

ORDINANCE NO.13

SERIES 2005

AN ORDINANCE AMENDING THE TOWN CODE TO ESTABLISH REGULATIONS RELATING TO CONSTRUCTION SITES.

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, construction activity has an impact on the community as a whole, and it is in the best interests of the citizens and visitors to the Town of Crested Butte that construction activities be conducted in a way as to minimize their impacts on the community; and

WHEREAS, the Town Council finds that the below amendment is in the best interests of the health, safety and general 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. Establishing Regulations for Construction Sites. The Code is amended by the addition of a new Article 16-8 as follows"

"Article 16-8

CONSTRUCTION SITE REGULATIONS

Section 16-8-1. - Definitions. For purposes of this Article, "construction site" shall mean any location where activities pursuant to a building permit are conducted.

Section 16-8-2. – Construction Activity Hours. No construction activity on any construction site shall take place before 7:00 a.m., nor extend past 7:00 p.m., Monday through Saturday. No construction activity on any construction site shall take place before 8:00 a.m. nor extend past 5:00 p.m. on any Sunday.

Section 16-8-3. – Construction Debris. The owner of any property on which construction activity is taking place is responsible for ensuring that all debris, garbage and refuse is removed from the construction site, and that such debris, garbage and refuse does not enter upon the public right of way or any private property.

Section 16-8-4. – Violation, Liability and Penalty. The failure to comply with this

section shall constitute a nuisance. The owner of the property upon which such violation occurs shall be jointly and severally liable for the violation.

(A) Any person who violates any provision of this section shall be punishable by a fine not to exceed one thousand dollars (\$1,000) for each offense. Each day that a violation continues to exist shall constitute a separate and additional offense.

(B) Any person who violates any provision of this section shall be liable to the Town for any expense, loss or damage, including reasonable attorneys' fees, occasioned by reason of such violation.

(C) The Town may institute injunction, abatement or any other action to prevent, enjoin, or abate any violation of this section.

(D) The remedies provided by this section are cumulative and not exclusive, and are in addition to any other remedies provided by law."

Section 2. 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.

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. If any section, provision or part of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS _____ DAY OF _____, 2005.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS _____ DAY OF _____, 2005.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST:

Eileen Hughes, Town Clerk

(SEAL)