

ORDINANCE NO. 33

SERIES 2017

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
AMENDING SECTION 8-1-30 TO MODIFY REGULATIONS
REGARDING THE USE OF SNOWCATS IN TOWN**

WHEREAS, the Town of Crested Butte, Colorado (“Town”) is a home rule municipality duly and regularly organized and now validly existing as a body corporate and public under and by virtue of the Colorado Constitution and laws of the State of Colorado;

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

WHEREAS, the Town Council wishes to modify and clarify the regulations around the operation of snow cats in Town including the approval process for the routes, permit requirements and hours of operation; and

WHEREAS, the Town Council finds that modifying and clarifying the specific language in the Code relative to the use of snow cats on certain public streets and highways under the jurisdiction of the Town as set forth in this ordinance is 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 Sec. 8-1-30(4). Section 8-1-30(4) is hereby amended by deleting subsections 13, 14, 15 and 16 in their entirety and replacing the same with the following new subsections 13, 14, 15, 16, 17 and 18:

(13) A snowmobile may be operated on the streets and highways under the jurisdiction of the Town only when such operation is authorized by a special ordinance or addition to this code and appropriate notice is given thereof, and then only in the manner and on such streets prescribed by such ordinance consistent with the provisions of state law.

(14) A limited access snowmobile/ snow cat route is designated within the Town of Crested Butte for use only by the Nordic Center. Said route shall be designated by the Town Manager no later than the 15th day of October of each year. Any snowmobile or snow cat operated on said route will conform to all applicable state laws regarding their operation, will 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. The Nordic Center will be allowed to operate snowmobiles or snow cats on the route at any time provided that such operations are minimized in length and frequency.

(15) A limited access snow cat route shall be designated within the Town for the use by private individuals or business entities 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 or between the hours of 9:00 p.m. and 7:00 a.m. A permitted private snow cat shall make no more than four (4) trips within Town per calendar day. For purposes hereof, 'trip' shall be an act of operating a snow cat on a public street or highway within Town.

(16)

(a) 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 Nordic operations and the operation of other 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.

(b) Application for a permit for the use of a snow cat on public streets and highways shall be submitted to the Town Manager on forms contained in the office of the Town Clerk. The Town Manager may reject any application for being incomplete. As a condition to granting such a permit, the Town shall receive, without limitation, from the applicant therefor, financial security (e.g., irrevocable standby letter of credit, payment bond) acceptable to the Town sufficient to pay for any damage to or destruction caused to public property by such snow cat.

(c) Permits for snow cats shall be publicly displayed on the snow cat when in use. A permit may be used for more than one (1) specific snow cat, provided that: (i) the application for such permit lists each snow cat that the permit applies to if more than one (1); (ii) where more than one (1) snow cat issued under a given permit, the permittee must be the same person, entity or business operation for all of the snow cats; and (iii) at all times when a snow cat is in use, the permit must be placed in a conspicuous place.

(d) The holder of a permit for a snow cat shall assume the risk and indemnify, defend and hold harmless the Town, its elected officials, officers, employees and agents against any and all claims arising from any occurrence occasioned by the permitted use and shall maintain, during the period of the permit, comprehensive general public liability and property damage insurance, naming the Town, its officers, elected officials, employees and agents as additional insureds, providing that the insurance is primary insurance and that no other

insurance maintained by the Town shall be called upon to contribute a loss covered by the Town and providing for thirty (30) days' notice of cancellation or material change to the Town.

(e) A permit issued under the provisions of this Section may not be transferred or assigned for any reason. Any such transfer or assignment shall make the subject permit void *ab initio*.

(f) A snow cat permit is automatically renewable unless the permit is revoked in the same manner as other Town-issued licenses, provided that a permittee who desires to continue operating a snow cat under the permit after the expiration of the permit shall follow the application procedures required of a new applicant. All permits for snow cats issued under the provisions of this Section shall be for snow cats that are being operated in Town no less frequently than once per two (2) calendar weeks.

(g) All snow cat permits shall be issued on a first-come, first-served basis. If two (2) or more applications are received simultaneously, the Town Manager shall determine priority by lot.

(h) No more than one (1) permit for operation of a snow cat under the provisions of this Section may be held by any person, entity or business operation.

(17) Skiing shall be permitted on the following Town streets:

1. On the entire length of Butte Avenue, from the east boundary of Town to the west boundary of Town; and
2. On First Street from Whiterock Avenue to Butte Avenue; and
3. On Whiterock Avenue from the east side of Second Street to the west side of First Street; and
4. On Third Street from Belleview Avenue to Red Lady Avenue; and
5. On Red Lady Avenue from Third Street to the Town Ranch; and
6. On Eighth Street from Red Lady Avenue to Butte Avenue; and
7. On Elk Avenue from the east side of Sixth Street to the east side of Block 69; and
8. On Teocalli Avenue from the west boundary of Town to First Street.

The explanatory map, attached to this Code as Appendix B, shall illustrate where skiers may traverse Town streets. Skiers on Town streets shall ski in a safe and prudent manner, and shall follow all rules and regulations generally applicable to pedestrians.

(18) Kicksleds, coaster sleds and toboggans being pulled by human power, shall be allowed on the streets and alleys within the Town, provided that they not be allowed on Elk Avenue, on Sixth Street, on Gothic Road, or on Maroon Avenue west of First Street, except that such devices may be used only to cross these avenues and streets. Lights and reflectors, as defined in section 221 of this code, must be used on the devices between sunset and sunrise.

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 the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 6th DAY OF November, 2017.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 20th DAY OF November, 2017.

TOWN OF CRESTED BUTTE, COLORADO

By: J. P. [Signature]
Jackson Petito, Mayor

ATTEST:
[Signature]
Lynelle Stanford, Town Clerk

