed design professional will do an assessment of the building or structure which will be provided to the Building Official for review to ascertain the current type of construction and structural adequacy.

(ii) A building may use a Phase approach to remodel project only if complete, stamped plans including intended occupancy are provided to and approved by the Building Official prior to the initiation of project.

(a) Phased approach plan submittal shall include:

(i) An overall time line.

(ii) A code analysis of all intended occupancies based on construction type.

(iii) Complete construction plans for ***ALL*** phases.

(iv) Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the code official. The work areas shall be shown along with fire protection system(s) shop drawings, means of egress, exterior wall envelope, interior environment and site plan.

(i) **Use and Occupancy Classification.** Intended occupancy must be submitted for review to the Building Official. If any owner cannot decide on intended occupancy, then the building shall be the most restrictive construction throughout.

(c) If the licensed design professional has an alternative method to meet the intent of the adopted code it will need to be stamped and provided to the Building Official.

(i) Life safety, ingress and egress as well as ADA requirements will not be allowed to change.

(d) With all appropriate assessments and plans approved by the Building Official, work shall be allowed on the first floor. Within 24 months of first floor phase completion, reapplication including stamped plans and intended occupancy would be necessary for each additional floor requiring completion.

Section 5-14. International Property Maintenance Code.

(1) The *International Property Maintenance Code*, 2009 Edition, including Appendix Chapter A ("Boarding Standard"), as published by the International Code Council, 500 New

Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Property Maintenance Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Property Maintenance Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Property Maintenance Code*, 2009 Edition ("IPMC"), are hereby revised:

(a) Amend **IPMC § 101.1**, **Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.

(b) Amend **IPMC § 103.5**, **Fees**, as follows: **See Building Permit Fees, Section 5-6(b).**

(c) Amend **IPMC § 106.4**, **Violation penalties**, to read: Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(d) Amend **IPMC § 111.1**, **Application for appeal**, to read: Any person directly affected by an order, decision, or determination of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed no later than fifteen (15) days following the issuance of the order, decision, or determination. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(e) Delete **IPMC §§ 111.2 through 111.6**, regarding membership and procedures of the board of appeals.

(f) Amend **IPMC § 112.4**, **Failure to comply**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(g) Amend **IPMC § 302.4**, **Weeds**, as follows: insert "six inches (6")."

(h) Amend **IPMC § 304.14**, **Insect screens**, as follows: insert "January 1 to December 31."

(i) Amend **IPMC § 602.3**, **Heat supply**, as follows: insert "January 1 to December 31."

(j) Amend **IPMC § 602.4, Occupiable work spaces**, as follows: insert "January 1 to December 31."

Section 5-15. International Private Sewage Disposal Code.

(1) The *International Private Sewage Disposal Code*, 2009 Edition, including Appendix Chapter A ("System Layout Illustrations"), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Private Sewage Disposal Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Private Sewage Disposal Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Private Sewage Disposal Code*, 2009 Edition ("IPSDC"), are hereby revised:

(a) Amend **IPSDC § 101.1, Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.

(b) Amend **IPSDC § 106.4.2, Fee schedule**, as follows: insert the following fee schedule:

Fee Schedule	
Valuation of Work:	**Permit Fee:**
Not more than $2,000.00	$30.00
More than $2,000.00	$10.00 per each $1,000.00 valuation or fraction thereof.

(c) Amend **IPSDC § 106.4.3, Fee refunds**, as follows: insert "fifty percent (50%)" as the specified percentage in both locations.

(d) Amend **IPSDC § 108.4, Violation penalties**, to read: Any person who shall violate a provision of this code or fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair private sewage disposal work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(e) Amend **IPSDC § 108.5, Stop work orders**, to read: Upon notice from the code official, work on any *private sewage disposal system* that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. The notice shall state the conditions under which

work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(f) Amend **IPSDC § 109.1, Application for appeal,** to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

(g) Delete **IPSDC § 405**, entitled "**SOIL VERIFICATION**."

Section 5-16 National Electric Code.

