

**ORDINANCE NO. 3**

**SERIES 2013**

**AN ORDINANCE AMENDING THE CAPITAL EXPANSION RECOVERY SYSTEM FEES CONTAINED IN CHAPTER 17, ARTICLE 5 OF THE CRESTED BUTTE MUNICIPAL CODE**

**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**, Chapter 17, Article 5 of the Crested Butte Municipal Code (the "**Code**") contains a capital expansion recovery system whereby subdivisions approved by the Town will pay a fee for equipment necessary for the Town to serve the residents and landowners of a subdivision;

**WHEREAS**, the Snow Plowing and Traction Control Equipment Chapter of the Crested Butte Land Use Plan was adopted in 1996 and has not been updated to reflect the substantial expenditures made for equipment or the increased level of service since 1996 until the Crested Butte Planning Commission adopted Resolution 2013-1 which amended the Crested Butte Land Use Plan to make such updates;

**WHEREAS**, the Town Council adopted Resolution 2, Series 2013 approving the Planning Commission's 2013 amendments to the Transportation, Snow Plowing Equipment Chapter of the Crested Butte Land Use Plan; and

**WHEREAS**, the Town Council finds that amending the Chapter 17, Article 5 of the Code to codify the recommended policies of the Planning Commission contained in Resolution 2013-1 is in the best interest of the health, safety and general welfare of the residents 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 17-5-100.** Section 17-5-100 is hereby amended as follows:

(a)     Subsection (b)(2) is hereby deleted in its entirety and replaced with the following new subsection (2) which shall read as follows:

“(2)     There is hereby imposed a capital expansion fee per square foot of right-of-way for snow plow equipment upon every additional square foot of street right-of-way in new subdivisions and every additional square foot of area to be plowed by the Town. The fee for each square foot of right-of-way and area to be plowed is \$0.586 cents.”

(b) Table 17-B and the paragraph that immediately follows beginning with “The uses apply . . .” are hereby deleted in their entirety and not replaced.

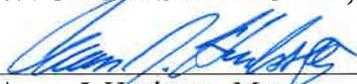
**Section 2. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance 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 Council which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 4<sup>th</sup> DAY OF JANUARY, 2013.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 19<sup>th</sup> DAY OF JANUARY, 2013.**

**TOWN OF CRESTED BUTTE, COLORADO**

By:   
Aaron J. Huckstep, Mayor

**ATTEST:**

 [SEAL]  
Shelley Jansen, Town Clerk

