

ORDINANCE

AN ORDINANCE AMENDING SECTION 10.12 “PARKING” and 10.04 “2010 MODEL TRAFFIC CODE” OF THE CODE OF ORDINANCES CONCERNING REGULATIONS FOR ALLOWING PASSENGER VEHICLES TO PARK IN FRONT OF RESIDENTIAL DRIVEWAYS.

WHEREAS the City’s adopted parking adopted regulations do not allow parking that would block a driveway

WHEREAS the City did not uniformly enforce this regulation in the past and some residents established blocking their driveway as a regular parking practice; and

WHEREAS once enforced, the Parking Authority Board has had numerous inquiries and requests from residents who believe they should be allowed to park on the public street blocking the driveway serving their private property; and

WHEREAS the Parking Authority Board recognized there are areas within Manitou Springs severely limited in both on and off-street parking which would benefit from regulations allowing parked vehicles to block driveways under specific circumstances; and

WHEREAS upon review of regulations from other areas of the United States allowing this type of parking and with public input both for and against the proposal, the Parking Authority Board determined the benefits of this practice outweighed potential issues and developed regulations it felt are suitable to Manitou Springs and mitigate to the greatest extent issues which could be caused by private vehicles blocking driveways; and

WHEREAS the proposed regulations shall replace an existing section of the Parking regulations which specifies parking is not allowed on Hydro Street. It is not necessary that this prohibition be specified in the Municipal Code as Hydro Street can simply be, and is, signed for “No Parking” as are many other streets, in whole or part, within the City of Manitou Springs; and

WHEREAS City Council hereby finds and concludes removal of the language specific to parking on Hydro Street benefits the clarity of the Municipal Code and is consistent with the establishment of “No Parking” areas throughout the City; and

WHEREAS City Council further finds parking on City streets is an issue of local concerns and the regulations will benefit the severe lack of parking in the City’s densest neighborhoods while adequately addressing potential impacts from vehicles being parked so as to block driveways. The proposed code changes will also provide personnel enforcing the City’s regulations and our citizens clear information on when it is and when it is not acceptable to park in this manner.

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

Section 1: Section 10.12.018 “Parking Prohibited on Hydro Street” shall be repealed and replaced in its entirety with a new Section 10.12.018 “Blocking of Residential Driveways – Permits” of the Manitou Springs Municipal Code as follows:

A. Pursuant to Section 1204(2)(a) of the City’s Model Traffic Code, as adopted in Chapter 10.04 of this Code, vehicles may not park on City streets in front of private driveways without the authorization of the City of Manitou Springs by the issuance of a residential driveway parking permit.

B. Residential driveway parking permits are issued only within established Residential Parking Permit areas as approved by the City of Manitou Springs.

C. The Parking Manager or designee may issue to owners or lessees of private driveways and to members of the same household served by those driveways permits authorizing the parking of private passenger vehicles in front of the owner’s/lessee’s driveway. Vehicles registered to the property address may park on-street immediately in front of the residents’ driveway without limitation except during posted street cleaning periods or temporary/emergency restrictions.

D. The property owner/lessee will file a completed application for such a permit on a form provided by the City. An owner/lessee of a private driveway shall be eligible to apply for permits for all members of the household residing on the premises.

E. There shall be a fee as provided on the Fee Schedule published and adopted by the City of Manitou Springs for each vehicle authorized to park in front of a private driveway.

F. Driveway parking permits do not expire automatically. For initial permit issuance, the Parking Manager will survey the driveway to confirm it meets the standards for designation as a driveway, is a minimum of 8’ in width, located at least 25’ from intersections and 15’ feet from fire hydrants, and, in the opinion of the Parking Manager, when properly used vehicles parking under such permit will not create a traffic safety or other hazard.

G. The Parking Manager may require an applicant to provide evidence the driveway was legally established in accordance with the municipal code.

H. All permits are valid only at the location for which they are issued and only as long as the permittee owns or leases and resides on the subject property.

I. No owner/lessee may permit any vehicle to park in front of the property's driveway without a valid driveway parking permit registration.

J. No owner/lessee may charge a fee for permitting anyone to park a vehicle in front of the owner/lessee's driveway.

K. The vehicle must be parked parallel to the curb in front of the driveway. The Driveway Parking Permit confers no rights to park a vehicle on any part of the driveway which lies across the sidewalk, nor to block or impede access to the sidewalk the adjacent travelled way. This section does not confer upon a permittee the exclusive right to park a vehicle adjacent to any part of the curb beyond the width of the driveway. The length of the vehicle parking in front of the driveway shall not extend beyond the width of the driveway as measured between curb slopes on either side or reasonably interpreted when no curb slopes exist.

L. Markings for the driveway shall not exceed the minimum necessary clearance to safely ingress and egress the driveway.

M. The City may revoke a Driveway Parking Permit at any time upon determination the parking as authorized creates a traffic safety or other health or safety hazard, or upon finding the permittee has abused the permit or allowed its misuse or violation of these regulations. Vehicles creating a traffic hazard are subject to towing pursuant to Section 10.12.016.

N. Requirements to obtain a permit:

- 1) Proof of vehicle registration at the property for which the permit is requested.
- 2) Payment of fee as may be required.
- 3) Verification all registered vehicles for which permits are requested have no outstanding parking violations.
- 4) Driveway must serve only a legally-established single family residential dwelling.

Section 2: A new Section 10.04.020(28.5) of the Municipal Code is hereby added to read as follows:

Section 1204(2)(a) of the Model Traffic Code is modified to read ‘Unless permitted by a valid City parking permit, within five feet of a public or private driveway.

Section 3: 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 4: 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 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 16th day of June, 2015.

/s/ Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the July 7, 2015, 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: June 18, 2015 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published by Council this 7th day of July, 2015.

Approved: /s/ Marc A. Snyder
Mayor

Attest: /s/ Donna Kast
City Clerk

Published: July 9, 2015 (in full)
City's Official Website and City Hall