

ORDINANCE NO. 14

SERIES 2008

**AN ORDINANCE AMENDING ARTICLE 14-5 OF THE TOWN CODE, THE TOWN'S WATERSHED PROTECTION DISTRICT ORDINANCE, TO INCLUDE AN EXEMPTION FROM THE APPLICABILITY OF SUCH ORDINANCE FOR ACTIVITIES OF THE UNITED STATES FOREST SERVICE**

**WHEREAS**, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipal corporation 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 Town Code of 1986, as amended (the "**Town Code**"), contains provisions in Article 14-5, Watershed Protection District, the purpose of which is the protection of the municipal waterworks of the Town from injury and the municipal water supply from pollution pursuant to § 31-15-707(1)(b), C.R.S. (the "**Watershed District Regulations**");

**WHEREAS**, the Watershed District Regulations apply to any Activity, as such term is defined in the Watershed Regulations, whether on public or private land and within or partially within the Town's designated Watershed Protection District as identified in the Watershed District Regulations;

**WHEREAS**, the Watershed District Regulations do not presently exempt the United States Forest Service (the "**Forest Service**") from application of the same for Activities conducted by the Forest Service, its employees, agents, contractors or others acting on their behalf (collectively, the "**Forest Service Parties**"), on National Forest System (NFS) lands;

**WHEREAS**, the Town staff has determined that the Forest Service should be exempted from application of the Watershed District Regulations to Activities of the Forest Service where Forest Service Parties are conducting Activities on NFS lands; and

**WHEREAS**, the Town staff has recommended to the Town Council that in order to exempt the Forest Service from application of the Watershed District Regulations where Forest Service Parties are conducting Activities on NFS lands, the Watershed District Regulations require an amendment so exempting the Forest Service; and

**WHEREAS**, the Town Council has determined that the below amendments to the Watershed District Regulations accomplish the desired goals of the Town staff as described above and are in the best interest of the environment, health, safety and general welfare of the residents and visitors of the Town and will continue to protect the municipal waterworks of the Town from injury and the municipal water supply from pollution as intended under the Watershed District Regulations.

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

**Section 1. Amending Section 14-5-11., Reserved, to Include an Exemption for the United States Forest Service.** Section 14-5-11, is amended by deleting said Section in its entirety and replacing the same with the foregoing new Section:

**Section 14-5-11. Exemption.** The United States Forest Service (Forest Service) shall be exempt from application of these Watershed District Regulations for Activities conducted by the Forest Service, its employees, agents, contractors or others acting on its behalf, on National Forest System (NFS) lands. The Forest Service shall, however, provide the Town with a notice of proposed activities which shall include a (i) written description of the Activities to be conducted within the Watershed Protection District, (ii) copy of any final agreements, contracts or other arrangements made with any agents, contractors or others acting on behalf of the Forest Service (other than employees of the Forest Service) in performing said Activities, and (ii) description of the impacts that the Activity will have on the watershed and any mitigation proposed in connection with the Activity."

**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 Town of Crested Butte Municipal Code of 1986, 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 enforcement date hereof.

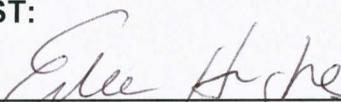
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 18<sup>th</sup> DAY OF August, 2008.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 2<sup>nd</sup> DAY OF September, 2008.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Alan Bernholtz, Mayor

ATTEST:

  
Eileen Hughes, Town Clerk

(SEAL)