

TOWN OF MT. CRESTED BUTTE
ORDINANCE NO. 23
SERIES 2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE COLORADO AMENDING SECTIONS 6-2 AND 6-19 AND REPEALING AND REPLACING SECTIONS 6-21, AND 6-35 OF THE CODE OF THE TOWN OF MT. CRESTED BUTTE, COLORADO TO CLARIFY THE TOWN'S CONSTRUCTION PARKING REGULATIONS, REQUIRE WILDLIFE RESISTANT CONTAINERS WHEN BUILDING, AND ADJUST THE TOWN'S BUILDING AND RESIDENTIAL CODES' CLEAN-UP DEPOSIT METRICS

WHEREAS, the Town of Mt. Crested Butte, Colorado ("Town") is a Colorado home-rule municipality governed by its Town Council ("Council") having all the powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. §§ 31-15-501 and 31-23-301, *et seq.*, the Town, acting through its Council, is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, pursuant to this authority, the Council previously adopted Chapter 6 of the Code of the Town of Mt. Crested Butte ("Code"), which pertains to various adopted International Codes; and

WHEREAS, Town staff has conducted a review of the existing Code and recommends amendments to the Code to clarify the need to receive the Town Manager's approval for construction parking, codify the requirement to utilize wildlife resistant containers during building, and to adjust the clean-up deposit metrics for both the building and residential codes; and

WHEREAS, Council desires to adopt these staff recommendations and amend the Code accordingly pursuant to the procedures provided by C.R.S. § 31-16-207.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO:

Section 1. Section 6-2 of the Code, concerning parking related to building activities, is hereby amended through the deletion of the struck through language and addition of the capitalized language to read in its entirety as follows:

Sec. 6-2 Parking.

Parking between the dates of April 16 and November 14 by contractors, subcontractors or any other persons may be allowed on the street within the Town's rights of way if permission is granted by the TOWN MANAGER OR DESIGNEE ~~building official~~. This parking shall be on one side only of the street. This on street parking will be allowed only in the event that parking on the property under construction is not possible, with an explanation submitted

to the TOWN MANAGER OR DESIGNEE ~~Building Official~~ detailing the inability to park on the property. Access through the street must be maintained at all times. Under no circumstances will construction materials or equipment, including tool containers, portable toilets or dumpsters, be allowed within the public right-of-way unless permission is granted by the TOWN MANAGER OR DESIGNEE ~~Building Official~~. On street parking within the town's rights of way is prohibited between the dates of November 15 and April 15. Special permission may be granted by the TOWN MANAGER OR DESIGNEE ~~Building Official~~ for temporary loading and unloading on a case-by-case basis and shall get approval prior to scheduled time.

Section 2. Section 6-19 of the Code, concerning building permits, is hereby amended through the deletion of the struck through language and addition of the capitalized language to read in its entirety as follows:

Sec. 6-19 Permits.

Section 105.3, Permits, Application for Permit, of the International Building Code adopted in this article is hereby amended with the addition of the following subparagraphs:

Section 105.3.

8. In the event land other than that specified in subparagraph (2) above is to be utilized by the contractor or applicant for storage of construction materials or for the parking of vehicles, office trailers or other equipment, applicant shall provide written authorization from the owner of such other land for such use, specifying the type and term of the use being authorized.

9. Be accompanied by a recent site survey or plat, and legal description of the proposed building site or property, prepared by a registered land surveyor, licensed to practice in the state of Colorado at the time of application for a building permit. The plat or survey shall show all existing features, improvements, landscaping, water features, wetlands, topographic lines spaced no greater than 2 two feet, etc. The surveyor making the plat shall certify thereon that it is correct and that the perimeter monuments described therein have been placed as described, and affix his name and seal. The plat submitted shall reflect the type of monument set on the property corners and the location and dimension of all easements or right-of-ways of record or known to exist, except when a building permit is sought to reconstruct or remodel totally within the limits of an existing building or structure.

10. Be accompanied by a letter from the Crested Butte Fire Protection District (CBFPD) stating that the proposed project is in conformance with the provisions of Chapter 8, Article I, of the Mt. Crested Butte Code and that access roads, water supply and any other fire prevention and fire suppression requirements have been provided.

