

 <p>ASAMBLEA DEPARTAMENTAL ARCHIPELAGO DE SAN ANDRES PROVIDENCIA Y SANTA CATALINA</p>	<p>ORDENANZA</p> <p>PROCESO DE TRÁMITE DE INICIATIVAS Y PROPOSICIONES</p>	<p>Versión: 1</p>
		<p>Fecha Aprobación: 08/09/2016</p>
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ORDINANCE No. 004 OF 2018

(November 30)

"By means of which the Governor of the Department is empowered to adopt the construction of "The Islander House. Cultural Patrimony of San Andres" of the Universidad Nacional De Colombia; as one of the guidelines for the construction of the public policy for the protection, preservation, safeguarding and support of the different real estate or houses of typical, native or traditional architecture "Typical House" located in the Archipelago of San Andres, Old Providence, and Kethleena, and other dispositions are dictated".

THE ASSEMBLY OF THE DEPARTMENT ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA, in use of its constitutional faculties, especially those conferred by Law 397 of 1997, Law 1185 of 2008, ILO Convention 169, Articles 7, 8, 70, 72, 93, 150, 300, and 310 of the Political Constitution; Law 21 of 1991; literal j of Article 4; literal f of Article 10 and Articles 50 and 59 of Law 47 of 1993; numeral 3 of Article 60 and numeral 15 of Article 62 and Articles 72, 73, 74 and 75 of Decree 1222 of 1986; Ordinance 005 of June 11 of 2009 and other concordant regulations

ORDERS

ARTICLE 1. Adoption. Empower the Governor of the Department to adopt the construction of "The Islander House. Cultural patrimony of San Andres" of the Universidad Nacional de Colombia; as one of the guidelines for the construction of the public policy for the protection, preservation, safeguarding and support of the different real estate or houses of typical, native or traditional architecture "Typical House" located in the Archipelago of San Andres, Old Providence, and Kethleena, today identified as World Biosphere Reserve SeaFlower.

ARTICLE 2. Terms. Order the Departmental Government during the term of 12 months from the moment this Ordinance is sanctioned, to revise, elaborate, implement, and adopt the Public Policy for protection, preservation, safeguarding and support of the different real estate or houses of typical, native or traditional architecture "Typical House" located in the Archipelago of San Andres, Old Providence, and Kethleena, accordingly to the norms that regulate these matters and with the assistance, accompaniment, and support from the academy, the Colombian Society of Architects – Regional San Andres; other societies,

CONTINUATION OF THE ORDINANCE NO. 004 OF 2018: "BY MEANS OF WHICH THE GOVERNOR OF THE DEPARTMENT IS EMPOWERED TO ADOPT THE CONSTRUCTION OF "THE ISLANDER HOUSE. CULTURAL PATRIMONY OF SAN ANDRES" OF THE UNIVERSIDAD NACIONAL DE COLOMBIA; AS ONE OF THE GUIDELINES FOR THE CONSTRUCTION OF THE PUBLIC POLICY FOR THE PROTECTION, PRESERVATION, SAFEGUARDING AND SUPPORT OF THE DIFFERENT REAL ESTATE OR HOUSES OF TYPICAL, NATIVE OR TRADITIONAL ARCHITECTURE "TYPICAL HOUSE" LOCATED IN THE ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA, AND OTHER DISPOSITIONS ARE DICTATED".

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associations or organizations of architects or engineers, public and private entities of a national or local order related to the matter; NGO's of Raizal base, different professionals somehow related to the matter, people, artisans, carpenters, knowledgeable people of the Raizal People, and builders that are ideal in such decisive component of our ancestral and patrimonial Raizal culture.

PARAGRAPH. Reports. The Departmental Government will hand in to the Departmental Assembly and to the Raizal Authority or whomever plays their role, reports about the construction, development, and implementation of the beforementioned Departmental Public Policy.

GENERAL DISPOSITIONS

ARTICLE 3. Add a new paragraph to Article 43 of Ordinance 020 of 2006; "By means of which the Tributary Statute of the Department Archipelago of San Andres, Old Providence, and Kethleena" which will state:

PARAGRAPH 6. Commercial, touristic, industrial, and financial establishments located on the islands of the Department Archipelago will have the right to be exempted up to 100% of the Industry and Commerce tax when they show an effective investment (constructions for taxes) in the repair, preservation, construction or maintenance of those houses of native, typical or traditional architecture, "**Typical House**" that are located on the territory of the Archipelago of San Andres, Old Providence, and Kethleena, today identified as World Biosphere Reserve SeaFlower.

