

ORDINANCE

AN ORDINANCE ESTABLISHING A PERMIT REQUIREMENT FOR THE USE OF CERTAIN CITY FACILITIES IN CITY PARKS

WHEREAS, the City Council is concerned about the ongoing vandalism taking place in City parks and the degradation of such parks;

WHEREAS, the City Council desires to implement a permit system for certain City facilities located in City parks, such as stages, shelters and pavilions; and

WHEREAS, the City Council finds that a permit system will better enable the City to control and monitor the use of certain facilities, which will limit vandalism and reduce the damage to such facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: A new Section 12.24.050 is hereby added to the Manitou Springs Municipal Code reading as follows:

A. Permit required. When required by resolution of the City Council for specific facilities in City parks, including without limitation stages, shelters, or pavilions, no person shall use or enter upon or occupy such facilities, without a permit issued by the City under this Section.

B. Submittal requirements. Applications for a permit shall be submitted to the City Administrator and shall include the following:

1. Application form, permit fee, and security deposit if required;
2. The estimated size of the group using such facility;
3. Date, time and duration of proposed use;
4. An executed agreement to indemnify and hold the City harmless, in a form approved by the City Attorney; and
5. Any other requirements or information deemed necessary by the City Administrator.

C. Permit issuance. Within five (5) days of receipt of a completed permit application, the City Administrator shall review the application. If the City Administrator finds that the proposed use will not adversely impact the surrounding neighborhood, the use of the City parks by others, or the park land itself and will comply with this Section and all other Code provisions, the City Administrator shall issue a permit.

D. Term. A permit is valid for the duration of time stated on the permit application. A permit is not transferable.

E. Revocation. The City Administrator may summarily revoke a permit if there are any violations of the permit or this Code during the use of the facility.

F. Penalties. Violations of this Section shall be punishable as set forth in Section 1.01.100 of the Code.

Section 2: If any article, section, paragraph, sentence, clause or phrase of the ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 4: This ordinance shall take effect five (5) days after final approval and adoption on second reading.

Passed on First Reading and Ordered Published this 17th day of July, 2012.

Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the August 7, 2012 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: July 19, 2012 (in full).
City's Official Website and at City Hall

Passed on Second Reading and Ordered Published this 7th day of August 2012.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Approved for Council Action: /s/ Jack Benson
City Administrator

Approved as to form: /s/ Jeff Parker
City Attorney

Published: August 9, 2012 (in full)
City's Official Website and at City Hall