

ORDINANCE NO. 31

SERIES 2010

AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE TO PERMIT THE CONTINUED USE OF SNOW CATS ON PUBLIC STREETS AND HIGHWAYS WHERE CERTAIN CONDITIONS ARE MET AND BY AMENDING SECTION 8-1-30(4)16(k) OF THE CRESTED BUTTE MUNICIPAL CODE TO ELIMINATE THE SUNSET PROVISION THEREOF

WHEREAS, the Town of Crested Butte, Colorado ("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 Model Traffic Code contained in the Crested Butte Municipal Code, as amended ("Town Code"), currently allows for the use of snow cats on public streets and highways under the jurisdiction of the Town;

WHEREAS, the provisions of the Town Code that allow for the use of snow cats on public streets and highways under the jurisdiction of the Town are due to expire and be of no further force and effect on November 11, 2010 unless the Town Council extends the effect of such provisions;

WHEREAS, the Town staff has found that where the requirements of the Town Code are met, the continued use of snow cats on certain public streets and highways under the jurisdiction of the Town should be permitted;

WHEREAS, on account of such findings, the Town staff recommends that the sunset requirement disallowing the use of snow cats on certain public streets and highways under the jurisdiction of the Town as of November 11, 2010 should be stricken from the Code and such use of snow cats as aforesaid permitted going forward; and

WHEREAS, the Town Council finds that allowing the continued use of snow cats on certain public streets and highways under the jurisdiction of the Town should be permitted indefinitely where certain requirements are met, such continued use being in the best interest of the 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 Section 8-1-30(4).** Section 8-1-30(4) is hereby amended in the following manner:

1. by deleting subsections (a) and (b) of Section 8-1-30(4)(16) in their entirety and replacing the same with the following new subsections (a) and (b) which shall read as follows:

"(16)(a) A limited access snow cat route shall be designated within the Town for the use of rubber-tracked snow cat machines on Town public streets and highways. Said route shall be designated by the Town Manager by October 15 of each calendar year. Permission for the use of any snow cat shall be given by permit only, and once obtained from the Town as described herein below, shall be for a period beginning on November 1 and expiring on April 30 of the following calendar year. Any such snow cat shall be operated only on such route, and the use thereof shall at all times conform to applicable state laws and regulations regarding its operation on public streets and highways, including, without limitation, applicable licensing, registration and insurance requirements, shall conform to all ordinances and laws pertaining to the movement and operation of other vehicles and shall not be operated by anyone under the age of sixteen (16) or between the hours of 9:00 p.m. and 7:00 a.m. The Town Council, during the month of October of each year, shall be required to, by formal resolution following a public hearing at a regular or special meeting of the Town Council, approve the continued operation of snow machines for rubber-tracked snow cat machines, the designated route and the restrictions of operations. The notice for the public hearing shall be published at least ten (10) days prior to the public hearing and shall contain the date, time and location of the public hearing and a brief description of the resolution to be proposed.

(b) A permit shall be first obtained from the Town before any snow cat may be used on public streets and highways. It is unlawful for any person to operate any snow cat on public streets and highways without a permit from the Town or to otherwise operate a snow cat in noncompliance with the provisions of this Section. The Town may issue no more than three (3) permits for the operation of snow cats on public streets and highways during each permitting period. Each snow cat shall, at a minimum: (i) be street lawful under applicable law; (ii) not exceed 20,000 pounds gross vehicle weight; (iii) without limiting the requirements of Chapter 8, Article 9 of the Crested Butte Municipal Code, not exceed the decibel levels prescribed for motor vehicles in Section 10-9-60; and (iv) be able to maintain posted speed limits within Town so as not to impede traffic flow."

; and

2. by deleting subsection (k) of Section 8-1-30(4)(16).

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.

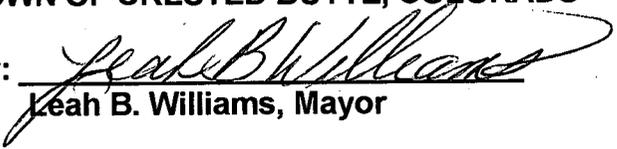
Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as previously amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 18th DAY OF OCTOBER, 2010.

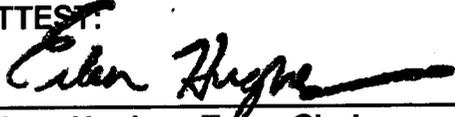
ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 1st DAY OF NOVEMBER, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By:


Leah B. Williams, Mayor

ATTEST:


Eileen Hughes, Town Clerk

(SEAL)