11. Be accompanied by a Construction Management Plan (CMP) demonstrating how the impacts of the proposed project to the community will be minimized. The CMP shall include a site plan and narrative demonstrating compliance with

the following requirements:

(a) Parking: The site plan must show the location of all job site related vehicles, including number and location of requested street parking spaces, locations for material storage, and construction equipment. If parking is permitted in the right-of-way, all parking must be on the same side of the street and approved by the Town. No parking will be allowed on driveways other than the project lot without the expressed written consent of said property owner. The plan must demonstrate parking for employees, equipment and delivery vehicles, and must also include the maximum number of vehicles expected to be on site at any given time. On street parking within the town's rights of way is prohibited between the dates of November 15 and April 15.

(b) Staging of Materials: The plan shall specify construction staging area locations. All staging must be onsite unless expressed written consent is given to stage elsewhere. Loose job material storage is not permitted in public right-of-way under any circumstances.

(c) Cleaning of Roads: Mud tracking ramps and tire washout stations are required. Location and operation procedures shall be described in plans. At the end of the work day all public roads must be clear of dust, mud, water, etc., which is due to construction. Failure to do so will result in the Town of Mt. Crested Butte sweeping the roads at the contractor's expense.

(d) Trash, Toilet Facilities, and Temporary Office Trailer: All food related trash on site must be stored in in a ~~bear-proof dumpster~~ WILDLIFE RESISTANT CONTAINERS pursuant to APPLICABLE TOWN CODE ~~Ordinance 6 Series 2007 in the Mt Crested Butte Town Code~~. All sites must be free of trash and refuse at all times. Construction trailers, portable restrooms, and dumpster locations shall be clearly designated on the project's site plan. All temporary structures must be stored on private property and not in the public right-of-way. The Town may approve a written request for the temporary placement of construction trailers, portable restrooms, dumpster and other similar items associated with construction.

(e) Temporary Safety Fencing: The Town may require construction areas to have a nonremovable construction fence of other approved device securely placed around the areas to be protected.

(f) Hours of Construction: A person commits the crime of disturbing the peace if in a public or private place he/she performs any construction work, including but not limited to pile drivers, chainsaws, and other loud equipment: between the hours of 7:00 p.m. and 7:00 a.m., Monday through Friday, 6:00 p.m. to 7:00 a.m. Saturday, and 5:00 p.m. to 10:00 a.m. on Sundays.

(g) Pets: All pets must be controlled and securely tied up at all times.

Under no circumstances shall pets be allowed to move about freely on a site.

(h) Adjoining Properties: No person shall excavate on land close enough to a property line to endanger any adjacent public street, sidewalk, other public or private property, or easement, without supporting and protecting the property from any damage that might result from construction operations.

(i) Traffic Control: Any temporary blockage of traffic due to construction must be first approved by the Town of Mt. Crested Butte's Police and Maintenance departments. If traffic is to be blocked, certified flaggers must be used to control traffic.

(j) Concrete washout stations: On site concrete washout stations are required and locations and procedures shall be described in Construction Management Plan (CMP).

(k) Temporary Lighting Plan: Any temporary lighting used on site must be approved by Town staff.

(l) Snow storage and snow removal plan: Snow should be generally stored on site. If stored off site the CMP must identify the location of the off-site snow storage and include approval of the property owner on which the snow is stored. Snow is not permitted to be stored in the Town right-of-way. The general contractor is responsible for clean-up and drainage control.

(m) Dust Mitigation: Cover material shall be required for piles of dirt and areas where the groundcover has been disturbed and not yet re-vegetated unless such piles of dirt and disturbed areas are actively used in on going construction activities.

(n) Dust Control: Dust control for the project site and any staging or parking areas shall be required. On any disturbed areas determined by the building official to be causing significant fugitive dust to go into the atmosphere, the dust control procedures will be used to control fugitive dust from entering the atmosphere. Procedures may include, but not be limited to the application of water, magnesium chloride, or other dust inhibitor, and the cleaning of streets or paved surfaces where dirt and mud was deposited by vehicles or equipment from the project site or staging area.

(o) Sediment and Erosion Control: The main objective of the storm water management plan shall be to identify Best Management Practices which will minimize erosion and sediment transport. The following apply:

- i. Stock Piles must be protected with erosion control devices.
- ii. City inlets, gutters, swales, and irrigation ditches shall be protected with erosion control devices and such protection shall

be maintained for the duration of the project.

iii. A description of procedures used to protect and maintain in good and effective operating condition the erosion/sediment control measures until final stabilization is required.

iv. Temporary Drainage Plan- As site conditions change during the construction process, temporary drainage and erosion control will be required. The contractor is responsible for outlining what kind of drainage and erosion control is warranted for various stages of the work such as excavation, foundation, driveway access, grading, etc...

