

ORDINANCE NO. 3

SERIES 2010

**AN ORDINANCE EXTENDING THE TEMPORARY
MORATORIUM ON THE EXTENSION OF TOWN
SYSTEMS OUTSIDE TOWN BOUNDARIES**

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 Town has in place certain requirements for the extension of water and sewer service and systems outside of the Town's boundaries, which such requirements are codified at Section 13-1-280 of the Crested Butte Municipal Code ("Code");

WHEREAS, on December 7, 2009, the Town Council adopted Ordinance No. 21, Series 2009, which placed a temporary three (3)-month moratorium (the "Moratorium") on the extension of water and sewer service and systems outside of the Town's boundaries;

WHEREAS, during the Moratorium, the Town Staff has been reviewing such requirements, evaluating the needs of the Town and studying the impact on the Town's systems should the Town Council elect to allow such extraterritorial connections so that the Town Council can evaluate amending the Code in order to adopt new rules and regulations for such extensions outside of the Town's boundaries;

WHEREAS, the Town Staff is still reviewing said requirements, evaluating the needs of the Town, studying the impacts on the Town's systems that such extensions will have and considering what new rules and regulations may be most appropriate for the Town in this regard;

WHEREAS, the Moratorium is due to expire on March 16, 2010 and the Town Council will not have been able to fully and adequately explore and consider the Town Staff's findings and recommendations, and consider public input, regarding adopting such new rules and regulations by this date and, therefore, an extension of the Moratorium is necessary to allow the Town Council and the Town Staff to perform their necessary review, consideration and studies regarding possible new rules and regulations; and

WHEREAS, until the Town Staff has presented its findings and recommendations regarding such new rules and regulations to the Town Council, and the Town Council has carefully considered the same, including receiving public input relative thereto, and adopted such new rules and regulations, if at all, the Town Council finds that it is in the best interest of the environment and the health, safety and general welfare of the residents and visitors of the Town that the Town Council extend the Moratorium.

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

Section 1. Extension of Moratorium. The Moratorium on the extension of all water and sewer service and systems outside of the Town's boundaries is hereby extended.

Section 2. New Moratorium Term; Termination. The Moratorium shall now run through the date that is the earlier to occur of (i) the effective date of the an ordinance adopting new regulations and requirements for the extension of water and sewer service and systems outside of the Town's boundaries, or (ii) May 26, 2010 (the "**New Moratorium Term**"). The Moratorium may be terminated at any time by the Town Council by duly adopted ordinance for the immediate preservation of health, safety and general welfare of the residents and visitors of the Town.

Section 3. Applicability. During the New Moratorium Term, no water and sewer service and systems shall be extended outside of the Town's boundaries.

Section 4. 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 5. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 1st DAY OF MARCH, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 15th DAY OF MARCH, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By: *Leah B. Williams, Mayor*
Leah B. Williams, Mayor

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk

