

TOWN OF MT. CRESTED BUTTE
ORDINANCE NO. 9
SERIES 2026

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, ESTABLISHING A PRE-APPLICATION REVIEW FEE FOR CERTAIN CONSTRUCTION, BUILDING, SUBDIVISION AND ZONING PROJECTS

WHEREAS, the Town of Mt. Crested Butte, Colorado ("Town") is a home-rule municipality organized under Article XX of the Colorado Constitution and governed by its elected Town Council ("Council"); 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 has previously adopted provisions within the Code of the Town of Mt. Crested Butte, Colorado ("Code") which govern building and building regulation, subdivisions, and zoning, including planned unit developments, as well as the review application and processing procedures for the same; and

WHEREAS, the Town, acting through its Community Development Department, regularly assists in the review of such projects by requiring or permitting a "preapplication review," which facilitates the formal review process and ultimately saves both the Town and the project applicant time and money; and

WHEREAS, the Council finds and determines that it is appropriate for the Town to impose a fee for the cost of outside consultant and town attorney review participation in preapplication review of large or complex projects, in the interest of both the town and the project applicant.

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

Section 1. Section 21-28 of the Code, entitled *Pre-application conference for any land use case* is hereby amended by the addition of a new subsection (e) to read in its entirety as follows:

(e) Preapplication consultant review fee.

(1) For any pre-application review required by the Town or requested by an applicant prior to formal submission of an application, permit, approval, review process, or other required Town authorization under one or more of the provisions of this Chapter 21 (Zoning), Chapter 6 (Buildings and Building Regulations) or Chapter 18 (Subdivisions), the Community Development Director is authorized to charge a fee which shall be assessed in an amount necessary to cover the costs of all outside consultant and Town attorney review

(collectively, “consultant review”) up to the date of the formal application submission.

- (2) The amount of the fee shall be calculated by the Community Development Director based upon the Town’s actual cost of consultant review required to support the preapplication process, taking into consideration the size and complexity of the project or development. The fee shall be paid by the applicant following conclusion of the preapplication review, and before the formal application may be scheduled for the review(s) required by the Code.
- (3) The preapplication fee is in addition to any other fee required in association with formal application review, including the processing fees authorized by Code Section 21-31.
- (4) In the event a preapplication fee is assessed and not paid by the applicant and becomes delinquent, in addition to the application not proceeding further in the formal review process, the town may collect the same by certification to the county treasurer for collection in the same manner as taxes, pursuant to the procedure set forth in Code Section 9-5.
- (5) The fee authorized by this Section may be amended or waived by the Town through written agreement between the applicant and the Town, although the Town is under no obligation to enter into same. The Council hereby authorizes the Town Manager to execute any agreement arising under this subsection pursuant to Code Section 2-56(a).
- (6) The requirements of this section apply equally to private applicants, public agencies, special districts, governmental entities, and utility providers undertaking projects within the Town.

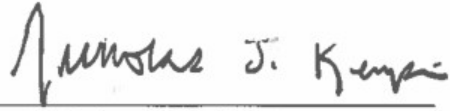
Section 2. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance be given full force and effect if it is possible to do so.

Section 3. 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 21st day of July, 2026.

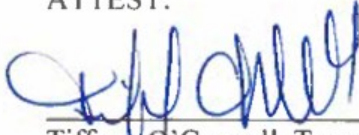
PASSED, ADOPTED, AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held the 18th day of August, 2026.

TOWN OF MT. CRESTED BUTTE, COLORADO

A handwritten signature in black ink, appearing to read "Nicholas J. Kempin".

By: Nicholas Kempin, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Tiffany O'Connell".

Tiffany O'Connell, Town Clerk

