

ORDINANCE NO. 4

SERIES 2014

AN ORDINANCE AMENDING CHAPTER  
18, ARTICLE 6 OF THE CRESTED BUTTE  
MUNICIPAL CODE TO PROHIBIT  
ABOVE-GROUND TANKS IN CERTAIN  
DEFINED GEOGRAPHICAL LOCATIONS

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 adoption of uniform codes of construction is necessary to ensure safe and sound construction of buildings;

WHEREAS, the Town Council has adopted numerous uniform codes of construction, including, without limitation, the International Fire Code (the "Fire Code");

WHEREAS, the Town staff has recommended that certain changes be made to the Fire Code in order allow for the installation and maintenance of above-ground storage tanks in certain geographical locations in Crested Butte;

WHEREAS, the Town Council has found that allowing the installation and maintenance of above-ground storage tanks in certain geographical locations in Crested Butte is consistent with the Town Council's adoption of uniform codes of construction necessary to ensure safe and sound construction of buildings; and

WHEREAS, the Town Council has determined that the below amendments to the Fire Code suggested by the Town staff promote the desired goals of the Town Council to achieve standardized, safe construction, and, accordingly, are in the best interest of the environment, health, safety and general 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 Chapter 18, Article 6 – International Fire Code.**

Subsections (14) and (15) of Section 18-6-10 are hereby deleted in their entirety and replaced with the following new subsections (14) and (15) that shall read as follows:

“(14) Section 3404.2.9.6.1, Locations where aboveground tanks are prohibited. Replace existing sentence with: “Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the boundaries of the Town, except in those locations as identified in the official map of the “*Locations Permitted for Aboveground Tanks*” found in the office of the Town Clerk. In the event of a conflict with Colorado State or Federal EPA regulations, the

more stringent regulations shall apply. Exception: Tanks legally in existence at the time of the adoption of this Article, provided that they do not pose undue fire or safety hazards.”

(15) Section 3406.2.4.4, Locations where aboveground tanks are prohibited. Replace existing sentence with: “Storage of Class I and Class II liquids in aboveground tanks is prohibited within the boundaries of the Town, except in those locations as identified in the official map of the “*Locations Permitted for Aboveground Tanks*” found in the office of the Town Clerk. In the event of a conflict with Colorado State or Federal EPA regulations, the more stringent regulations shall apply. Exception: Tanks legally in existence at the time of the adoption of this Article, provided that they do not pose undue fire or safety hazards.”

The official copy of the map of the “*Locations Permitted for Aboveground Tanks*” (the “**Aboveground Tanks Map**”) is attached hereto as **Exhibit “A.”** The Town Manager shall cause a copy of the Aboveground Tanks Map to be kept on file in the office of the Town Clerk at all times.

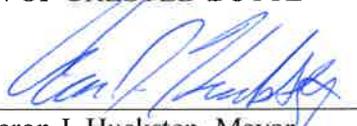
**Section 2. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions 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.

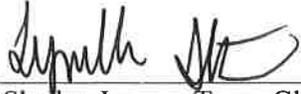
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 21<sup>ST</sup> DAY OF APRIL, 2014.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 5<sup>TH</sup> DAY OF MAY, 2014.

TOWN OF CRESTED BUTTE

By:   
Aaron J. Huckstep, Mayor

ATTEST:

By:  FOR Shelley Jansen [SEAL]  
Shelley Jansen, Town Clerk



