

Legals

—TOWN OF MT. CRESTED BUTTE—
ORDINANCE NO. 6
SERIES 2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, ADOPTING INDOOR WATER EFFICIENCY STANDARDS AND IMPLEMENTING WATER CONSERVATION MEASURES

WHEREAS, the Town of Mt. Crested Butte, Colorado is a Colorado home-rule municipality with the authority to make and enforce ordinances to protect the health, safety and welfare of its residents and environment; and
WHEREAS, a reliable supply of potable water is essential to the public health, safety and welfare of the people and economy of the Town of Mt. Crested Butte; and
WHEREAS, the Town of Mt. Crested Butte is located in a region that receives limited annual precipitation. Factors such as drought, development, climate change and downstream water delivery obligations affect the region's water reliability and may render the Town of Mt. Crested Butte susceptible to water supply shortages; and
WHEREAS, careful water management requires active water conservation measures, not only in times of drought but at all times, to help ensure a reliable supply of water to meet current and future water supply needs; and
WHEREAS, water conservation ordinances in Colorado have traditionally been limited to time and day of use regulations, water waste, and emergency drought management requirements. However, other western communities use water conservation ordinances more comprehensively to achieve water efficiency in development with indoor and outdoor water standards; and
WHEREAS, the 2015 Final Water Conservation and Use Efficiency Plan for Mt. Crested Butte Water and Sanitation District found that future residential conservation may be best served through code development and enforcement related to the placement of high-efficiency fixtures and appliances; and
WHEREAS, the Town of Mt. Crested Butte finds and determines that the more restrictive building

standards for water conserving fixtures and appliances provided for in this Ordinance are reasonably necessary to achieve the water growth objectives shared by the Town and the Mt. Crested Butte Water and Sanitation District; and
WHEREAS, the Town of Mt. Crested Butte should adopt standards for indoor water use consistent with the State of Colorado's WaterSense rules; and
WHEREAS, the standards adopted with the passing of this Ordinance may be paired with other recommendations from the 2015 Final Water Conservation and Use Efficiency Plan for Mt. Crested Butte Water and Sanitation District, including the adoption of complementary landscape codes; and
WHEREAS, as changes in indoor water efficiency technology occur over time and provide opportunities to conserve water, or hydrologic conditions or regulatory requirements change, or as deemed necessary, this Ordinance may be revised or modified by Ordinance; and
WHEREAS, the Town Council held a public hearing on the proposed ordinance on May 4, 2021, and discussed the proposed Ordinance during regular session on May 4, 2021.
NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, THAT:
Section 1. THIS ORDINANCE shall be known as the Town of Mt. Crested Butte Indoor Water Use Efficiency Ordinance.
Section 2. Chapter 6, Building and Building Regulations, Article VI, shall be amended by the addition of the following:
Article VI. Indoor Water Use Efficiency
Sec. 6-91 Coordination
 This Ordinance shall supplement and where applicable, supersede efficiency standards contained in the International Plumbing code of rules and regulations adopted by the State of Colorado and adopted by reference by the Town of Mt. Crested Butte, as such relate to applications for new or expanded water service.

Sec. 6-92 Definitions
Energy Star Qualified means that a given fixture meets the United States Environmental Protection Agency Energy Star Program standard for an energy efficient product.
Expanded water service means an additional water meter or larger capacity meter is required to serve the existing or proposed development, as determined by the Town of Mt. Crested Butte.
Food Service Establishment shall mean any establishment serving food and/or drink which utilizes plumbing fixtures and appliances to provide service to patrons.
Lodging means any hotel, motel, lodge, townhome or condominium project that offers rooms or groups of rooms designed for or adapted to occupancy by guests, and accessible from common areas without having to pass through another accommodation unit or residential unit. Condominiums and single-family homes offered for short-term rental are considered residential, not lodging.
gal/cycle means gallons per cycle.
gpf means gallons per flush.
gpm means gallons per minute.
Non-Residential means any establishment that is not classified as residential.
permit means the document issued by local agencies in connection with new construction, remodels or renovations and which authorizes the lawful initiation of construction, improvements or repairs to a building or structure.
project applicant means the individual or entity submitting an Indoor Water Use Efficiency Checklist as required under Section VII, and requesting a permit, plan check, design review, or new or expanded water service application from the local agency. A project applicant may be the property owner or his or her designee.
Residential means any housing classified in Chapter 21 as single-family, low density multiple-family, or high density multiple family.
sq. ft. means square feet.

