

ORDINANCE

AN ORDINANCE ESTABLISHING PARKING RESTRICTIONS FOR OVERSIZED VEHICLES AND TRAILERS AND RECREATIONAL VEHICLES

WHEREAS, parking is in short supply in Manitou Springs;

WHEREAS, oversized vehicles and trailers take up valuable parking space;

WHEREAS, oversized vehicles and trailers parked on City streets make it difficult for drivers to see other drivers, bicyclists, and pedestrians;

WHEREAS, the provisions in Chapter 6.44 addressing mobile homes are in need of revising to clarify that the term "mobile homes" as used in Chapter 6.44 includes the term "recreational vehicles" as used in Chapter 10.12; and

WHEREAS, the City wishes to limit parking of oversized vehicles, recreational vehicles, and trailers on City streets.

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

Section 1: A new Section 10.12.015 is hereby added to the Manitou Springs Municipal Code to provide as follows:

10.12.015 Oversized and recreational vehicle parking limitations.

A. Parking of oversized vehicles and trailers on public streets within the City limits is prohibited.

B. No person shall maintain or permit to be maintained any motor vehicle, recreational vehicle or similar vehicle upon any public or private property within the City when the same is used for living or sleeping purposes, unless the property is licensed as a mobile home park in accordance with Chapter 6.44.

C. Definitions:

1. "Oversized vehicle" means a vehicle which meets one or more of the following criteria:

a. Vehicle width, (including load width, if any) exceeds 7.5 feet, as measured from the widest portion of the vehicle or load, but not including mirrors; or

b. Vehicle length, (including load length and/or any attached trailers, if any) exceeds 22 feet.

2. "Trailer" means any non-motorized vehicle of any length designed to carry anything on its own structure and to be drawn by another vehicle.

3. "Recreational Vehicle" means a vehicle or trailer which is capable of human habitation or designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any structure inspected, approved and designated a recreational vehicle by any state or federal agency having the authority to approve recreational vehicles.

D. Exceptions. This section shall not prohibit the parking of oversized vehicles or trailers for any of the following activities:

1. Active loading or unloading

2. Service to a property in the vicinity

3. Emergency repairs or waiting for a tow operator for no longer than eight hours

4. Commercial vehicles making pickups or deliveries

5. Public Transportation

6. Recreational Vehicles. This section shall not prohibit the overnight parking of recreational vehicles on public streets immediately abutting the owner's residence for no more than 24 consecutive hours up to two times during any seven-day period. The owner of a recreational vehicle may obtain a 72-hour parking pass. The purpose of the parking pass is to allow users of recreational vehicles, adjacent to their residences extended time to load and unload and to allow out-of-town visitors to park in front of the residence which they are visiting for a limited time period. No more than two parking passes will be issued to an applicant within a thirty-day period. This exception does not permit the use of the recreational vehicle in violation of Subsection B.

Section 2: Section 6.44.010 is hereby amended to provide as follows:

As used in this chapter:

A. "Building" means any permanent structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

B. "Lot" means any area or tract of land or portion of a mobile home park, travel trailer park, recreational trailer park, temporary trailer park or tent camp designated or used for the occupancy of one mobile home, travel trailer or camping party and includes a site.

C. "Mobile home" means a vehicle or trailer which is capable of human habitation or designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any structure inspected, approved and designated a mobile home or recreational vehicle by any state or federal agency having the authority to approve mobile homes or recreational vehicles.

1. A dependent mobile home is one not equipped with a toilet for sewage disposal.

2. An independent mobile home is one equipped with a toilet for sewage disposal.

D. "Mobile home accessory building or structure" means any awning, portable, demountable or permanent cabana, ramada, storage cabinet, carport, fence, windbreak or porch established or located within six feet of a mobile home.

E. "Mobile home park" means any area or tract of land where one or more mobile home lots are rented or held out for rent.

Section 3: Section 6.44.030(J) is hereby amended to provide as follows:

The provisions of this chapter shall be applicable equally to camping areas and tent camps.

Section 4: Section 6.44.080 is hereby deleted in its entirety.

Section 5: 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 6: 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 7: This ordinance shall take effect five (5) days after final approval and publication.

Passed on First Reading and Ordered Published this 6th day of August 2013.

/s/ Donna Kast

City Clerk

A Public Hearing will be held at the August 20, 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 August 8, 2013 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published this 20th day of August 2013.

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

Attest: /s/ Donna Kast
City Clerk

Published August 22, 2013 (in full)
City's Official Website and City Hall