(p) Topsoil Retention: must be retained and protected to use after development of the site.

12. Gunnison County Building Contractor License.

(a) All building permit applications for new construction shall include proof of a current Gunnison County Building Contractor license. The license shall be the type (Class A, Class B, or Class C) associated with the scope of work for the building permit application.

(b) All building permit applications for additions and level 2 and level 3 alterations governed by the International Existing Building Code (IEBC) and International Building Code (IBC) shall include proof of a current Gunnison County Building Contractor license. The license shall be the type (Class A, Class B or Class C) associated with the scope of work for the building permit application. The building official shall have the discretion to waive this requirement.

Exception: Property owners of an individual R1, R2, or R3 unit acting as their own contractor who provide proof of passing the contractor test associated with the Gunnison County contractor license.

13. Evidence of tap fee payment required. The building official shall not issue any building permit which would approve a building project that requires new or additional facilities to be tapped into the Mt. Crested Butte Water and Sanitation District's water and/or sewage system without first receiving satisfactory evidence from the Mt. Crested Butte Water and Sanitation District that all required tap fees have been paid or a written waiver, signed by the district's superintendent or his duly authorized representative, stating the reasons for the applicant's tap fee waiver.

Section 105.5, Permits, Expiration, of the International Building Code adopted in this article is hereby amended with the addition of the following paragraphs:

Section 105.5, Expiration.

Before work on an expired permit can be recommenced, a new permit shall be

obtained to do so, and the required permit fees (building permit and plan-check) shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded 270 days. In order to renew action on a permit after work has been suspended or abandoned for more than 270 days, the permittee shall pay a new full permit fee.

All buildings, structures or work whose permit has expired and for which no application for renewal has been made, are to be considered dangerous buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this chapter providing for the abatement of dangerous buildings.

In consideration of the short building season and the resort aspect of the community in Mt. Crested Butte, contractors are encouraged to complete the exterior portion of buildings before the winter season.

Section 105.6, Permits, Suspension or revocation, of the International Building Code adopted in this article is hereby amended in its entirety to read as follows:

Section 105.6, Permits, Suspension or revocation.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error, or on the basis of incorrect, inaccurate or incomplete information, or where the work being performed authorized under the permit is found to be in violation of any terms or conditions placed upon issuance of the permit by the building official, or in violation of any ordinance or regulation or any of the provisions of this building code.

Section 3. Section 6-21 of the Code, concerning building fees, is hereby repealed and replaced to read in its entirety as follows:

Sec. 6-21 Fees.

Section 109.2, Fees, Schedule of permit fees, of the International Building Code adopted in this article is hereby amended in its entirety to read as follows:

Section 109.2 Fees, Schedule of permit fees. On construction of new buildings or structures requiring a permit, a fee for each permit shall be paid as required in accordance with Table 1-A.

TABLE 1-A – BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50

\$501.00 to \$2000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2000.00
\$2001.00 to \$25,000.00	\$69.25 for the first \$2000.00 plus \$14.00 for each additional \$1000.00 , or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof.

Section 109.3, Fees, Building permit valuations, of the International Building Code adopted in this article is hereby amended in its entirety to read as follows:

The applicant for a permit for new construction, alteration, repair, moving an existing structure, or building demolition, or to change the occupancy of a building or structure, shall provide an estimated permit value at the time of application. Permit valuations shall include the total valuation of work for which a permit is being issued. Total valuation shall mean the valuation of the entire project excluding land, design costs (architecture and engineering), water and sewer tap fees and building permit fees. If, in the opinion of the Building Official, the valuation provided by the applicant is underestimated, a permit shall be denied until such time as the applicant can provide additional evidence supporting the estimates of value which are approved by the Building Official. The final permit valuation shall

be determined by the Building Official. The Building Official reserves the right to require a financial audit and to request any and all applicable records relating to the actual value of labor and materials for which a permit has been issued prior to the final refund of the design review compliance and cleanup deposit. In the event that the Building Official determines the actual value of the work performed pursuant to the permit is greater than as estimated on the application, the applicant shall pay any additional permit fees and deposits due on the additional value of the work.