WaterSense Qualified means that a given fixture meets the United States Environmental Protection Agency WaterSense Program standard for a water efficient product.
Zoning Administrator shall mean the town manager or designee whose duty it is to enforce the zoning regulations of this chapter.
Sec. 6-93 Applicability.
 a) The provisions of this Ordinance shall apply to the following:
 i. All new construction regardless of building occupancy classification.
 ii. Any construction to existing structures requiring new or expanded water service, including all additions that require a permit involving water using fixtures, only applicable to the fixtures that are being replaced as a part of the project's scope of work.
 iii. Remodels that require a permit that involve replacement of plumbing fixtures, only applicable to the fixtures that are being replaced as a part of the project's scope of work.
 b) The provisions of this Ordinance shall not apply to:
 i. Development with plumbing fixtures and appliances that already meet water efficiency standards specified herein.
 ii. Existing development not seeking a building permit, plan check, design review or new or expanded water service.
 iii. Remodels where, in the discretion of the Town of Mt. Crested Butte, the drainage or wastewater system is incompatible with the water efficiency standards for reasons of public health or safety.
Sec. 6-94 Minimum indoor fixture and appliance requirements.
 All new and existing development subject to this Ordinance will have, at a minimum, fixtures and appliances that comply with the efficiency standards listed below (the "Indoor Water Use Efficiency Standards Table"). If an updated, more stringent WaterSense standard exists at the time of development, the project applicant must meet those efficiency standards.

Indoor Water Use Efficiency Standards Table			
Plumbing Fixture/Appliance	Residential (Maximum Flow Rate Or Quantity)	Non-Residential (Maximum Flow Rate Or Quantity)	Food Service Establishments and Lodging (Maximum Flow Rate Or Quantity)
Toilets	≤ 1.28 gpf	≤ 1.28 gpf	≤ 1.28 gpf
Toilet, public (metering)	---	≤ 0.25 gpm	≤ 0.25 gpm
Town Toilet, public (other than metering)	---	≤ 1.28 gpf	≤ 1.28 gpf
Shower head	≤ 2 gpm	≤ 2 gpm	≤ 2 gpm
Faucet (lavatory and/or bar)	≤ 1.5 gpm	≤ 1.5 gpm. All faucets must be equipped with an aeration device	Pre-rinse hand-held dish-rinsing wands must not exceed 1.6 gallons per minute and must utilize positive shut-off valves. Restaurants shall be equipped with Water Sense pre-rinse valves.
Kitchen and/or utility sink faucets	≤ 2.2 gpm	≤ 2.2 gpm	≤ 0.5 gpf
Urinal	---	≤ 0.5 gpf	---
Dishwashers	Energy Star Qualified	---	---
Clothes washers	Energy Star Qualified	≤ Commercial clothes washing machines shall have a water factor of 4.5 or lower.	Energy Star Qualified
Ice makers	---	---	Energy Star Qualified
Commercial refrigeration	---	---	Closed loop, or air-cooled
Automatic vehicle wash facilities	---	---	≥ 75% of water is recycled on site

Sec. 6-95 Lodging Establishments, Water Features and Water Restrictions
 a) Lodging Establishments. Lodging establishments must cover outdoor swimming pools and hot tubs when closed.
 b) Water features.
 i. Recirculating water systems shall be used for water features.
 ii. Where available, recycled water shall be used as a source for decorative water features.
 iii. Covers shall be used for all outdoor pools and spas when closed.
 c) Water restrictions.
 Standard Irrigation Regulations are articulated and enforced by the Mt. Crested Butte Water and Sanitation District. These regulations address standard irrigation restrictions as well as emergency irrigation restrictions.
Sec. 6-96 Compliance, modification, and enforcement.

