

ORDINANCE

**AN ORDINANCE AMENDING SECTION 18.60.010 CONCERNING THE DEFINITION OF MOBILE VENDING.**

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**WHEREAS**, the City Council desires to amend the definition of mobile vending to clarify that it includes vending on both private and public property and that it may, but need not, involve a mobile vending unit or mobile food cart.

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

**Section 1:** The definition of "mobile vending" in Section 18.60.010 of the Manitou Springs Municipal Code is hereby amended to provide as follows:

"Mobile vending." Peddling, vending, selling, serving, displaying, offering for sale or giving away services, goods, wares, merchandise, food, or beverages from a location without a fixed structure, regardless of whether the activity occurs on public or private property. "Mobile vending" includes, without limitation, offering services and goods from a mobile vending unit, a mobile food cart, tables, mats, or blankets.

**Section 2:** 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 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 is deemed necessary for the protection of the health, welfare and safety of the community.

**Section 5:** 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 September 2013.

/s/ Donna Kast  
City Clerk

A Public Hearing will be held at the October 1, 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 September 19, 2013 (in full)  
*City's Official Website and City Hall*

Passed on Second Reading and Ordered Published this 1st day of October 2013.

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

Attest: /s/ Donna Kast  
City Clerk

Published October 3, 2013 (in full)  
*City's Official Website and City Hall*