Section 109.5, Fees, Related fees, of the International Building Code adopted in this article is hereby amended by the addition of the following at the end of the text:

Section 109.5, Fees, Related fees.

A Plan Check Fee shall be paid at the time of submitting the submittal documents for plan review. Said Plan Check Fee shall be 65% of the Building Permit Fee. The Plan Check Fee specified in this section is a separate fee from the permit fee specified in Section 109.2 and is in addition to the permit fee.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged to the applicant as described above.

In the event that plan check costs exceed said fee collected, a fee in the amount necessary to cover all costs incurred will be charged to the applicant.

In the event that the building official determines that the use of outside consultants is necessary to perform the required plan check and inspections, a fee in the amount necessary to cover all costs incurred will be charged to the applicant.

Section 109.6, Refunds, Fees, of the International Building Code adopted in this article is hereby amended in its entirety to read as follows:

Section 109.6, Refunds, Fees.

The building official may authorize refunding of not more than eighty (80) percent of the permit and plan check fees paid when no work has been done under a permit issued in accordance with this code. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 109, Fees, of the International Building Code adopted in this article is hereby amended by the addition of the following subsection 109.7:

Sec. 109.7 Design Review Compliance and Cleanup Deposit Fees.

1. All persons who obtain a building permit with a valuation of \$1,000.00 or more shall pay a design review compliance fee and cleanup deposit prior to obtaining a building permit in accordance with the following table:

Total	Compliance Fee and Valuation Cleanup Deposit
\$0 - \$999	\$0

\$1,000 - \$4,999	\$500
\$5,000 - \$9,999	\$1,000
\$10,000 - \$99,999	\$2,000
\$100,000 or more	2% of total valuation (including all phases of project)

If in the opinion of the Town the deposit is not in sufficient amount the Building Official may require additional deposit at his/her discretion.

2. Amounts due may be paid by cash payment held by the Town, or posting a bond or other security, in the appropriate amount, forfeitable to the Town upon default hereunder. Approval of the form of security shall be at the sole discretion of the Town. The Town may apply the security, or any portion thereof, to allow the Town to complete a project, reclaim the site, or undertake such other actions as may be necessary to protect the Town and inhabitants in the event the project is abandoned. A project shall be “abandoned” under this section upon expiration of the permit or extensions issued under the terms of Sections 105.3.2 and 105.5 of this chapter.

3. 50% of the Design Review Compliance and Cleanup Deposit may be refunded upon substantial design review completion. Design review completion shall include, but not be limited to, at minimum, issuance of a certificate of occupancy for the entire structure(s), installation of exterior finishes and installation of landscaping as required by design review and this code. At the Town’s discretion, the Town may refund additional deposit funds based on completeness of project.

4. The job site shall be kept clean and orderly at all times, and if it becomes necessary for the Town of Mt. Crested Butte to clean and/or haul debris or material from the site during construction, the fee for such services may be deducted from this deposit.

5. All construction debris shall be stored in one general location and shall be removed from the site weekly.

6. Open burning of construction debris is prohibited. Permits for open burning may be issued in accordance with Chapter 8, Article II, of the Mt. Crested Butte Town Code.

7. The remainder of the Design Review Compliance and Cleanup Deposit will be refunded when, in the opinion of the building official:

a. the landscaping required by design review and this code has been established and all remaining items for Design Review Compliance have been satisfied. In the event that the property has been legally conveyed or that the landscaping has not established itself within a 2-year period from the initial installation or in the event that the required design review compliance and cleanup is not accomplished in a timely manner, after reasonable notice by the Town to the owner of the subject property of such failure, then the Town may cause such cleanup and/or design review compliance to be performed, or may cause such project or building to be abated, utilizing such deposit or bond to offset any costs incurred, and, in the event such costs exceed the deposit or bond, the town shall have a lien upon the subject property in such amount, which lien, along with all costs and attorney’s fees incurred, may be enforced and foreclosed in the same manner as general mechanic’s

liens in the State of Colorado.

b. No final refund of the Design Review Compliance and Cleanup Deposit shall be given until an improvement location certificate (ILC) or plat prepared by a registered land surveyor, licensed to practice in the state of Colorado is submitted to the Town. The surveyor making the location certificate shall certify thereon that it is correct, and shall include the height and setbacks of the building as required in Chapter 21 of the Code of the Town of Mt. Crested Butte, Colorado, and that the improvements, as built, comply with the zoning requirements as detailed upon the design approval issued by the Town of Mt. Crested Butte, Colorado.