a. **Compliance.** Applicants shall:
 i. Submit a Water Use Efficiency Compliance Form to the Community Development Department for verification prior to construction, or prior to the final framing inspection, or a timeframe set by the Community Development Director prior to Certificate of Occupancy or Final Building Inspection Approval, or
 ii. Submit a Water Use Efficiency Compliance Form to the Community Development Department before or at the time of final building inspection or final building inspection approval, or
 Submit a modification request if the section cannot be met
 b. **Modification.** The Zoning Administrator may grant a modification of the regulations contained in this article only upon a finding that all the following criteria are met:
 i. The modification will be consistent with public health, safety, and welfare.

ii. The modification is justified by the fact that the water fixture(s) as required cannot be installed without financial or physical difficulty.
 iii. The modification to be granted will be substantially consistent with the purposes in this article to conserve water use.
 c. **Enforcement.**
 In order to pass the final building inspection, which is required to close out a permit pulled by the applicant, the compliant fixtures shall be approved and in place. A final inspection approval will not be issued until compliance with this ordinance is confirmed and approved.
Section 3. Severability. If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and

shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.
 INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, this 18th day of May, 2021.
 PASSED, ADOPTED, AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held the 15th day of June, 2021.
 TOWN OF MT. CRESTED BUTTE, COLORADO
 S:/ Janet R. Farmer
 By: Janet R. Farmer, Mayor
 ATTEST:
 S:/ Tiffany O'Connell
 Tiffany O'Connell, Town Clerk
 Published in the *Crested Butte News*. Issue of June 25, 2021. #062503

—NOTICE OF PUBLIC HEARING—
REGARDING PETITION TO VACATE A PORTION OF A CERTAIN STREET IN SOMERSET, COLORADO
 The Board of County Commissioners of Gunnison County, Colorado, will hold a public hearing regarding the petition filed by Clifford Brewer and Jedediah Brown to vacate a portion of a certain street in Somerset, Colorado. The portion of the street that the petitioners seek to have vacated is described as follows:
 A portion of 10th Street adjacent to Lots 2 and 3, Block 1, (168.65 feet in length), part of Section 8 & Section 17, Township 13 South, Range 90 West, Sixth Principal Meridian in Somerset, Colorado, located in Gunnison County.
 The public hearing will be held on **July 6, 2021, at 8:50 a.m. in the Commissioners Room, Gunnison County Courthouse, 200 East Virginia Avenue, Gunnison, Colorado.** The public is invited to attend and participate.
 /s/ Marlene Crosby
 Public Works Director
 Published in the *Crested Butte News*. Issues of June 25 and July 2, 2021. #062502

—TOWN OF MT. CRESTED BUTTE—
**ORDINANCE NO. 5
 SERIES 2021**
 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AMENDING CHAPTER 21 ZONING, ARTICLE I. IN GENERAL, SECTION 21-1 DEFINITIONS, AND ARTICLE XI, PLANNED UNIT DEVELOPMENT DISTRICT OF THE TOWN OF MT. CRESTED BUTTE TOWN CODE
 INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the
 Town of Mt. Crested Butte, Colorado, this 15th day of June 2021.
 Second reading is scheduled for July 6, 2021.
 Full copies of this ordinance are available by contacting Tiffany O'Connell, Town Clerk, at toconnell@mtcrestedbuttecolorado.us or by calling Town Hall at 970-349-6632.
 Published in the *Crested Butte News*. Issue of June 25, 2021. #062504

—LEGAL—
PLEASE TAKE NOTICE, that Ordinance No. 10, Series 2021, was passed on second reading and public hearing at a regular meeting of the Town Council of the Town of Crested Butte, Colorado, on Monday, June 21, 2021 in the Town Offices at 507 Maroon Avenue, Crested Butte, Colorado:
 Ordinance No. 10, Series 2021 - An Ordinance of the Crested Butte Town Council Authorizing a Potable Water Service Agreement for Lot 5, Trapper's Crossing South, Gunnison County, Colorado.
 The full text of Ordinance No. 10, Series 2021 is on file at the Town Offices at 507 Maroon Avenue and will be available on the Town website at townofcrestedbutte.com for public reading. This ordinance shall become effective five days after the date of publication.
TOWN OF CRESTED BUTTE, COLORADO
 /s/ Lynelle Stanford, Town Clerk
 Published in the *Crested Butte News*. Issue of June 25, 2021. #062506

legals@crestedbuttenews.com