

ORDINANCE NO. 5

SERIES 2007

**AN ORDINANCE PLACING A MORATORIUM ON
THE INSTALLATION OF NEW SNOWMELT
SYSTEMS IN THE TOWN OF CRESTED BUTTE
UNTIL MAY 15, 2007**

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, it has been widely accepted by the scientific community and governmental authorities worldwide that greenhouse gas emissions are adversely effecting the environment and climate change globally;

WHEREAS, the Town has an Energy Conservation Code (the "**Energy Code**") that contains a system aimed at promoting the utilization of higher energy efficiency construction methods in an effort to improve energy efficiency, reduce energy consumption and ultimately reduce greenhouse gas emissions into the environment;

WHEREAS, the Energy Code, while it presently contains requirements for the Town's approval of snowmelt systems, it does not restrict the installation and operation of snowmelt systems on residential and commercial properties;

WHEREAS, the Town Council has determined that restrictions on snowmelt systems within the Town may be necessary to reduce energy usage and greenhouse gas emissions into the environment;

WHEREAS, the Town Staff and the Town Council are in the process of studying, analyzing and debating placing restrictions on the installation of snowmelt systems and the various methods of regulating snowmelt systems as a means to increasing energy efficiency and reducing greenhouse gas emissions into the environment;

WHEREAS, the Town Council finds that reducing greenhouse gas emissions into the environment through the placement of restrictions on the installation of snowmelt systems and the regulation of snowmelt systems is in the best interest of the environment and the health, safety and general welfare of the residents and visitors of the Town; and

WHEREAS, the Town Council has determined that until the Town's Energy Code is amended to include certain restrictions or mitigation strategies related to the installation of snowmelt systems and certain additional provisions for the regulation of snowmelt systems, thus reducing greenhouse gas emissions into the environment, 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 impose a temporary moratorium on the further installation of said snowmelt systems.

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

Section 1. Moratorium. A moratorium ("**Moratorium**") is hereby declared and imposed from the effective date of this Ordinance until May 15, 2006 (the "**Moratorium Period**"), or until further action of the Town Council ending or modifying this **Moratorium**, whichever occurs first. Such further action shall be taken by Resolution.

Section 2. Applicability. This Moratorium shall apply to all properties located in Town. During the Moratorium Period, no new snowmelt systems shall be installed unless they have a previously acquired vested right.

Section 3. Effective Upon Adoption. Town Council hereby finds that the Energy Code, by not containing provisions for the regulation of the installation and operation of snowmelt systems, is inadequate in protecting the environment and the public health, safety and welfare of the residents and visitors of the Town, and therefore, this Ordinance is necessary to the immediate preservation of the environment, public peace, health and safety, and therefore this Ordinance shall take effect immediately upon adoption.

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 hereby amended, the Code 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 20 DAY OF February, 2007.

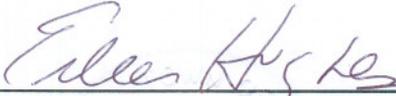
ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 5 DAY OF MARCH, 2007.

TOWN OF CRESTED BUTTE, COLORADO

By:  _____

Alan Bernholtz, Mayor

ATTEST:



Eileen Hughes, Town Clerk

(SEAL)

