

ORDINANCE NO. 11

SERIES 2008

**AN ORDINANCE AMENDING REGULATIONS IN
THE TOWN CODE RELATIVE TO SOLID FUEL
BURNING DEVICES**

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 Crested Butte Municipal Code of 1987, as amended (the "Code"), contains certain regulations relative to solid fuel burning devices;

WHEREAS, the Town has an Energy Conservation Code (the "Energy Code") that contains certain provisions regarding, among other things, the installation of solid fuel burning devices and energy efficiency and emissions standards for the same;

WHEREAS, the Town staff has determined that in some cases the regulations regarding solid fuel burning devices are inconsistent with the requirements of the Energy Code, and, accordingly, the solid fuel burning device regulations require certain revisions so that the same conform with the provisions of the Energy Code; and

WHEREAS, the Town Council finds that the below amendments to the regulations relative to solid fuel burning devices achieve the goal of making said regulations consistent with the Energy Code and are therefore in the best interest of the general health, safety and welfare of the residents and visitors of the Town.

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

Section 1. Amending Section 6-5-1, Definitions. Subsection C) of Section 6-5-1 is hereby deleted in its entirety. Subsections B) and D) of Section 6-5-1 are hereby deleted and replaced with the following, with subsection D) now becoming subsection C) (i.e., previous subsection C) having been deleted):

"B) "Approved Solid Fuel Burning Device" shall mean a solid fuel burning device that emits no more than (i) 2.5 grams of exhaust per hour for catalytic stoves, or (ii) 4.5 grams of exhaust per hour for non catalytic stoves.

C) "EPA Exempt from Certification" shall mean those devices that do not meet the definition of wood stove for one of the following reasons: air/fuel ratio, weight, etc. EPA Exempt appliances may be approved by the Building Official only if the device meets the requisite criteria for Approved Solid Fuel Burning Devices."

Section 2. Amending Section 6-5-3, Permit Required for Solid Fuel Burning Devices. Subsection B) of Section 6-5-3 is hereby deleted in its entirety and replaced with the following:

"B) All applications requesting a first installation of a solid fuel burning device must comply with Section 16-4-6, Solid Fuel Burning Device Permit."

Section 3. Amending Section 6-5-4, Notice of Solid Fuel Burning Device Removal. Reference to "Section 16-4-5" in Section 6-5-4 is hereby deleted and replaced with "Section 16-4-6".

Section 4. Amending Section 15-2-19, Supplemental Regulations and Requirements. Subsection M) of Section 15-2-19 is hereby deleted in its entirety and replaced with the following:

"M. Stove and Fireplace Restrictions. A building housing a retail sales space for authorized stove dealers who are selling stoves approved for use by the Town shall be allowed to have one or two solid fuel burning devices so long as the device(s) in such space are being used for demonstration purposes only."

Section 5. 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 6. Savings Clause. The Crested Butte Town Code of 1987, as previously 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 7th DAY OF JULY 2008.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 21st DAY OF July , 2008.

TOWN OF CRESTED BUTTE, COLORADO

By: 
Leah Williams, Mayor Pro Tem

ATTEST:

A handwritten signature in dark ink, appearing to read "Eileen Hughes", with a long horizontal flourish extending to the right.

Eileen Hughes, Town Clerk

(SEAL)

A faint, circular embossed seal is visible in the background. The text "TOWN OF GREY" is partially legible around the top edge, and "SEAL" is visible in the center.