

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 10.12 “PARKING” OF THE CODE OF ORDINANCES CONCERNING THE REMOVAL OF A DEFUNCT PROVISION AND THE DESIGNATION OF LOADING ZONES WITHIN THE CITY OF MANITOU SPRINGS, COLORADO.

WHEREAS upon review the Parking Authority Board has recommended the removal of Section 10.12.010.C establishing ADA parking time limits as it is no longer necessary now that the City of Manitou Springs has implemented paid, on-street parking and could be confusing for ADA parkers; and

WHEREAS it was brought to the attention of the Parking Authority board by the City Administrator that there was no defined authority or process for the designation or requesting of loading zones; and

WHEREAS upon review the Parking Authority Board recommended the below code amendment to provide for authorization and a process to request loading zones; and

WHEREAS City Council hereby finds and concludes the amendments below add clarity and needed guidance and direction to the Manitou Springs Municipal Code.

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

Section 1: Section 10.12.010.C regarding allowing certain time limits for ADA parking shall be deleted in its entirety and the current Item D shall be re-lettered to Item C.

Section 2: Section 10.12.010 “Prohibited – Where - When” shall be amended to add a new Item D as follows:

D. Loading Zones

1. Authority to establish loading zones.
 - a. The Public Services Director or designee is hereby authorized to determine and to mark loading zones and passenger loading zones as follows:
 - i. At any place on Manitou, Canon, or Park Avenues.
 - ii. Elsewhere adjacent to an on-street entrance to any place of business or any hall or place used for the purpose of public assembly.
2. Loading zones and passenger loading zones shall be indicated by green paint upon the top of all curbs within such zones and by appropriate signage immediately adjacent to the loading zone or passenger loading zone.
3. Requests for loading zones
 - a. Property owners, tenants, or business owners may submit a written request for designation of a loading zone or passenger loading zone to the Public Services

Director on an application provided for such and upon payment of any application fee as set by the City Council. This request shall include a specific location for the loading zone and shall indicate numbers and locations it would potentially serve.

- b. At the discretion of the Public Services Director submission of a petition of business and/or property owners within 250' surrounding the proposed location of a loading zone or passenger loading zone which demonstrates support or opposition to the proposal may be required.
 - c. The Public Works Director may consider the following when making a loading zone determination:
 - i. the proximity to other, established loading zones or service areas
 - ii. the number of businesses potentially served
 - iii. the number of anticipated daily deliveries of businesses in the potential service area
 - iv. impacts of the proposed loading zone on public parking availability
 - v. the suitability of the specific area requested for installation of a loading zone
 - d. Upon making a determination whether or not to designate a loading zone, the Public Works Director shall issue a written notification to the requesting party and shall provide copies for the information of the Parking Authority Board and the City Council.
 - e. If a determination made by the Public Works Director is not satisfactory, any property owner, tenant or business owner within the potential service area of the proposed loading zone may appeal the decision to the City Council, who shall first obtain the recommendation of the Parking Authority Board before consideration.
4. Effect of permission to load or unload.
- a. Permission herein granted to stop or stand a vehicle for purposes of loading or unloading of materials shall apply to commercial or passenger vehicles unless otherwise specified and signed accordingly and shall not extend beyond the time necessary therefore and in no event for more than fifteen (15) minutes.
 - b. The loading or unloading of materials shall apply only to commercial deliveries, also the delivery or pick-up of express and parcel post packages and the United States mail.
 - c. Permission herein granted to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage but shall not extend beyond the time necessary therefore and in no event for more than fifteen (15) minutes.
 - d. Within the total time limits above specified the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges hereby granted.

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 11th day of August, 2015

/s/ Donna Kast
City Clerk

A Public Hearing on Ordinance No. 3215 will be held at the September 1, 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 August 13, 2015 (in full)
City's Official Website and City Hall

The Public Hearing on this ordinance was postponed until the December 1, 2015 meeting. The meeting will be held at 7:00 p.m. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado

Postponement Published: November 25, 2015 (in full)
City's Official Website and City Hall

Passed on second reading and ordered published by Council this 1st day of December, 2015.

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

Attest: /s/ Donna Kast
City Clerk

Ordinance Published: December 3, 2015 (in full)
City's Official Website and City Hall