

ORDINANCE NO. 37

SERIES 2010

AN ORDINANCE AMENDING THE MODEL
TRAFFIC CODE TO PERMIT THE USE OF SNOW
CATS AND NORDIC TRACK SETTING
EQUIPMENT ON PUBLIC STREETS AND
HIGHWAYS WHERE CERTAIN CONDITIONS
ARE MET

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 Town staff has found that the Town Code does not contain specific provisions relative to the use of snow cats for nordic track setting equipment on certain public streets and highways under the jurisdiction of the Town, most notably the designated route therefor;

WHEREAS, the Town staff has recommended the Town Code be amended to include specific language relative to establishing each year the route for the use of snow cats for nordic track setting equipment on certain public streets and highways under the jurisdiction of the Town; and

WHEREAS, the Town Council finds that including specific language in the Town Code relative to establishing the route for the use of snow cats for nordic track setting equipment 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 8-1-30(4). Section 8-1-30(4) is hereby amended by deleting subsections (13) thereof in its entirety and replacing the same with the following new subsection (13) which shall read as follows:

"(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. 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 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 designated route, the restriction of operations and the continued operation of Nordic Center snow mobiles / snow cats. 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."

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 15th DAY OF NOVEMBER, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 6th DAY OF DECEMBER, 2010.

TOWN OF CRESTED BUTTE, COLORADO

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

ATTEST:

Eileen Hughes

Eileen Hughes, Town Clerk

(SEAL)

