

**ORDINANCE NO. 7**

**SERIES 2006**

**AN ORDINANCE AMENDING THE 1987 CRESTED BUTTE MUNICIPAL CODE REGARDING PARKING ON ELK AVENUE DURING TIMES IN WHICH THE WINTER PARKING RULES ARE IN EFFECT.**

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

**WHEREAS**, Article 11-2-3 of the 1987 Crested Butte Municipal Code (hereafter "Code") sets forth Town rules and regulations regarding parking within the Town; and

**WHEREAS**, the Town Council has determined that it is appropriate to grant to the Town Manager discretion to determine when the Town Winter Parking Rules shall be implemented and suspended; and

**WHEREAS**, the Town Council has determined that it is in the best interests of the safety and welfare of Town residents and visitors that parking not be allowed on the north side of Elk Avenue, from Second Street to Fourth Street, during the times that the Winter Parking Rules are in effect, except for some specific areas, where brief parking for loading and unloading shall be permitted; and

**WHEREAS**, the Town Council has found that the amendments contained herein are in the best interests of the health, safety and welfare of the inhabitants of the Town.

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

Section 1. Amending the Article 11-2-3.B.6 to Establish That Parking Shall Not Be Permitted on the North Side of Elk Avenue Between Second Street and Fourth Street. Section 11-2-3.B. 6 is hereby amended by deleting it in its entirety and replacing it with the following:

"6. On every day during which the Winter Parking Rules are in effect, it shall be unlawful to park a vehicle on the north side of Elk Avenue from Second Street to Fourth Street. Vehicles may park only to load and unload.

Section 2. Amending Section 11-2-3.C To Clarify that Parking in Designated Loading Zones is Permitted Only When the Winter Parking Rules Are Not In Effect. Section 11-2-3.C is amended by the addition of the following sentence after the first sentence of that section:

"During the times that the Winter Parking Rules are in effect, it shall be unlawful to

park in any of the below Designated Loading Zones that are located on the north side of Elk Avenue between Second Street and Fourth Street.”

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 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 4. Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS 6th DAY OF MARCH, 2006.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 20<sup>th</sup> DAY OF MARCH, 2006.**

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Alan Bernholtz, Mayor

ATTEST:

\_\_\_\_\_  
Eileen Hughes, Town Clerk

(SEAL)