

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 10.12 OF THE MANITOU SPRINGS MUNICIPAL CODE ENTITLED “PARKING” CONCERNING THE ESTABLISHMENT AND LOCATION OF PAID ON AND OFF STREET PARKING, ADOPTION OF RESIDENTIAL PERMIT PARKING RULES AND REGULATIONS, AND CLARIFICATION OF THE EXISTING “BOOTING” AND VIOLATIONS SECTIONS OF THE MANITOU SPRINGS MUNICIPAL CODE.

WHEREAS the Parking Authority Board has recommended implementation of paid on-street parking and residential permit parking; and

WHEREAS the intent of the paid on-street parking management is to provide for more visitor parking opportunities in the Downtown and adjacent areas with heavy visitor or employee parking usage; and

WHEREAS the intent of creating and implementing a residential permit parking program is to provide relief from adverse and chronic levels of non-resident parking along streets with adjacent residential properties; and

WHEREAS City Council, upon the recommendation of the Parking Authority Board and in conformance with a number of studies and consultant recommendations, hereby finds and concludes that paid on-street parking and a residential parking permit program shall be implemented in the City of Manitou Springs; and

WHEREAS City Council further agrees that the proposed changes to the sections on vehicle impoundment and immobilization and violations of this Chapter benefit the clarity of the Chapter.

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

Section 1: Section 10.12.010.A “Prohibited – Where – When” is hereby amended as follows:

A. Metered and Regulated Parking

1. No person shall park a vehicle in any parking space designated by the City as a paid parking space. Paid parking spaces shall be regulated by any type of parking meter, parking meter machine or other technology without first paying the required fees for the amount of time the vehicle shall be parked.
2. Required fees may be paid by any method allowed by the City , which may include bills, coins, credit cards, smart cards, or other technology methods such as pay by cell phone, on-line pre-paid parking, and validations.
3. Vehicles with a valid Residential Permit Parking (RPP) sticker or tag may be parked in a metered space only within their assigned RPP area without paying the meter. RPP permits will only be valid in the areas and at the times specified in both the applicable RPP area and by the posted signage.

Section 2: Section 10.12.010.B “Prohibited – Where – When” is hereby amended as follows:

B. It is unlawful to park a vehicle in the following lots in violation of the rules and limitations posted in said lots:

1. Mansions Park parking lot (118 Lovers Lane);
2. City Hall parking lot (606 Manitou Avenue);
3. Police and Fire Department parking lot (620 Manitou Avenue);
4. Wichita parking lot (708 Manitou Avenue);
5. Canon Avenue parking lot (135 Canon Avenue);
6. Schryver Park and Swimming Pool parking lot (202 Manitou Avenue);
7. Fields Park parking lot (101 El Paso Blvd);
8. Prospect parking lot (833 Prospect Place);
9. City of Manitou Springs Cemetery (502 Plainview Place);
10. Barr Trail parking lot (13 Hydro Street); and
11. Smischny Parking lot (1134 Manitou Avenue);

Section 3: Section 10.12.010.D “Prohibited – Where – When” shall be repealed in its entirety. The following Item E. shall be relettered to Item D.

Section 4: Section 10.12.016 “Notice and hearings for owners of immobilized or impounded vehicles” is hereby retitled to “**Immobilized or Impounded Vehicles**” and amended by the addition of a new Item B as follows:

B. Owners or operators of vehicles which have been immobilized for nonpayment of parking tickets may apply to any authorized agent of the City of Manitou Springs for removal of the boot. Authorized personnel shall promptly remove the boot upon receipt of payment for all unpaid parking tickets issued to such vehicle within the three hundred sixty-five days preceding the attachment of the boot, as well as payment of a fee for the removal of the boot. The removal fee shall be as established by the fine schedule published by the Manitou Springs City Council.

Section 5: Existing Section 10.12.016(C)(5) is hereby deleted and the remainder of Sections 10.12.016(B) and (C) shall be relettered “(C)” and “(D)” with no further changes.

Section 6: Section 10.12.019 “Parking on Upper Ruxton Avenue west of Hydro Street restricted” is hereby repealed and replaced in its entirety as follows:

10.12.019 “Residential Permit Parking”

The City of Manitou Springs hereby adopts the “Rules and Regulations for Residential Permit Parking” dated May 2013, which sets forth how the residential permit parking program will operate in the City. Copies of these rules and regulations are available for inspection at the office of the City Clerk.

Section 7: 10.12.020 “Violation” shall be repealed and replaced in its entirety as follows:

10.12.020 - Violation.

A. It is unlawful for any person to fail to comply with the terms of this Chapter. A violation shall constitute a civil offense punishable by a fine not to exceed four hundred ninety-nine dollars.

B. Authority to Immobilize or Impound Vehicle. Whenever any authorized agent of the City of Manitou Springs finds a vehicle in violation of the provisions of this Chapter and the registered owner of the vehicle has not paid fines for three or more previous violations of the provisions of this Chapter within a three hundred sixty five (365) day period, the City shall have the authority to impound or otherwise take control of the vehicle and charge the owner for the costs of doing so, for all unpaid fines and for fees per the schedule as published by the City Council, to be paid by the owner prior to release of the vehicle. Any such impoundment shall be subject to the procedures set forth in Section 10.12.016.

Section 8: Section 10.12.030 - Violation—Authority to boot vehicle shall be deleted in its entirety.

Section 9: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions 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 10: 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 11: This ordinance shall take effect five (5) days after final approval and adoption on second reading.

Passed on First Reading and Ordered Published this 16th day of April 2013.

/s/ Donna Kast
City Clerk

A Public Hearing will be held at the May 7, 2013 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 April 18, 2013 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published this 7th day of May 2013.

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

Attest: /s/ Donna Kast
City Clerk

Published May 9, 2013 (in full)
City's Official Website and City Hall