

ORDINANCE NO. 2010-20

**TOWN OF MOUNTAIN VILLAGE NUISANCE ORDINANCE
TOWN OF MOUNTAIN VILLAGE, COLORADO**

WHEREAS, The Town Council of the Town of Mountain Village, State of Colorado, (the “Town”), has taken testimony and made findings that upon careful consideration of the costs and benefits associated with prohibiting the conditions declared as nuisances herein, the Town Council finds and determines that the regulations contained in this Ordinance are not unreasonable, are not discriminatory and are rationally related to the legitimate purpose of protecting and preserving the health, safety and welfare of the residents of, and visitors to, the Town.

WHEREAS, The Town Council further finds that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the order, comfort and convenience of the Town and its inhabitants.

WHEREAS, the following Ordinance shall go into effect 30 days after passage by the Town Council.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE the following:

Section 1. PURPOSE:

The purpose of this Chapter is to prohibit the existence of nuisances within the Town in order to protect the public health, safety and welfare.

Section 2. FINDINGS:

Upon careful consideration of the costs and benefits associated with prohibiting the conditions declared as nuisances herein, the Town Council finds and determines that the regulations contained in this Chapter are not unreasonable, are not discriminatory and are rationally related to the legitimate purpose of protecting and preserving the health, safety and welfare of the residents of, and visitors to, the Town. The Town Council further finds that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the order, comfort and convenience of the Town and its inhabitants.

Section 3. DEFINITIONS:

Unless otherwise required by context or usage, words and terms used in this Chapter shall be defined as follows:

- A. **EMERGENCY**: Any situation where there is imminent danger of loss of life, limb and/or property.
- B. **INOPERABLE VEHICLE**: Any motor vehicle parked or left standing on any lot, tract or parcel anywhere within the Town which(a) is incapable of moving under its own power,

or (b) has a license plate which has been expired for more than ninety (90) days. A motor vehicle which is completely enclosed within a building in a lawful manner so as to not be visible from a street or other public or private property is not an inoperable vehicle.

C. **MOTOR VEHICLE:** A motor vehicle as defined in the Town of Mountain Village Model Traffic Code as amended from time to time, and any trailer or recreational vehicle.

D. **MUNICIPAL JUDGE:** The Municipal Judge or any associate judge of the Mountain Village municipal court.

E. **NUISANCE:** Any substance, act, occupation, condition or use of property that is:

1. Declared to be a "nuisance" by this Chapter;
2. Declared to be a "nuisance" by any other provision of this Code;
3. Declared to be a "nuisance" by the laws of the state, or by any court or agency thereof;
4. Known as a "nuisance" at common law; or
5. Which is of such nature and duration as to:
 - i. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - ii. In any way render the public insecure in life or in the use of property; or
 - iii. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway or other public way.

Section 4: NUISANCES PROHIBITED:

No person who is the owner, agent or occupant of any building, lot, premises or unimproved real estate within the limits of the Town, or who has the same under such person's control, shall maintain or allow any nuisance to be or remain therein or thereon. The violation of this Section is unlawful and shall subject the owner to the penalties set forth herein.

Section 5: LIABILITY OF OWNER FOR NUISANCE VIOLATIONS COMMITTED BY TENANT:

The owner of real property shall be liable under this Chapter for a nuisance committed on the owner's property by a tenant in lawful possession of the property if the Town notifies the property owner and the tenant of the nuisance before a fine or other liability is imposed and the property owner or tenant does not abate the nuisance within five (5) days of the date of such notice.

Section 6. AUTHORITY OF TOWN TO DECLARE NUISANCES:

Any act, condition, substance, occupation or use of property which substantially meets the criteria of a "nuisance" as defined in section 3(E) of this Ordinance, may be declared to be a nuisance by the Town Council, and nothing in the enumeration of declared nuisances in Section 7 of this Chapter shall be construed to limit the power of the Town to make such declaration.