(1) The *National Electric Code 2011 Edition*, is hereby adopted by reference as the Electric Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *National Electric Code, 2011 Edition*, shall remain on file in the Office of the City Clerk and open to public inspection.

(a) **Permits – when required**, are to be obtained from the Colorado Department of Regulatory Agencies (DORA), 1560 Broadway, Suite 1500, Denver, CO 80202 (www.dora.state.co.us/electrical), 303-894-2985. Permit(s) shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing electrical inspections.

(b) **Violation penalties. If the City of Trinidad is performing electrical inspections, the following violation penalties shall be in affect:** any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair electrical work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(c) **Stop Work Orders. If the City of Trinidad is performing electrical inspections, the following shall apply to Stop Work Orders:** upon notice from the code official, work on any electrical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's

agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(d) **Application for appeal. If the City of Trinidad is performing electrical inspections, the appeal process shall be subject to Chapter 5, Article 4, Section 5-24 of the Code of the City of Trinidad, Colorado.** Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

ARTICLE 2. CONTRACTOR LICENSING.

Section 5-17. Definitions, Classifications and Fees.

(1) **Contractor.** Contractor means a person who supervises himself or herself, his or her firm or one (1) or more trades or subcontractors, and who for any compensation undertakes any landscaping, construction, addition, alteration, repair, demolition, removal or moving of any building, structure or utility. A resident homeowner shall not be required to obtain a contractor's license for any landscaping, construction, addition, alteration or repair of the homeowner's occupied residence, or a building or structure accessory to such residence, **proved that** the homeowner shall first assume all duties and responsibilities of a contractor as set forth in this Section by executing a form furnished by the Chief Building Official pursuant to which the homeowner agrees to assume all duties and responsibilities.

(2) **Classification.**

(a) *Contractor A.* A Contractor A license is authorized to work with respect to multi-unit residential buildings, office buildings, commercial buildings, tenant finish and alterations thereto and any work authorized under Contractor B, C and D licenses. This license covers all buildings including those three (3) stories and above. ***Requires proof of ICC testing.***

(b) *Contractor B.* A Contractor B license is authorized to work with respect to multi-unit residential buildings, office buildings, commercial buildings, tenant finish and alterations thereto and any work authorized under Contractor C and D licenses. This license covers buildings under three (3) stories or less. ***Requires proof of ICC testing.***

(c) *Contractor C.* A Contractor C license is authorized to work with respect to detached single-family residential buildings and alterations thereto and any work authorized under Contractor D license. ***Requires proof of ICC testing.***

(d) *Contractor D.* A Contractor D license is authorized to work as a single trade only i.e. home repair, siding, plastering, sheetrock installation, excavation, concrete work not in a city right of way. **No proof of ICC testing required.**

(i) Plumbing and electrical contractors fall under D licensing but because they are required to hold a State Masters License are not required to show proof of ICC testing.

(ii) Mechanical and roofing contractors fall under D licensing but are required to show proof of ICC testing.

(3) **Fees.** Contractor's licenses shall be issued for a calendar year. The annual license fee shall be as stated below unless amended by resolution of the City Council in accordance with the licensing classifications as set forth above [Section 5-15(2)]. In addition to the license fee, there is a processing/application fee for new applicants in the amount of $50.00.

(a) Contractor A - $150.00

(b) Contractor B - $125.00

(c) Contractor C - $100.00

(d) Contractor D - $75.00 for each license type i.e. roofing and stucco = $150.00

(e) License fees are not refundable. Any fee paid under this Section shall not be refunded for any reason after the license has been issued.

(4) **Violations.** A fine as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado shall be assessed to the following:

(a) Any contractor or subcontractor working within the City limits without possessing a current contractor's license and

(b) Any contractor or subcontractor performing work outside the scope of their license.

Section 5-18. Testing.

(1) *ICC Standardized Contractor Exams.* Contractors are required to successfully pass the ICC Contractor Exam. The City and its citizens benefit from such commonality having a solid foundation upon which to issue licenses to practice.

