

**ORDINANCE NO. 18**

**SERIES 2016**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN  
COUNCIL AMENDING SECTION 11-1-60 OF THE  
CRESTED BUTTE MUNICIPAL CODE TO INCLUDE  
REQUIREMENTS FOR THE ISSUANCE OF SNOW  
MANAGEMENT PERMITS**

WHEREAS, the Town of Crested Butte, Colorado (the “Town”) is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Town has broad constitutional and statutory powers to regulate the use of lands within its boundaries, including, without limitation, Town-owned property and public rights of way, streets and alleys;

WHEREAS, Section 11-1-60 of the Crested Butte Municipal Code, as amended (the “Code”), contains regulations regulating the hauling, dumping, transportation and storage of snow on Town-owned property and public rights of way, streets and alleys;

WHEREAS, the Town staff has found that the hauling, dumping, transportation and storage of snow on Town-owned property and public rights of way, streets and alleys has been a source of conflict in the past as persons have at times conducted such activities in disregard of Town-adopted policies and in an otherwise inefficient and un-orderly manner;

WHEREAS, the Town staff has recommended that in order improve the efficiency and order of the hauling, dumping, transportation and storage of snow, the Town Council should require a snow management permit designed to improve efficiencies and order of such activities and so that persons engaging in such activities better adhere to Town policies regarding such activities;

WHEREAS, the Town Council has determined that the efficient, orderly and safe hauling, dumping, transportation and storage of snow is important to the residents and visitors of Crested Butte and an essential piece of the Town’s responsibility to keep public travel within Crested Butte safe and organized, and therefore it desires to amend the Code to include regulations regarding permitting for such activities; and

WHEREAS, the Town Council finds that the below amendments to the Code are in the best interests of the health, safety and general welfare of the residents and visitors of the Town and such amendments advance the aforesated goals of the Town staff and the Town Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN  
OF CRESTED BUTTE, COLORADO, THAT,**

**Section 1.** **Amending Section 11-1-60 of the Code.** Section 11-1-60 of the Code is amended to add a new subsection (c) thereto, with all subsections that follow thereafter revised accordingly:

“(c) Any person permitted to haul, dump, transport or store snow within Town shall comply with the following requirements:

(1) Keep and maintain in force at all times during the performance of such activities a snow management permit issued by the Town Manager

(2) Provide the Town with a certificate of insurance naming the Town as an additional insured reflecting coverage satisfactory to the Town Manager.

(3) Snow stored on Town-owned property, public rights of way, streets and alleys shall be removed no later than April 1 of each year, except as otherwise permitted by the Town Manager in writing.

(4) Snow accumulated in alleys shall be hauled away after the snow has reached a point of 1/2 the height of any adjacent fence line, or as deemed necessary by the Town Manager.

(5) Persons hauling, dumping, transporting or storing snow within Town shall be responsible and liable for any damage to private and public property as set forth in snow management permit.”

**Section 3.** **Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 4.** **Savings Clause.** Except as amended hereby, the Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 21<sup>st</sup> DAY OF November, 2016.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 5<sup>th</sup> DAY OF December, 2016.

TOWN OF CRESTED BUTTE, COLORADO

By: Glenn Michel  
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford  
Lynelle Stanford, Town Clerk

