

ORDINANCE NO. 17

SERIES 2010

**AN ORDINANCE AMENDING THE CRESTED BUTTE MUNICIPAL CODE REGARDING THE PERMITTED SIZE OF HANDCARTS AND ELIMINATING THE PARKING REQUIREMENTS CONCERNING FOOD CARTS AND MERCHANDISE CARTS**

**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 the laws of the State of Colorado;

**WHEREAS**, the Crested Butte Municipal Code ("Code") contains certain requirements for the dimensions of *Handcarts*, as defined in the Code, and parking requirements concerning *Food carts* and *Merchandise carts*, as also defined in the Code;

**WHEREAS**, the Town staff has recommended that the dimensions of such Handcarts be amended in order to permit a larger variety of Handcarts to operate, and that the parking requirements for Food carts operating on private property and Merchandise carts be deleted from the Code, such requirements being too limiting on such carts' use on private property and unnecessary;

**WHEREAS**, the Town Council hereby finds that Handcarts, Food carts and Merchandise cart are an important retail amenity to residents and tourists of Crested Butte; and

**WHEREAS**, for the reasons stated above, the changes to the Town Code proposed hereinbelow are in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte.

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

**Section 1. Amending Section 6-4-10, Definition of Handcart.** The definition of "Handcart" contained in Section 6-4-10 is hereby deleted in its entirety and replaced with the following new definition thereof:

"*Handcart* means a structure with at least two (2) operational wheels, that is mobile and is used for vending food or merchandise and that is no more than twenty (20) square feet in size and seven (7) feet in height, excluding umbrellas and other similar devices."

**Section 2. Amending Section 6-4-60, Food Cart Regulations, to Delete the Parking Requirements for Food Carts Operating on Private Property Contained in Subsection (6) Thereof.** Subsection (6) of Section 6-4-60 is hereby deleted in its entirety and the subsections appearing immediately thereafter renumbered accordingly.

**Section 3. Amending Section 6-4-70, Merchandise Cart Regulations, to Delete the Parking Requirements for Merchandise Carts Contained in Subsection (4) Thereof.** Subsection (4) of Section 6-4-70 is hereby deleted in its entirety and the subsections appearing immediately thereafter renumbered accordingly.

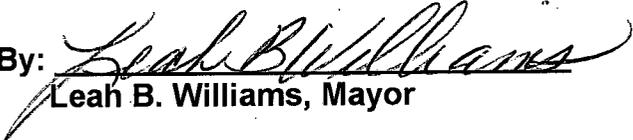
**Section 4. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance 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 of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

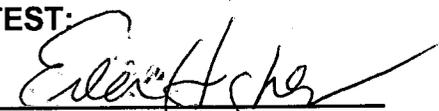
**INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 14<sup>th</sup> DAY OF JUNE, 2010.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 21<sup>st</sup> DAY OF JUNE, 2010.**

**TOWN OF CRESTED BUTTE, COLORADO**

By:   
Leah B. Williams, Mayor

**ATTEST:**

  
Eileen Hughes, Town Clerk