Section 7: NUISANCES DECLARED:

The following are declared to be nuisances:

- A. **JUNKYARD AND DUMPING GROUNDS:** All places used or maintained as junkyard or dumping grounds of or for: 1) the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind; 2) the storage or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats, house trailers, manufactured housing or machinery of any kind or of any of the parts thereof; or 3) the storage or leaving of any machinery or equipment used by contractors, builders or by other persons outside of an active permitted construction site or on a lot zoned and/or approved by the Town for such use, which placement interferes with the comfortable enjoyment of life or property by others.
- B. **NOXIOUS LIQUIDS/TOXIC SUBSTANCES OR CARCINOGENS :** The discharge out of or from any place within the Town of fluids, noxious liquids, toxic substances or carcinogens of any kind whatsoever into or upon any adjacent ground or lot or upon any street, alley or public place.
- C. **STALE MATTERS:** The accumulation of any stale, putrid or stinking fat, grease or other matter, other than in approved containers or receptacles, or in areas zoned for and granted a specific approval for such storage. The storage of landscaping compost (grass, tree clippings and mulch type materials), which are in an appropriately zoned or approved lot shall not be considered stale matters.
- D. **SEWAGE:** Any article or materials accumulated in any sewer, sewer inlet or privy vault that shall have a sewer connection, which cause or might cause such sewer, sewer inlet or privy vault to become noxious or offensive to others or injurious to public health.
- E. **DEAD ANIMALS:** The body of any domesticated animal that has died and which is undisposed of twenty-four (24) hours after death.
- F. **CONTAMINATED OR IMPURE WELLS AND CISTERNS:** A contaminated or impure well or cistern when the water therein is used or intended for use for human consumption.
- G. **UNUSED APPLIANCES:** Any refrigerator, icebox, deep-freeze locker, stove, oven, trunk or any self-latching container having a capacity of one and one-half (1 ½) cubic feet or more that is no longer in use and has not had the door removed or the hinges and such portion of the latch mechanism removed as to prevent latching or locking of the door. This Subsection shall not apply to any vendor of such appliances who keeps or stores them for sales purposes in a showroom or salesroom, which is ordinarily watched or attended by sales personnel during business hours and which is locked to prevent entry when not open for business, or if the vendor takes reasonable precautions to effectively secure the door of any such appliance so as to prevent entrance by children small enough to fit therein.

- H. **DANGEROUS BUILDINGS:** Any building declared to be a dangerous building by the Uniform Code for the Abatement of Dangerous Buildings, as adopted by the Town.
- I. **TRANSPORTATION OF GARBAGE OR MANURE:** The transporting of manure, garbage, swill or offal upon any street in the Town in a vehicle which is not fitted with a substantially tight enclosed box thereon, allowing no portion of such filth to be scattered or thrown into such street is hereby declared a nuisance.
- J. **INOPERABLE VEHICLES:** Any inoperable vehicle.
- K. **VIOLATION OF LUO OR DESIGN REGULATIONS:** It shall be unlawful and shall constitute a public nuisance for any person to maintain any property or building or any other structure in the Town of Mountain Village in a condition that is in violation of any Building Code adopted by the Town, the Town's Land Use Ordinance or a specific approval granted pursuant to the Town's Land Use Ordinance. Uses consistent with the Town's Land Use Ordinance or a specific approval granted pursuant to the Town's Land Use Ordinance shall not constitute a nuisance.
- L. **SNOW AND ICE BUILDUP:** It shall be unlawful and shall constitute a public nuisance for any person to permit or suffer the accumulation of ice and snow upon any sidewalk, sidewalk area, street, alley or public way for periods longer than 12 hours, in such manner as to impede normal vehicular or pedestrian traffic or emergency access without having obtained prior authorization from the Town.
- M. **STORAGE OF JUNK:** It shall be unlawful and constitute a public nuisance to keep, store or provide for the collection of junk within the Town and that the keeping, storage or collection of junk within the Town is hereby declared to be a nuisance and is detrimental to the health, safety, convenience and general welfare of the citizens thereof. Junk is hereby defined to be any old, used or secondhand materials of any kind, including, without limitation, cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, tires, brass, copper or other metal, furniture, refrigerators, freezers, all other appliances, the parts of used motor vehicles, machines, apparatuses and contrivances and parts thereof, which are no longer in use, any used building material, boards or other lumber, cement blocks, bricks or brick bats or other secondhand building material, or any discarded machinery, tractors, trucks or automobiles or any other article or thing commonly known and classified as junk. The keeping, storage or collection of junk shall not be deemed unlawful or a nuisance when and if same is kept, stored or collected in completely enclosed buildings or on a lot zoned or granted a specific approval for such use and does not produce any unpleasant odors.
- N. **STORAGE OF VEHICLES:** It shall be unlawful and constitute a public nuisance to keep or store, permanently or temporarily, including parking of any vehicle in violation of the Town of Mountain Village Land Use Ordinance or a specific approval as it is detrimental to the health, safety, convenience and general welfare of the Town and its citizens.

