

ORDINANCE

AN ORDINANCE AMENDING SECTION 10.12 “PARKING” OF THE CODE OF ORDINANCES CONCERNING THE DEFINITION OF WHAT IS CONSIDERED A DRIVEWAY WITHIN THE CITY OF MANITOU SPRINGS, COLORADO.

WHEREAS much of Manitou Springs physical development occurred prior to the invention of passenger vehicles; and

WHEREAS driveways providing vehicular ingress and egress from public to many private properties in the older areas of the community were developed without benefit of regulations and permitting; and

WHEREAS some of these areas do not have curb/gutter/paving or the traditional, physical improvements which make these access and parking areas on private property easily identifiable; and

WHEREAS in an effort to address neighbor and ticketing disputes the Parking Authority Board has reviewed and is recommending definitions of what will be considered when a determination needs to be made about whether or not a driveway access or parking area exists and, therefore, is subject to regulation and enforcement; and

WHEREAS City Council hereby finds and concludes the definitions as proposed below will provide the personnel enforcing the City’s regulations and our Citizens clarity on what is and is not a private driveway.

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

Section 1: Section 10.12.011 “Criteria for Determining Valid Driveways” shall be added to the Manitou Springs Municipal Code as follows:

A. For the purposes of these regulations, when there is a question if a particular part of a private property is serving as a valid driveway, the following criteria shall be applied by the Parking Manager or designee. It shall be found that a valid driveway exists if two or more of the following are applicable:

1. There is a non-mountable curb and an established curb-cut exists
2. There is an existing gap in a retaining wall along the property frontage
3. The driveway serves an existing garage, which could be utilized for vehicle storage
4. The driveway is surfaced in asphalt, concrete, or gravel (a material differing from any adjacent yard area)
5. The driveway is large enough to serve the intended purpose – at least 8’ wide and 8’ x 16’ if providing compact vehicle parking
6. The driveway is shown on a survey or Improvement Location Certificate of the property. A hand-drawn site plan will be accepted if this was submitted for a building permit or other purpose previous to any dispute
7. The driveway provides the only vehicular ingress and egress from the public to the private property
8. The property owner can show the driveway was previously permitted or approved by the City
9. The location of the driveway area does not create a safety or traffic hazard
10. The driveway is not located entirely within a public right-of-way unless authorized by the City of Manitou Springs

B. Upon making a determination about the status of a driveway, the Parking Manager shall issue a letter to the property owner advising what the determination is and will provide a copy of record for the Manitou Springs Planning Department's property file.

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 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