The Departmental Government, leaded by the Secretariat of Infrastructure and the Secretariat of Finance, will regulate all related to the exemptions mentioned in this Paragraph, articulating in a technical and budgetary manner, a percentage table for discount by investment that shall observe the legal representatives or owners of the establishments interested in accessing the tributary benefits mentioned in this Ordinance. For which, the Territorial Entity will take into account the following measures: a) The quantity of square meters per architectonically typical, native or traditional house, just as businesspeople, dealers, or managers; willing to intervene for the repair, preservation, construction or maintenance of the houses notoriously census-taken or referred; b) actual characteristics and particularities of the typical house and of their owner or tenant (SISBEN level or deterioration level; from the most to the least deteriorated), and finally, c) the quantity of floors and spaces to intervene by the interested considered, to the typical or native house, and its specific dimensions.

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To comply with that expressed on this new Paragraph, the Secretariat of Planning, considering the contents of the construction "Islander House. Cultural Patrimony of San Andres" from Universidad Nacional de Colombia and the knowledgeable people of the Ethnic Raizal People shall issue a certificate addressing the Departmental Secretariat of Finance, indicating the information of the owner or legal representative of the Establishment interested in getting the benefits mentioned in the new paragraph. Similarly, the existence (or latter existence) of the architectural typical, native or traditional house chosen for its repair, preservation, construction, or maintenance and, finally, the approval or authorization for the proprietor or tenant of the traditional house, located in the territory of the Department Archipelago.

ARTICLE 4. VALIDITIES AND DEROGATORY. The ordinance hereby goes into effect from the moment it is sanctioned and published.

Approved at the Hall of Sessions of the Honorable Departmental Assembly, during its ordinary session on November 30th of 2018.

Signed in the original

(Kept in the Archives of the Governor's Office)

JOSE MITCHELL HUDGSON
President

JENIFER BENT OLMOS
General Secretary

THE DEPARTMENTAL ASSEMBLY OF SAN ANDRES, PROVIDENCE, AND KETHLEENA, THE GENERAL SECRETARY OF THE DEPARTMENTAL ASSEMBLY OF SAN ANDRES, PROVIDENCE AND KETHLEENA CERTIFIES that this ordinance went under the three obligatory debates in different dates and extraordinary sessions: **FIRST DEBATE IN COMISSION** on June 18 2018; **SECOND PLENARY DEBATE** on July 25, 2017; **THIRD PLENARY DEBATE**, on November 30, 2018; becoming the Ordinance 004 of November 30, 2018.

Signed in the original

(Kept in the Archives of the Governor's Office)

JENIFER BENT OLMOS
General Secretary



GOBERNACIÓN
Departamento Archipiélago de San Andrés,
Providencia y Santa Catalina
Reserva de Biosfera Scaflower
Nit: 892.400.038-2

CONTINUATION OF THE **ORDINANCE NO. 004 OF 2018**: "BY MEANS OF WHICH THE GOVERNOR OF THE DEPARTMENT IS EMPOWERED TO ADOPT THE CONSTRUCTION OF **"THE ISLANDER HOUSE. CULTURAL PATRIMONY OF SAN ANDRES"** OF THE UNIVERSIDAD NACIONAL DE COLOMBIA; AS ONE OF THE GUIDELINES FOR THE CONSTRUCTION OF THE PUBLIC POLICY FOR THE PROTECTION, PRESERVATION, SAFEGUARDING AND SUPPORT OF THE DIFFERENT REAL ESTATE OR HOUSES OF TYPICAL, NATIVE OR TRADITIONAL ARCHITECTURE **"TYPICAL HOUSE"** LOCATED IN THE ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA, AND OTHER DISPOSITIONS ARE DICTATED".

DEPARTMENT ARCHIPELAGO OF SAN ANDRES, OLD PROVIDENCE, AND KETHLEENA.

PRIVATE SECRETARY: In San Andres island, on December 10, 2018, I received the Ordinance hereby and hand it to the Governor's Office for its sanction.

Signed in the original

(Kept in the Archives of the Governor's Office)

ANGELA MARÍA HERNÁNDEZ MORA
Private Secretary

GOVERNOR'S OFFICE, San Andres Island, December 21, 2018.

BE IT EXECUTED AND COMPLIED

Signed in the original

(Kept in the Archives of the Governor's Office)

JUAN FRANCISCO HERRERA LEAL
Governor (I)