Section 8: COMPLAINTS:

Complaints of nuisances may be made to the Town Manager, Community Development Department, Building Department or the Police Department or any of their designees. Whenever possible, any complaint shall state the nature of such nuisance, the location, including street address, name of the owner, agent or occupant of the building or lot, if known, and the name and address of the complainant.

Section 9: INSPECTIONS; RIGHT OF ENTRY; EMERGENCIES:

- A. Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an authorized representative of the Town shall have reasonable cause to believe that there exists in any building or upon any premises any condition constituting a nuisance hereunder, the Town Manager or designee, building official or designee, any police officer or any community service officer may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on any of them. If such building or premises is occupied, such person shall first present proper credentials and demand entry; and if such building or premises is unoccupied, such person shall first make a reasonable effort to locate the owner, occupant or other person having charge or control of the building or premises and, upon locating said owner, occupant or other person having charge or control, shall present proper credentials and request entry. If entry is refused, such person shall give the owner, occupant or person in charge or control (or, if said owner or occupant cannot be located after a reasonable effort, he shall leave at the building or premises) a twenty-four (24) hour written notice of intention to inspect. The notice given shall state that the property owner, occupant or person in charge or control has the right to refuse entry, and that in the event that such entry is refused, inspection may be made only upon issuance of a search warrant by the Municipal Judge or a judge of any other court having jurisdiction.
1. Whenever any of the persons enumerated in this Subsection A has reasonable cause to believe that a motor vehicle is an inoperable vehicle, such person may, upon the presentation of proper credentials, lawfully request the owner or person having charge or control of such vehicle to demonstrate if the vehicle is capable of moving under its own power. The owner or person having charge or control of such vehicle may lawfully refuse the request. If the request is refused, the person making the request shall give the owner or person having charge or control of the vehicle a twenty-four (24) hour notice of intention to inspect in accordance with this Subsection A.
- B. After the expiration of said twenty-four (24) hour period from the giving or leaving of the notice, the Town Manager or designee, building official or designee, police officer or community service officer, or any of them, may appear before the Municipal Judge and, upon a showing of probable cause, obtain a search warrant entitling such person to enter the building or motor vehicle or go upon such premises. Upon presentation of the search warrant and proper credentials, or possession of the same in the case of an unoccupied building or premises, said person may enter into said building or motor vehicle or go

upon said premises using such reasonable force as may be necessary to gain entry. If the search warrant authorizes the entry into a motor vehicle for the purpose of determining whether it is an inoperable vehicle, the person executing such warrant may lawfully inspect the vehicle to determine if it is capable of being operated under its own power.

- C. For the purposes of subsection B of this Section, a determination of probable cause shall be based upon reasonableness, and if a valid public interest justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises in issue in order to obtain a search warrant.
- D. Whenever there is probable cause that an emergency exists, the Town Manager or designee, building official or designee, police officer, or community service officer upon presentation of proper credentials or identification in the case of an occupied building or premises, or possession of said credentials in the case of an unoccupied building or premises, may enter into any building or go upon any premises within the jurisdiction of the Town. In an emergency, such persons may use such reasonable force as may be necessary to gain entry into said building or upon said premises.
- E. It shall be unlawful for any owner, occupant or person in charge or control of said building or premises to resist reasonable force used by the Town Manager or designee, building official or designee, or any police officer acting pursuant to this Section.

Section 10: ABATEMENT OF NUISANCES; FAILURE TO COMPLY:

- A. The Town Manager or Chief of Police or their designee are hereby authorized, in their discretion, to cause any nuisance which is found to exist on private property within the Town to be abated in accordance with the provisions of this Chapter. If any nuisance is found to exist upon public property, it shall be the duty of the Town to abate such nuisance immediately.
- B. Any nuisance found to exist within the Town presenting such an imminent danger to life, limb, property or health as to require immediate abatement, may be summarily abated by action of the Town Manager or designee, Chief of Police, police officer or building official.
- C. In the case of any nuisance not requiring summary abatement, the Town Manager or Chief of Police or their designee may cause a notice to be served upon the person responsible under this Chapter for any nuisance which may be found. Such notice shall require such person to abate the nuisance in a reasonable time and in such reasonable manner as may be prescribed. Such notice may be given or served by any police officer or community service officer. The reasonable time for abatement shall not exceed fourteen (14) days, unless: 1) it appears from the facts and circumstances that compliance could not reasonably be made within fourteen (14) days; 2) the nuisance involves an inoperable vehicle which is dismantled or partially dismantled for maintenance or repairs; or 3) that a good faith attempt at compliance is being made. In the case of a nuisance

