

ORDINANCE NO. 27

SERIES 2019

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 11 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE NEW REGULATIONS IN ARTICLE 1 THEREOF, REQUIRING REMOVAL OF SNOW AND ICE BUILD-UP FROM ROOFS TO PREVENT SNOW SHED.**

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, pursuant to Article XX of the Colorado Constitution and the Land Use Control Enabling Act (Article 20 of Title 29, C.R.S), the Town has the power to exercise its police powers to protect the health, safety, and welfare of the community and its citizens;

WHEREAS, the shedding of built-up snow and ice from the roofs of buildings located within or adjacent to public areas and public streets and rights-of-way maintained by the Town is a hazard for pedestrians and travel;

WHEREAS, the Town Council has determined that regulations to help ensure removal of the snow and ice build-up on the roofs of such buildings relatively soon after a snowstorm are necessary for public safety and welfare;

WHEREAS, proper notice of the public hearing to consider this Ordinance has been accomplished.

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

**Section 1.** **Revising the Title of Chapter 11, Article 1.** The title of Article 1 shall be revised to read as follows:

ARTICLE 1 - Streets, Sidewalks, Snow Management, and Snow Shed Remediation

**Section 2.** **Adding a New Section to Chapter 11, Article 1 of the Code.** A new Section is added to Chapter 11, Article 1 of the Code and shall read as follows:

**Sec. 11-1-70. Snow Shed Remediation.**

(a) **Purpose.** The purpose of this Section shall be to protect public health, safety, and welfare by preventing built-up snow and ice on the roofs of buildings from shedding onto public areas and public streets and rights-of-way maintained by the Town.

(b) **Removal of snow and ice from roofs.** The owner or other person in charge of or having control and supervision of any building located within or adjacent to public areas and public streets and rights-of-way maintained by the Town shall remove snow and ice build-up from

the building's roof within a reasonable time, but no more than 24 hours, following a snowstorm to ensure that each roof plane of the building does not shed snow or ice onto such public areas or public streets and rights-of-way.

(c) **Roof snow and ice management.**

(1) During months that snow accumulates, all eaves and other roof areas of a building that could result in shedding of snow and ice onto public areas and public streets and rights-of-way maintained by the Town shall be inspected on a weekly basis, at a minimum.

(2) Upon identifying a potentially hazardous build-up of snow or ice as a result of inspections or upon receiving notice by a representative of the Town:

(i) The hazard area shall be immediately cordoned off using appropriate fencing or Town approved barriers. In the event that the cordoned off area is an entrance or egress, directions to the alternate entrance or egress area shall be clearly posted.

(ii) Appropriate work crews shall be immediately scheduled to remove the built-up snow or ice. Diligent and reasonable efforts shall be made to complete the snow and ice removal activity within 24 hours of identifying the hazard or receiving notice from the Town.

(iii) All snow and ice removal activities shall be safely completed. At all times during the removal activities there shall be at least one worker posted at ground level to monitor pedestrian safety.

(d) **Failure to comply and notice of violation.** Failure to remove potentially hazardous snow and ice build-up from a building's roof within 24 hours following a snowstorm shall constitute a violation of this Section 11-1-70. The Town shall give written notice to the owner or other person in charge of or having control and supervision of the building, delivered to the party's last known local address, requiring that the built-up snow and ice be removed within 24 hours of receiving notice. Upon failure or refusal to timely remedy or otherwise respond to the notice, the Town may, at its election, remove the snow and ice build-up on the building's roof at the owner's expense.

(1) If the Town determines the snow and ice build-up on a building's roof poses an immediate threat to public safety, the Town may, at its election, remove the snow and ice build-up at the owner's expense.

(e) **Town's election to remove the snow and ice build-up as described in Section 11-1-70(c) is not a waiver.** Notwithstanding the Town's undertaking to remove the snow and ice build-up on a building's roof, neither the Town's election to perform such work nor the Town's actual undertaking to perform such work shall limit the responsibility of the owner or other person in charge or having the control and supervision of the building to remove the snow and ice build-up on the building's roof as required under this Section 11-1-70.

(f) **Liability for property damage and injury to pedestrians.**

(1) The building owner is liable for any damages caused to Town property or private property, or injury to pedestrians from snow and ice falling off the building's roof.

(2) It is the building owner's responsibility to repair, at owner's expense, any damage to Town property or private property resulting from roof snow and ice removal operations.

**Section 3. 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

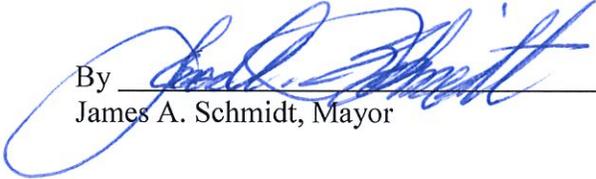
provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 4. 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 that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

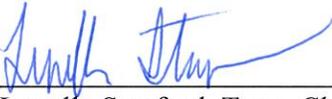
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 17<sup>th</sup> DAY OF June, 2019

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 2<sup>nd</sup> DAY OF July, 2019

TOWN OF CRESTED BUTTE, COLORADO

By  \_\_\_\_\_  
James A. Schmidt, Mayor

ATTEST:

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Lynelle Stanford, Town Clerk