Exam ID#	ICC Exam Category	Time	# of Questions	*Reference Codes
614	Building Contractor A	4 Hour	90	IBC
615	Building Contractor B	4 Hour	80	IBC & IRC
616	Building Contractor C	4 Hour	80	IRC
670	Mechanical Contractor A	4 Hour	100	IFGC, IMC & 2005 NEC
671	Mechanical Contractor B	3 Hour	50	IFGC, IMC & 2005 NEC
679	Mechanical Contractor C	3 Hour	70	IRC
765	Roofing Contractor	3 Hour	60	IBC & IPC

**** Reference Codes may change due to date of exam.***

Section 5-19. Insurance Requirements.

(1) The City of Trinidad shall be noted as the Certificate Holder on insurance certificates. Every contractor shall procure workers' compensation coverage as required by state law and general liability coverage with the following minimum limits:

(a) General Aggregate: two million dollars ($2,000,000.00).

(b) Products, completed operations: two million dollars ($2,000,000.00).

(c) Personal and advertising injury: one million dollars ($1,000,000.00).

(d) Each occurrence: one million dollars ($1,000,000.00).

(e) A license and permit bond shall be procured for a minimum of $5,000 for all new contractor licenses and any revoked/suspended licensees seeking reinstatement.

(2) No contractor's license shall be issued under this Article until the following documents are filed with the Chief Building Official:

(a) A statement or certificate signed by an authorized agent of an insurance company licensed to do business in the State, stating that a policy or policies have been issued to the applicant with the coverage amounts set forth in Subsection (1) hereof, and including the effective date and expiration date of the policy or policies; and

(b) A copy of an endorsement to the policy requiring at least ten (10) days' prior written notice to the Chief Building Official of cancellation of the policy for any reason.

(3) In the event of cancellation of any policy required by this Section, the Chief Building Official shall immediately suspend the contractor's license. The license shall be reinstated when the licensee furnished the documentation required by Subsection (2) hereof.

Section 5-20. Duties and Responsibilities of Licensee.

(1) All licensees under this Article shall be responsible for the following:

(a) All work covered by his/her permit, whether or not such work is done directly by the licensee or his/her employees or subcontractors. Subcontractors are required to be licensed with the City even if they are working under the supervision of a licensed contractor.

(b) All funds or property received by him/her for completion of a specific contract or for a specific purpose.

(d) Obtaining any required permits for himself/herself and any subcontractor under his/her supervision.

(e) Safety measures and equipment to protect workers and the public in compliance with applicable federal and state laws.

(f) Compliance with all applicable City ordinances, codes and regulations.

(g) Constructing any building or structure in substantial compliance with the drawings and specifications approved by the Chief Building Official and the permit issued for the same, unless changes are approved by the Chief Building Official.

(h) Completing all work authorized by the permit unless there is good cause for the non-completion of the work.

(i) Obtaining inspection services where required by this Chapter and any technical code.

(j) Paying any fee assessed under the authority of this Code or any technical codes.

(k) Obeying any order or notice issued pursuant to this Code or any technical code.

(l) Presenting his/her license when requested by the Chief Building Official.

(m) Maintaining workers' compensation and liability insurance as required by Section 5-17.

Section 5-21. Suspension and Revocation of License.

(1) The Chief Building Official may suspend or revoke a license for any of the following:

(a) Failure to comply with any of the duties and responsibilities set forth in

Section 5-18.
(b) Using a contractor's license to obtain a permit required under this code for any other person, corporation or legal entity.

(c) Violating any provisions of the Trinidad Building Code including any codes which are adopted by reference.

(d) Failure to reveal any material fact in the application for a contractor's license or permit, or the supplying of information which is untrue or misleading as to any material fact in the application for a contractor's license or permit.

(e) Failure to obtain a proper permit for any work for which a permit is required.

(f) Receipt of three (3) or more written complaints.

(2) Upon written notification of revocation or suspension of license, the contractor shall have the right to appeal their case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts to the Board of Building Code Appeals.

Suspension or revocation of a contractor's license shall not be construed to release the contractor from liabilities and obligations of completing his contract. During the period prior to the hearing before the Board of Building Code Appeals, the contractor shall not be allowed to submit an application for any
other projects.

(3) The Board of Building Code Appeals (BOBCA) may reinstate a license for any contractor whose license has been revoked, provided a majority of the BOBCA votes in favor of such reinstatement for such reason as the BOBCA may deem sufficient. In such case where the contractor's license has been revoked and the contractor is petitioning the BOBCA for reinstatement, the petitioner shall follow the established policies for requesting such hearing and pay all applicable fees.

Section 5-22. Application Form and Contents.

(1) Along with the application, proof ICC testing (if required) and certificates of insurance listing the City of Trinidad as the Certificate Holder must be provided. An application for a contractor's license shall be on a form furnished by the City, shall be filed with the Chief Building Official and shall contain the following information under oath:

(a) Correct business contact information.

(b) ICC testing information.

(c) Insurance carrier information.

(d) Business references.

(e) Signature, title and date of person making oath of accuracy.

ARTICLE 3. NON-CONFORMANCE

Section 5-23. Non-Conformance.

(1) **Definition.** Legal Non-Conforming refers to uses and structures, excluding single family residences (R-3), which were begun or constructed when the law allowed for them but have since become noncompliant due to a change in legislation (for example, new codes are adopted).

(2) **How a structures loses non-conforming status.** Any structure or building within the city limits is a non-conforming structure meaning that when the City adopts a new code or standard the buildings built to the previous code are no longer conforming to the existing code. A non-conforming structure is allowed to remain as is, as long as it is generating sales tax revenue and is open for business. Once the business ceases to generate revenue or is vacant for no less than twelve consecutive months it loses its non-conforming status. A building under these circumstances must, therefore, be brought up to current code standards. Part of that process requires an assessment by a registered design professional be provided to the Building Official. Owner may apply via the Variance Application Form to the CBO for review and consideration of a six (6) month extension. The CBO will consider all reasons the extension is being requested in making the decision.

ARTICLE 4. MEANS OF APPEAL

Section 5-24. Board of Building Code Appeals and Means of Appeal.

(1) **Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within fifteen (15) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The Board may only rule on the code interpretation of the CBO.

(2) **Membership of board.** The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The board shall be appointed by the City Manager, and shall serve staggered and overlapping two-year terms.

(a) **Alternate Members.** The City Manager shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications

required for board membership.

(b) **Chairperson.** The board shall annually select one of its members to serve as chairperson.

(c) **Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(d) **Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

(e) **Compensation of members.** Compensation of members shall be determined by law.

(3) **Notice of meeting.** The board shall meet upon notice from the chairperson, within 20 days of the filing of an appeal, or at stated periodic meetings.

(4) **Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

(a) **Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(5) **Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(6) **Board decision.** The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

(a) **Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

(b) **Administration.** The code official shall take immediate action in accordance with the decision of the board.

(7) **Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

(8) **Stays of enforcement.** Appeals of notice and orders (other than Imminent Danger

notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

Section 5-25. Building Code Variance Petition.

(1) Before any variance from building codes may be granted, the Board of Building Code Appeals must find ***all*** of the following:

(a) **Existence of special conditions or circumstances.** That special conditions and circumstances exist which are peculiar to the structure or building involved and which are not applicable to other structures or buildings in the same zoning district.

(b) **Conditions not created by applicant.** That the special conditions and circumstances do not result from the action or negligence of the applicant.

(c) **Special privilege not conferred.** That granting the variance requested will not confer upon the applicant any special privileges denied to other buildings or structures in the same zoning district.

(d) **Hardship conditions exist.** That literal interpretation of the provisions of the building code regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

(e) **Only minimum variance granted.** That the variance granted is the minimum variance that will make possible the reasonable use of the building or structure.

