

ORDINANCE NO. 21

SERIES 2009

**AN ORDINANCE PLACING A TEMPORARY
MORATORIUM ON THE EXTENSION OF TOWN
SYSTEMS OUTSIDE TOWN BOUNDARIES**

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, the Town has in place certain requirements for the extension of water and sewer service and systems outside of the Town's boundaries, which such requirements are codified at Section 13-1-280 of the Crested Butte Municipal Code ("**Code**");

WHEREAS, the Staff is currently in the process of reviewing such requirements and, insodoing, has determined that such requirements do not fully encompass the needs and desires of the Town should the Town Council elect to allow such extraterritorial connections;

WHEREAS, accordingly, the Staff has recommended to the Town Council that it amend the Code and adopt new rules and regulations for the extension of water and sewer service and systems outside of the Town's boundaries;

WHEREAS, the Town Council has determined that permitting the extension of water and sewer service and systems outside of the Town's boundaries will cause significant impacts upon the Town's systems and will cause the Town to have to expend significant resources to operate, support and maintain the same;

WHEREAS, the Town Council has determined that the Town's requirements for the extension of water and sewer service and systems outside of the Town's boundaries do not adequately address these issues and other related considerations;

WHEREAS, the Staff is in the process of studying these impacts upon the Town's systems and what the Town will have to expend to operate, support and maintain the same;

WHEREAS, once said studies by the Staff are complete, the Staff expects to present draft regulations embodying its findings; and

WHEREAS, until the Staff has presented such regulations to the Town Council, and the Town Council has carefully considered the same and adopted new regulations, the Town Council finds that 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 extension of water and sewer service and systems outside of the Town's boundaries.

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

Section 1. Temporary Moratorium. A temporary moratorium (the "**Moratorium**") is hereby declared on the extension of all water and sewer service and systems outside of the Town's boundaries.

Section 2. Moratorium Term; Termination. The Moratorium shall run from the date of adoption of this ordinance (i) until such time that the Town adopts new regulations and requirements for the extension of water and sewer service and systems outside of the Town's boundaries, or (ii) for three (3) months; whichever occurs first (the "**Moratorium Term**"). The Moratorium may be terminated at any time by the Town Council for the immediate preservation of health, safety and general welfare of the residents and visitors of the Town.

Section 3. Applicability. During the Moratorium Term, no water and sewer service and systems shall be extended outside of the Town's boundaries.

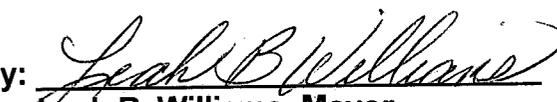
Section 4. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions 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 amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 16th DAY OF NOVEMBER, 2009.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 7th DAY OF DECEMBER, 2009.

TOWN OF CRESTED BUTTE, COLORADO

By: 
Leah B. Williams, Mayor

ATTEST:


Eileen Hughes, Town Clerk