

**ORDINANCE NO. 13**

**SERIES 2007**

**AN EMERGENCY ORDINANCE EXTENDING  
UNTIL AUGUST 15, 2007 THE MORATORIUM  
PLACED ON THE INSTALLATION OF NEW  
SNOWMELT SYSTEMS IN THE TOWN OF  
CRESTED BUTTE UNDER ORDINANCE NO. 5,  
SERIES 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**, on March 5, 2007 the Town Council approved Ordinance No. 5, Series 2007 (the "**Ordinance**"), with the same effective date, which such Ordinance placed a moratorium on the installation of new snowmelt systems (the "**Moratorium**");

**WHEREAS**, said Ordinance calls for the Moratorium to expire on May 15, 2007, or until further action of the Town Council modifying said Moratorium;

**WHEREAS**, the Town Council imposed the Moratorium so that, prior to the installation of any new snowmelt systems in Town, Town Staff and the Town Council could study, analyze and debate various methods of regulating snowmelt systems and determine whether the placement of certain restrictions on the installation of snowmelt systems in the Town's Energy Conservation Code (the "**Energy Code**") is appropriate as a means to increasing energy efficiency and reducing greenhouse gas emissions into the environment;

**WHEREAS**, the Town Council found in the Ordinance that based on widely accepted scientific data, greenhouse gas emissions are adversely affecting the environment and climate change globally;

**WHEREAS**, the Town Council determined in the Ordinance that placing restrictions on and regulating the installation of snowmelt systems may be necessary to reduce energy usage and greenhouse gas emissions into the environment and that said restrictions and regulations, if imposed, would be in the best interest of the environment and the health, safety and general welfare of the residents and visitors of the Town;

**WHEREAS**, the Town Council is still in the process of studying, analyzing and debating methods of regulating the installation of snowmelt systems and the placement of restrictions on said installation in the Energy Code; and

**WHEREAS**, the Town Council has determined that, so that it can complete its study, analysis and debate of the placement of said restrictions and the methods of regulation, and prepare amendments to the Energy Code so reflecting such studies, analysis and debate before

any new snowmelt systems are installed, it must modify the Moratorium to extend the Moratorium Period (as defined in the Ordinance), and that such modifications and extensions described below are in the best interest of the environment and 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. Modification/Extension of Moratorium.** The Moratorium is hereby modified and extended until **August 15, 2007** (the "**New Moratorium Period**"), or until further action of the Town Council terminating, extending or otherwise modifying said Moratorium.

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

**Section 3. Emergency; Need for Moratorium; Effective Upon Adoption.** The Energy Code, by not containing provisions for the restriction and 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, and the Moratorium modified and extended hereby, is an emergency and it is necessary for the immediate preservation of the environment, public peace, health and safety. 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.** The Crested Butte Town Code of 1987, as 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 date of adoption hereof.

**INTRODUCED AND ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 7 DAY OF May, 2007.**

**TOWN OF CRESTED BUTTE, COLORADO**

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

**ATTEST:**

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**Eileen Hughes, Town Clerk**

**(SEAL)**