

ORDINANCE

**AN EMERGENCY ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, IMPOSING A MORATORIUM ON REQUESTS FOR INCENTIVE AWARDS FOR PROPERTIES WITHIN THE HISTORIC DISTRICT.**

**WHEREAS**, pursuant to Section 17.04.060 of the City of Manitou Springs Municipal Code, (“Code”), an owner who has passed final inspection of an approved Material Change of Appearance Certification (“MCAC”) and has paid certain fees and taxes may request a refund of those fees and taxes;

**WHEREAS**, the City has determined that it is an appropriate time to review that the incentive program and ensure that it is in the best interests of the City and its citizens;

**WHEREAS**, the City has tasked its Historic Preservation Commission with that review and to provide a recommendation to City Council; and

**WHEREAS**, in order to avoid confusion during the Historic Preservation Commission’s review period, the City finds that it is in the best interests of the City to impose a moratorium on the acceptance and considerations of requests pursuant to this Section 17.40.060 for a period of six (6) months and declares an emergency.

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

**Section 1:** Application and process moratorium. Beginning on the effective date of this Ordinance, a moratorium is imposed on the processing and approval of requests or applications for incentive awards received pursuant to Section 17.06.040 of the Code. City staff is directed to refuse to process, review or approve any such applications for incentive awards during the moratorium period.

**Section 2:** This moratorium shall be for six months from the effective date of this Ordinance, unless repealed prior to that date or extended, if necessary, as determined by City Council.

**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 is necessary for the immediate preservation of the public health and safety, because continuing to process and approval requests pursuant to Code Section 17.06.040 during the period of the City's review will cause confusion and potentially inconsistency in the application of the Code. The six month (6) moratorium imposed by this Ordinance will provide the City with a reasonable opportunity to consider new legislation to address these incentive awards.

**Section 6:** This Ordinance shall take effect immediately upon approval.

Passed on First Reading and Ordered Published this 18th day of August, 2015.

/s/ Donna Kast  
City Clerk

A Public Hearing on this ordinance 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 20, 2015 (in full)  
*City's Official Website and City Hall*

Passed on Second Reading and Ordered Published this 1st day of September, 2015.

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

Attest: /s/ Donna Kast  
City Clerk

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