involving an inoperable vehicle which is dismantled or partially dismantled for maintenance or repairs, the reasonable time for abatement shall not exceed thirty (30) days. Such notice shall be in writing, signed by the Town official issuing the same, and shall be personally served upon the owner, occupant or person in charge or control of the premises upon which said nuisance exists or, if not occupied, then by posting the same prominently at some place on the premises upon which said nuisance exists. If service is by posting, then a copy of the notice shall also be mailed by certified mail, return receipt requested, to the owner of such property as shown upon the tax rolls of San Miguel County, Colorado, at the address of such owner as therein shown. For good cause, the person who issued the notice described in this Subsection may extend the time for abatement.

D. If, after notification as provided above, a nuisance is not voluntarily abated, the following procedures shall apply:

1. If the person notified in accordance with Subsection C of this Section, shall neglect or refuse to comply with the requirements of the notice to abate within the time specified, such person shall be guilty of a violation of this Ordinance, and the Town Manager or designee, Chief of Police or Town attorney, may proceed at once to commence appropriate legal action to cause such nuisance to be abated; provided, however, that, if the owner of the property upon which the nuisance exists is unknown or cannot be found, the Town Manager or the Chief of Police or their designee may proceed to abate such nuisance at the end of the time period provided for voluntary abatement of the nuisance in the notice described in Subsection C of this Section, and such persons shall have no liability in connection therewith.
2. When any owner has responsibility for a nuisance and such owner fails to abate the nuisance within the time limit provided in the notice described in Subsection C of this Section, or as extended, then the Town attorney is authorized to institute proceedings in a court of competent jurisdiction to obtain a judicial determination that such nuisance exists, to abate such nuisance, to enjoin the nuisance and for such other and further relief as may seem necessary or proper, including, but not limited to, recovery of the costs and expenses of abatement, including the Town's reasonable attorneys' fees incurred in connection with such proceeding.
3. Upon a judicial determination that a nuisance exists, the police department may be authorized by the court to abate said nuisance, or cause the same to be abated, employing such force and persons as may be necessary to abate the nuisance, including the employees of the Town or by contract or otherwise. All other Town officials and employees are hereby authorized and directed to render such assistance to the police department as may be required for the abatement of the nuisance as ordered by the court.
4. Any officer or employee of the Town who shall be authorized herein to abate any nuisance specified in this Chapter shall have authority to engage the necessary assistance and incur the necessary expenses therefor. In any case where a nuisance is to be abated by the Town, it shall be the duty of such

authorized person to employ such assistance and adopt such means as may be necessary to effect abatement of the nuisance. It shall also be the duty of the Town, or any of its representatives, to proceed in all abatement cases with due care and without any unnecessary destruction of property.

Section 11: RESPONSIBILITY FOR COSTS OF ABATEMENT; COLLECTION; FAILURE TO PAY:

- A. The person or persons responsible for any nuisance within the Town shall be liable for and shall pay and bear all costs and expenses of the abatement of such nuisance. Such costs and expenses may be collected by the Town in any action at law, in connection with any criminal proceeding in the municipal court, in connection with any civil action to abate the nuisance, and/or they may be assessed against the property as hereinafter provided.
- B. The notice to abate required by this Ordinance shall, in addition to other requirements set forth herein, specifically describe the property where the nuisance is alleged to exist and shall state that if the nuisance is not abated within the time stated in the notice, the costs of such abatement may be assessed pursuant to the terms of this Chapter as a lien against the property on which the nuisance is located, plus an additional thirty three percent (33%) assessment for administrative costs and the reasonable attorneys' fees incurred by the Town in abating the nuisance as set forth bellow and that such sums may be collected in the same manner as real estate taxes against property. If the owner of the property is not personally served with a copy of such notice, then a true copy of such notice shall be mailed by registered or certified mail, return receipt requested, to the owner of such property as shown upon the tax rolls of San Miguel County, Colorado, at the address of such owner as therein shown.
- C. If, after the expiration of the period of time provided for in said notice, or as extended, costs or expenses are incurred by or on behalf of the Town in connection with the abatement of the nuisance, and such costs are not otherwise collected, the finance director may thereafter certify to the Town Clerk the legal description of the property upon which such work was done, together with the name of the owner thereof as shown by the tax rolls of San Miguel County, Colorado, and a statement of the work performed, the date of performance and the costs thereof.
- D. Upon receipt of such a statement from the Finance Director the Town Clerk shall mail a notice to the owner of said premises as shown by the tax rolls, at the address shown upon the tax rolls, by first class mail, postage prepaid, notifying such owner that work has been performed pursuant to this chapter, stating the date of performance of the work, the nature of the work, and demanding payment of the costs thereof (as certified by the Finance Director), together with thirty three percent (33%) assessment for administrative expenses, and the reasonable attorneys' fees incurred by the Town in abating the nuisance. Such notice shall state that if the total amount is not paid within thirty (30) days after mailing the notice, it shall become an assessment on and lien against the property of the owner, describing the same, and will be certified as an assessment against said

