

**ORDINANCE NO. 5**

**SERIES 2010**

**AN ORDINANCE REVISING THE CRESTED BUTTE MUNICIPAL CODE TO REDFINE PERSONAL SERVICE ESTABLISHMENTS TO INCLUDE CHIROPRACTIC OFFICE USES THEREIN**

**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 Town's Zoning and Land Use Ordinance (the "**Ordinance**") contains various defined uses categories, including "personal services establishments," applicable to the Town's zone districts;

**WHEREAS**, at present, chiropractic offices are not included in any use category;

**WHEREAS**, the Town staff has recommended that chiropractic offices be included in a use category as various chiropractic offices presently exist in Crested Butte and such offices should fall within a defined use category;

**WHEREAS**, the Town staff has studied the nature of chiropractic offices and found that they represent a hybrid between doctors' offices (i.e., office uses) and healing arts provider offices (i.e., personal services uses);

**WHEREAS**, the Town Council finds, having heard from the Town staff relative to its studies of chiropractic offices, that such offices are more akin to a personal service uses like healing arts provider offices than doctors' offices;

**WHEREAS**, because such chiropractic offices are similar to healing arts provider offices, the Town Council has determined that chiropractic offices should be included within the definition of personal services establishments like healing arts provider offices; and

**WHEREAS**, the Town Council has determined that the below changes to the Ordinance, specifically, including chiropractic offices within the definition of personal service establishments, accomplishes the goals of the Town staff and the Town Council as set forth hereinabove 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. Amending Section 16-1-20. of the Ordinance by Amending the Definition of "Personal Services Establishments" to Include Chiropractic Offices**

**Therein.** The definition of "Personal Services Establishments" contained within Section 16-1-20 of the Ordinance is hereby amended by deleting said definition in its entirety and replacing it with the following new definition:

*"Personal Services Establishments means businesses offering personal services, including but not limited to travel agents, booking agents, recreation services providers or planners, outfitting companies, massage, yoga, healing arts, chiropractic offices, acupuncture, martial arts and other similar disciplines, dance, alternative health services, spas, salons, barber and beauty shops, stationery and graphics shops, laundromats (not commercial), shoe repair, sewing and tailoring, nonproduction copying and printing, studios for instruction in the arts, art studios, radio and television broadcasting and catering services."*

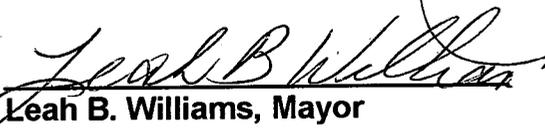
**Section 2. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions 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 3. 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 5<sup>th</sup> DAY OF APRIL, 2010.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 19<sup>th</sup> DAY OF APRIL 2010.**

**TOWN OF CRESTED BUTTE, COLORADO**

By:   
Leah B. Williams, Mayor

**ATTEST:**

  
Eileen Hughes, Town Clerk