

**ORDINANCE NO. 6**

**SERIES 2010**

**AN ORDINANCE AMENDING THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE THEREIN REGULATIONS FOR THE DEMOLITION OF NON-HISTORIC STRUCTURES AND FOR THE DECONSTRUCTION AND RE-CYCLING OF BUILDING MATERIALS UNDER CERTAIN CIRCUMSTANCES**

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

**WHEREAS**, the Crested Butte Municipal Code (the "**Code**"), and specifically therein the Town's Zoning and Land Use Ordinance, contains certain restrictions on the Town's demolition of historic structures;

**WHEREAS**, the Code does not contain requirements for the demolition of non-historic structures and the re-cycling of certain of the materials from the demolition of materials from both historic and non-historic structures alike;

**WHEREAS**, based on its review of certain recent re-model construction projects in Town involving non-historic and historic structures, Town staff has found that many such re-model construction projects should be subject to deconstruction and recycling requirements;

**WHEREAS**, based on the foregoing, the Town staff has recommended to the Town Council that the Code be amended to include therein requirements for the demolition of non-historic structures and the re-cycling of certain of the materials from the demolition of materials from both historic and non-historic structures alike;

**WHEREAS**, the Town Council, based on Town staff input, finds that the Town maintaining certain requirements for the demolition of non-historic structures and the re-cycling of certain of the materials from the demolition of materials from both historic and non-historic structures alike is consistent with the Town Council's approach to responsible building and development and environmental stewardship; and

**WHEREAS**, the Town Council has determined that the below changes to the Code, including the inclusion therein of requirements for the demolition of non-historic structures and the re-cycling of certain of the materials from the demolition of materials from both historic and non-historic structures alike, accomplishes the goals of the Town staff set forth hereinabove, are consistent with the Town Council's approach to responsible building and development and environmental stewardship and are in the best interest of the health, safety and welfare of the resident and visitors of Crested Butte.

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

**Section 1. Adding a New Section 16-14-190 to the Code.** A new Section 16-14-190 is hereby added to the Code and shall read as follows:

**"Sec. 16-14-190. Demolition Requirements.**

Notwithstanding any restrictions that may otherwise exist under Section 16-2-60, the Board may approve the demolition of an existing non-historic structure or portion thereof if the Board finds that all of the following conditions have been met:

- (1) A site re-development plan has been submitted and approved by the Board: Said plan must consist of at a minimum and without limitation a landscaping, weed mitigation plan and ongoing maintenance plan.
- (2) There is no net loss of deed restricted housing units.
- (3) A site specific deconstruction and re-cycle plan must be submitted and approved by the Building Official in conformance with Article 15 to Chapter 18 of the Code."

**Section 2. Adding a New Article 15 to Chapter 18 of the Code.** A new Article 15 to Chapter 18 of the Code is hereby added and shall read as follows:

**"ARTICLE 15**

**Deconstruction and Re-Cycle Plan**

If a permit is requested for the demolition of an existing structure in accordance with Sections 16-2-60 or 16-14-190 a site specific deconstruction and re-cycle plan must be submitted and approved by the building official. The plan is only required for the demolition of structures or a part of structures in excess of 1000 square feet. Said plan should, as a goal, seek to re-cycle, re-use or re-sell 50% of the existing materials in the de-constructed structure or element. Materials from the following categories should be considered: doors, windows, cabinets, roofing, wood flooring, plumbing fixtures, mechanical and heating fixtures, framing and structural materials, landscaping elements, concrete and bricks. The plan should identify what materials are to be recovered. The plan should either specify a destination for the recycled materials or the materials should be made available to the public for acquisition for a minimum of two (2) weeks, as well as how the same is to be communicated and accomplished. Re-cycled materials may not be placed on Town rights of way or other Town property."

**Section 3. Amending Section 16-2-60, Demolition of Historic Structures.** Section 16-2-60(a) is hereby deleted in its entirety and replaced with the following new subsection (a) which adds a new subparagraph (4) thereto and shall read as follows:

**"Sec. 16-2-60. Demolition of historic structures.**

(a) Notwithstanding any other provision of this Article, no structure over fifty (50) years of age (for purposes of this Section only, an "historic structure") shall be demolished unless the Board finds that the following criteria are first met.

(1) The historic structure is dangerous or unsafe as determined by the Building Inspector.

(2) The record owner of the subject property submits a plan for the site designed to preserve other historic structures on the property that are not currently dangerous or unsafe.

(3) The Board may allow the demolition of a historic structure as part of an approved redevelopment plan for the subject property.

(4) A deconstruction and re-cycle plan has been submitted and approved that meets the requirements of Article 15 of Chapter 18 of the Code.

Nothing contained herein to the contrary shall limit or otherwise affect the requirement of any person in charge of or having control and supervision of the property where a structure is located to comply with Section 16-2-20 of this Article. For purposes of this Section, *demolish* or *demolition, mutatis mutandis*, shall mean the failure, both knowingly and unknowingly, by a person in charge of or having control and supervision of the property where a historic structure is located, to maintain and keep up, or otherwise destroy and/or dismantle either fully or partially, a historic structure, whether by active or passive conduct or a failure to act to preserve said historic structure."

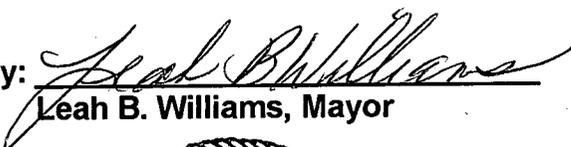
**Section 4. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions 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 5. Savings Clause.** Except as amended hereby, the Crested Butte Municipal 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 effective date hereof.

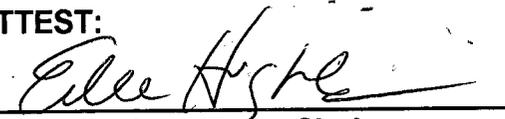
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 19<sup>th</sup> DAY OF APRIL, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 3<sup>rd</sup> DAY OF MAY, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Leah B. Williams, Mayor

ATTEST:

  
Eileen Hughes, Town Clerk

