

**ORDINANCE NO. 10**

**SERIES 2013**

**AN ORDINANCE AMENDING THE DEFINITION OF  
HANDCART CONTAINED IN SECTION 6-4-10 OF THE  
CRESTED BUTTE MUNICIPAL CODE**

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 (the "**Code**") contains certain requirements for the dimensions of *Handcarts*, as defined in the Code;

WHEREAS, the Colorado Department of Public Health and Environment (CDPHE) has requirements relative to water and wastewater in mobile units including, without limitation, Handcarts as contemplated in the Code;

WHEREAS, in order to accommodate users of Handcarts in their compliance the CDPHE's requirements, inclusive of required water tanks, the dimensions of Handcarts under the Code should be changed from 20 to 24 square feet;

WHEREAS, Town staff has recommended that the dimensions of Handcarts under the Code should be changed from 20 to 24 square feet in order to accommodate users of Handcarts in their compliance the CDPHE's requirements;

WHEREAS, the Town Council hereby finds that Handcarts are an important retail amenity to residents and visitors of Crested Butte; and

WHEREAS, for the reasons stated above, the changes to the 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-four (24) square feet in size and seven (7) feet in height, excluding umbrellas and other similar devices."

**Section 2.** **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 3. 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.

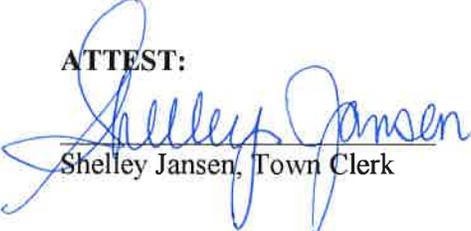
**INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 15<sup>th</sup> DAY OF April, 2013.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 6<sup>th</sup> DAY OF May, 2013.**

**TOWN OF CRESTED BUTTE, COLORADO**

By:   
Aaron J. Huckstep, Mayor

**ATTEST:**

  
Shelley Jansen, Town Clerk