(f) **Not injurious to the public welfare.** That the grant of the variance will be in harmony with the general intent and purpose of the building code and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

(g). **Existing non-conforming uses of other property not the basis for approval.** No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) **Application and instructions below.**

1. Fill in the owner's information section. It is important to have a complete address and phone number for communication between the applicant and the department.

2. Fill in the project description box. Explain what the building project is i.e. basement alteration, second floor alteration, two-story addition, etc.

3. If there is an agent working for the owner and the agent is a better contact for information regarding the variance, fill in the agent information area.
4. Answer the three questions:

    a. State the code and section number with a summary of what the code says. Also, indicate what the non-conforming conditions for the project are i.e. COMM21.04 minimum stair width is 36 inches; e will have 34 inches of stair width.
    b. State why the rule cannot be satisfied i.e. not structurally feasible.
    c. State what will be done to provide an equivalency to the code. These items should be things that relate to the item the variance is being sought for and exceed code requirements.

5. Print the owner's name on the line indicating to do so.

6. The owner of the property is required to sign where indicated. If the project is for a one or two family home, the form is not required to be notarized. If the project is for a **commercial building, the form is required to be notarized.**

BUILDING CODE VARIANCE PROCEDURE

1. Fill out the variance form.

2. If the variance is for a commercial building and is not for an accessibility code contact the fire department so they can fill out a fire department position statement.

3. Submit the application and $250.00 fee to the building inspection department. Also, where applicable, submit the fire department position statement.

4. A field inspector may visit the site to verify existing conditions and the completeness of the application.

5. If there have previously been at least 5 variances for the same item approved, the variance may be approved on precedence. In this case the applicant will not have to attend a meeting of the Board of Building Code Appeals and will be notified by letter that the variance is approved. The letter will be sent within 7 days after the scheduled meeting.

6. In all other cases the variance will be presented to the Board of Building Code Appeals at a monthly meeting. Seven days before the meeting the supervisor will review the variance for approval to be put on the agenda. Five days before the meeting the secretary will mail out the agenda to the Board of Building Code Appeals members and to the applicants.

7. When a variance is heard by the board the applicant or agent must attend the meeting to answer questions.

8. The meeting minutes will be mailed within 7 days after the meeting.

CITY OF TRINIDAD
PETITION FOR VARIANCE
APPLICATION

1. Fill in the owner's information section. It is important to have a complete address and phone number for communication between the applicant and the department.

2. Fill in the project description box. Explain what the building project is i.e. basement alteration, second floor alteration, two-story addition, etc.

3. If there is an agent working for the owner and the agent is a better contact for information regarding the variance, fill in the agent information area.

4. Answer the three questions:
    a. State the code and section number with a summary of what the code says. Also, indicate what the non-conforming conditions for the project are i.e. COMM21.04 minimum stair width is 36 inches; e will have 34 inches of stair width.
    b. State why the rule cannot be satisfied i.e. not structurally feasible.
    c. State what will be done to provide an equivalency to the code. These items should be things that relate to the item the variance is being sought for and exceed code requirements.

5. Print the owner's name on the line indicating to do so.

6. The owner of the property is required to sign where indicated. If the project is for a one or two family home, the form is not required to be notarized. If the project if for a **commercial building, the form is required to be notified.**

CITY OF TRINIDAD

PETITION FOR VAIRANCE APPLICATION

CITY OF TRINIDAD COLORADO
1876

VARIANCE FEES

R-3	$250.00
COMM	$490.00

Priority = Double Above

Amount Paid:

Building Inspect Dept.
125 N. Animas
Trinidad, CO 81082

Name of Owner	Project Description	Agent, architect, or engineering firm
Company (if applicable)		Street Address
Street Address	Tenant Name (if applicable)	City, State, Zip Code
City, State, Zip Code	Building Address	Name of Contact Person
Phone		Phone
E-mail		E-mail

1. The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the non-conforming conditions for your project)

2. The rule being petitioned cannot be entirely satisfied because:

3. The following alternatives and supporting information are proposed as a means of providing an equivalent degree of health, safety, and welfare as addressed by the rule: (continue on back if necessary)

NOTE: Please attach any pictures, plans, or required position statements.