8. Should no inspection be requested by the original permittee who paid the deposit within 180 days of the date of the last inspection or the date of the permit issuance, the original permittee shall have forfeited their deposit to the Town. The Town is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause determinant.

9. Should the project property experience a transfer of ownership prior to the building permit being closed, the permittee shall be deemed to have forfeited all remainder of the permittee's design review and completion deposit held by the Town. Exception: A plan is submitted to the Town to satisfy all remaining building and design review items. The plan shall be reviewed and approved by the Building Official.

Section 4. Section 6-52 of the Code, concerning residential code fees, is hereby repealed and replaced to read in its entirety as follows:

Sec. 6-52 Fees.

Section R108.2, Fees, Schedule of permit fees, of the International Residential Code adopted in this article is hereby amended in its entirety to read as follows:

Section R108.2, Fees, Schedule of permit fees.

On buildings, structures, or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with Table R1-A.

TABLE R1-A – BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2000.00
\$2001.00 to \$25,000.00	\$69.25 for the first \$2000.00 plus \$14.00 for each additional \$1000.00 , or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.75 for the first

	\$25,000.00 plus \$10.10 for each additional \$1000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof.

Section R108.3, Fees, Building permit valuations, of the International Residential Code adopted in this article is hereby amended in its entirety to read as follows:

Section R108.3, Fees, Building permit valuations.

The applicant for a permit for new construction, alteration, repair, moving an existing structure, or building demolition, or to change the occupancy of a building or structure, shall provide an estimated permit value at the time of application. Permit valuations shall include the total valuation of work for which a permit is being issued. Total valuation shall mean the valuation of the entire project excluding land, design costs (architecture and engineering), water and sewer tap fees, and building permit fees. If, in the opinion of the Building Official, the valuation provided by the applicant is underestimated, a permit shall be denied until such time as the applicant can provide additional evidence supporting the estimates of value which are approved by the Building Official. The final permit valuation shall be determined by the Building Official. The Building Official reserves the right to require a financial audit and to request any and all applicable records relating to the actual value of labor and materials for which a permit has been issued prior to the issuance of a Certificate of Occupancy or the date of approval of the final inspection, if the issuance of a Certificate of Occupancy is not required. In the event that the Building Official determines the actual value of the work performed pursuant to the permit is greater than as estimated on the application, the applicant

shall pay any additional permit fees and deposits due on the additional value of the work.

Section R108.4, Fees, Related fees, of the International Residential Code adopted in this article is hereby amended in its entirety to read as follows:

Section R108.4, Fees, Related fees.

A Plan Check Fee shall be paid at the time of submitting the submittal documents for plan review. Said Plan Check Fee shall be 65 percent of the Building Permit Fee as shown in Table 1-A.

The Plan Check Fee specified in this section is a separate fee from the permit fee specified in Section 108.2 and are in addition to the permit fee.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged at the rate shown in Table 1-A.

In the event that plan check costs exceed said fee collected, a fee in the amount necessary to cover all costs incurred will be charged.

In the event that the building official determines that the use of outside consultants is necessary to perform required inspections, a fee in the amount necessary to cover all costs incurred will be charged.

Section R108.5, Refunds, Fees.

The building official may authorize refunding of not more than eighty (80) percent of the permit and plan check fees paid when no work has been done under a permit issued in accordance with this code. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

Section R108, Fees, of the International Residential Code adopted in this article is hereby amended by the addition of the following subsection R108.7:

Section R108.7 Design Review Compliance and Cleanup Deposit Fees.

1. All persons who obtain a building permit with a valuation of \$1,000.00 or more shall pay a design review compliance fee and cleanup deposit prior to obtaining a building permit. Required deposits for new construction shall follow Table 1 and required deposits for all other construction permits shall be in accordance with Table 2.