property, together with ten percent (10%) of the whole amount for costs of collection, and that the whole amount will be collected in the same manner as a real estate tax upon the property.

- E. If the Clerk shall not receive payment within the period of thirty (30) days after mailing the notice, the Clerk shall inform the Town Council of such fact, and the Council shall thereupon enact a resolution assessing the whole cost of such work, including a charge of thirty three percent (33%) of said whole cost for administrative expenses and the Town's reasonable attorneys' fees incurred in the abatement of the nuisance, upon the lots and tracts of land upon which the nuisance was abated, together with ten percent (10%) of the whole amount for costs of collection.
- F. Following the passage of such resolution, the Clerk shall certify the same to the County Treasurer, who shall collect the assessment in the same manner as other taxes are collected.
- G. Each assessment made pursuant to this Chapter shall be a lien against each lot or tract of land described in such assessment until paid and shall have priority over other liens and assessments, except general taxes and prior special assessments.

Section 12: REMEDIES CUMULATIVE AND NONEXCLUSIVE:

- A. No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge or conviction of violation of this Chapter in the municipal court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.
- B. Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and, when applicable, the abatement provisions of this Chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under the municipal ordinances or any other provision of law.

Section 13: VIOLATIONS AND PENALTIES:

- A. Whenever in any Section of this Chapter, the doing of any act is required or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, such violation of this Chapter shall be considered an infraction and any person who shall be found liable for a violation of any such Section shall be subject to the following penalties:
 - 1. A violation of this Ordinance shall be punished by a fine of not less than Five Hundred Dollars (\$500) and not to exceed One Thousand Dollars (\$1,000.00) or imprisonment for a period of up to one (1) year or both such fine and

imprisonment at the discretion of the court. Each day of any violation of this Ordinance shall constitute a separate offense.

2. A second violation of this Ordinance by previously convicted violator shall be punished of a fine of Once Thousand Dollars or imprisonment for a period of up to one (1) year or both such fine and imprisonment at the discretion of the court. Each day of any violation of this Ordinance shall constitute a separate offense.
3. The Municipal Judge is empowered in his discretion to assess court costs in a reasonable amount against any defendant who pleads guilty or *nolo contendere*, or who enters into a plea agreement or who, after trial, is found guilty of a violation of this Ordinance.
4. In addition to other remedies available to the Town, the Town may commence an action pursuant in a court of competent jurisdiction to enjoin the alleged violation of this Ordinance.

Section 14: EFFECTIVE DATE:

This Ordinance shall become effective upon November 21, 2010

Section 15: PUBLIC HEARING:

A public hearing on this Ordinance was held on the 21st day of October, 2010 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 16th day of September, 2010.

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____
Robert H. Delves, Mayor

ATTEST:

Kim Montgomery, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 21st day of October, 2010.


**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____
Robert H. Delves, Mayor

ATTEST:

Kim Montgomery, Town Clerk

Approved As To Form:



Jim Mahoney, Assistant Town Attorney

I, Kim Montgomery, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2010-20 ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on September 16, 2010, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Bob Delves, Mayor	X			
Jonathan Greenspan, Mayor Pro-Tem		X		
Richard Child	X			
Chris Cox	X			
Dan Garner	X			
Cath Jett	X			
Dave Schillaci	X			

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on September 23, 2010 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on October 21, 2010. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Bob Delves, Mayor	X			
Jonathan Greenspan, Mayor Pro-Tem	X			
Richard Child	X			
Chris Cox	X			
Dan Garner	X			
Cath Jett	X			
Dave Schillaci	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 25th day of October, 2010.

Kim Montgomery, Town Clerk

(SEAL)