VERIFICATION BY OWNER - PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY A REVIEW FEE AND ANY REQUIRED POSITION STATEMENTS.

Note: Petitioner must be the owner of the building. Tenants, agents, contractors, attorneys, etc. may not sign the petition unless a Power of Attorney is submitted with the Petition for Variance Application.

_____, being duly sworn, I state as petitioner that I have read the
Print name of owner

foregoing petition, that I believe it to be true, and I have significant ownership rights in the subject building or project.

Signature of Owner	Subscribed and sworn to before me this date:
Notary Public	My commission expires:

NOTE: ONLY VARIANCES FOR COMMERICAL CODES ARE REQUIRED TO BE NOTARIZED.

CHAPTER 8. FIRE PREVENTION.
ARTICLE 1. INTERNATIONAL FIRE CODE.

Section 8-1. International Fire Code.

(1) The *International Fire Code*, 2009 Edition, including Appendix Chapters C and D, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Fire Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Fire Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Fire Code*, 2009 Edition ("IFC"), are hereby revised:

(a) Amend **IFC § 101.1**, **Title**, as follows: insert: "the City of Trinidad, Colorado" where indicated.

(b) Amend **IFC § 105.2, Application,** to read: Application for a permit for new construction or remodeling of existing structures is required by this code and shall be made to the fire code official or the Chief Building Official in such form and detail as prescribed by the fire code official and/or the Chief Building Official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official and the Chief Building Official as set forth in Chapter 5, Section 5-7 regarding the International Building Codes as adopted by the City of Trinidad, Colorado.

(b) Amend **IFC § 109.3**, **Violation penalties**, to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair, or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(c) Amend **IFC § 111.4**, **Failure to comply**, to read: Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Three Hundred Dollars ($300.00) nor more than Two Thousand Six Hundred Fifty ($2,650.00).

(d) Amend **IFC § 3404.2.9.6.1**, **Locations where above-ground tanks are prohibited**, to read: The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

(e) Amend **IFC § 3406.2.4.4**, **Locations where above-grounds tanks are prohibited**, to read: The storage of Class I and II liquids in above-ground tanks is prohibited within all

zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

(f) Amend **IFC § 3506.2, Limitations**, to read: The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

(g) Amend **IFC § 3804.2, Maximum capacity within established limits**, to read: Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). Such storage is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

Section 2. Repeal and Re-enactment of Sections of the Code of the City of Trinidad, Colorado in conflict with Chapter 5, as adopted . The following sections of the Code of the City of Trinidad, Colorado, are in conflict with Chapter 5 above, and are hereby repealed and re-enacted in their entirety as follows:

1. Section 9.59, Contractor defined; 9.60, Contractor's license required; 9-61, Liability and property damage insurance and worker's compensation insurance required; and 9-61.1, Contractor's examination, of Chapter 9, Licenses, Division 9, Contractors, of the Code of Ordinances of the City of Trinidad, Colorado, is hereby repealed.

2. Section 14-140, Appeals from orders of Building Inspector – Procedures; and Section 14-141, Conduct of hearing, of Chapter 14, Article 6, Board of Appeals, of the Code of the City of Trinidad, Colorado, is hereby repealed.

3. Section 15-1, International Plumbing Code, of Chapter 15, Plumbing, shall refer the reader to Section 5-9 of Chapter 5.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Trinidad; that it is promulgated for the health, safety and welfare of the public; and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or of any of the primary or secondary codes adopted by reference herein, be judicially determined unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance or codes adopted by reference. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 5. Repeal. Any and all other ordinances, codes, or parts thereof not specifically enumerated herein in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, code, or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded, and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Effective Date. This Ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED this _____ day of _____, 2013.

FINALLY PASSED AND APPROVED this _____ day of _____, 2013.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the _____ day of _____, 2013.

_____
LINDA VELASQUEZ, Mayor Pro-Tem

ATTEST:

_____
AUDRA GARRETT, City Clerk