TABLE 1

Total Valuation	Compliance Fee and Cleanup Deposit
\$0 - \$999	\$0
\$1,000 - \$4,999	\$500
\$5,000 - \$9,999	\$1,000
\$10,000 - \$99,999	\$2,000
\$100,000 - \$999,999	3% of total valuation (including all phases of project)

\$1,000,000 - \$2,999,999	2% of total valuation (including all phases of project
\$3,000,000 or more	1.5% of total valuation (including all phases of project)

If in the opinion of the building official the deposit is not in sufficient amount the Building Official may require additional deposit at his or her discretion.

TABLE 2

Total	Compliance Fee and Valuation Cleanup Deposit
\$0 - \$999	\$0
\$1,000 - \$4,999	\$500
\$5,000 - \$9,999	\$1,000
\$10,000 - \$99,999	\$2,000
\$100,000 or more	2% of total valuation (including all phases of project)

If in the opinion of the Building Official the deposit is not in sufficient amount the Building Official may require additional deposit at his/her discretion.

2. Amounts due may be paid by cash payment held by the Town, or posting a bond or other security, in the appropriate amount, forfeitable to the Town upon default hereunder. Approval of the form of security shall be at the sole discretion of the Town. The Town may apply the security, or any portion thereof, to allow the Town to complete a project, reclaim the site, or undertake such other actions as may be necessary to protect the Town and inhabitants in the event the project is abandoned. A project shall be “abandoned” under this section upon expiration of the permit or extensions issued under the terms of Sections R105.3.2 and R105.5 of this chapter.

3. 50% of the Design Review Compliance and Cleanup Deposit may be refunded upon substantial design review completion. Design review completion shall include but not be limited to, at minimum, issuance of a certificate of occupancy for the entire structure(s), exterior finishes and installation of landscaping as required by design review and this code. At the Town’s discretion, the Town may refund additional deposit funds based on completeness of project.

4. The job site shall be kept clean and orderly at all times, and if it becomes necessary for the Town of Mt. Crested Butte to clean and/or haul debris or material from the site during construction, the fee for such services may be deducted from this deposit.

5. All construction debris shall be stored in one general location and shall be removed from the site weekly.

6. Open burning of construction debris is prohibited. Permits for open burning may be issued in accordance with Chapter 8, Article II, of the Mt. Crested Butte Code.

7. The remainder of the Design Review Compliance and Cleanup Deposit will be refunded when, in the opinion of the Building Official:

- a. the landscaping required by design review and this code has been established. Landscaping establishment shall include the site being void of noxious weeds. In the event that the landscaping has not established itself

within a 2 year period from the initial installation or in the event that the required design review compliance and cleanup is not accomplished in a timely manner, after reasonable notice by the town to the owner of the subject property of such failure, then the town may cause such cleanup and/or design review compliance to be performed, or may cause such project or building to be abated, utilizing such deposit or bond to offset any costs incurred, and, in the event such costs exceed the deposit or bond, the town shall have a lien upon the subject property in such amount, which lien, along with all costs and attorney's fees incurred, may be enforced and foreclosed in the same manner as general mechanic's liens in the State of Colorado.

b. No final refund of the Design Review and Cleanup Deposit shall be given until an improvement location certificate (ILC) or plat prepared by a registered land surveyor, licensed to practice in the state of Colorado is submitted to the Town. The surveyor making the location certificate shall certify thereon that it is correct, and shall include the height and setbacks of the building as required in Chapter 21 of the Code of the Town of Mt. Crested Butte, Colorado, and that the improvements, as built, comply with the zoning requirements as detailed upon the design approval issued by the Town of Mt. Crested Butte, Colorado.

8. Should no inspection be requested by the original permittee who paid the deposit within 180 days of the date of the last inspection or the date of the permit issuance, the original permittee shall have forfeited their deposit to the Town. The town is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause determinative.

9. Should the project property experience a transfer of ownership prior to the building permit being closed, the permittee shall be deemed to have forfeited all remainder of the permittee's design review and completion deposit held by the Town. Exception: A plan is submitted to the Town to satisfy all remaining building and design review items. The plan shall be reviewed and approved by the Building Official.

Section 5. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance be given full force and effect if it is possible to do so.

Section 6. Effective Date. This ordinance shall take effect five days after publication following final passage, pursuant to Section IV.I of the home rule charter.

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 4th day of November, 2025.

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 2nd day of December, 2025.

TOWN OF MT. CRESTED BUTTE, COLORADO

By: Nicholas Kempin, Mayor

ATTEST:

Tiffany O'Connell, Town Clerk