

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING AND DELETING CERTAIN PROVISIONS OF THE MANITOU SPRINGS MUNICIPAL CODE BY CHANGING THE TERM “CITY MANAGER” TO “CITY ADMINSTRATOR” OR DESIGNATING OTHER CITY OFFICIALS.

WHEREAS, several provisions of the Municipal Code reference the “city manager”, a position which does not exist; and

WHEREAS, in order to provide clarity in the Municipal Code, the City Council desires to amend various provisions of the Municipal Code with reference to this term to assign responsibilities to the appropriate City official or delete unnecessary provisions.

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

Section 1: In the following sections of the Manitou Springs Municipal Code, all references to the term “city manager” shall be revised to “City Administrator”:

- a. **1.08.010(G) - Designated.**
- b. **2.16.020 - Powers and duties.**
- c. **2.16.030(A) - Membership.**
- d. **2.16.080 - Meetings—Officers.**
- e. **2.20.080 - Officers—Meetings.**
- f. **2.36.010 - Member contributions.**
- g. **2.56.030 – Manual-Publication.**
- h. **3.04.010 - Interest rate.**
- i. **3.12.910 - Delegation of administration.**
- j. **3.16.080 – Violation-Penalty.**
- k. **3.24.110 – Violation Penalty.**
- l. **3.28.080 – Violation-Penalty.**
- m. **3.32.040(B)(6)(c) - Bidding procedure.**
- n. **3.32.080 – Contract Execution.**

- o. **3.37.030(A) - General fund—Fee calculation based on estimated expenses.**
- p. **6.08.050 - Abatement of conditions of nuisance.**
- q. **6.16.070 - Property near creeks-Mapping-Owner identification.**
- r. **6.16.080 - Property near creeks—Monthly inspection—Notice to correct violation.**
- s. **13.04.010 – Established.**
- t. **13.04.015(B) - Capacity requirements for the collection of sewage.**
- u. **13.04.030 - Unauthorized connections prohibited.**
- v. **13.04.060 - Sewage collection lines—Manner of extension.**
- w. **13.04.070 - Building service lines—Permits—Fees.**
- x. **13.04.090 - Service lines—Separate for each building—Exceptions.**
- y. **13.08.010(B) - Established.**
- z. **13.08.020(B) - Capacity requirements for the water system.**
- aa. **13.08.140(D) - Stop cock—Required—Location.**
- bb. **13.08.170 - Sprinkling regulations.**
- cc. **13.12.090 - Bypass of meters for fire protection purposes.**
- dd. **13.12.100 – Meter reading-Responsibility-Accuracy-Estimates.**
- ee. **13.17.020 - Definitions—Section 12.5.201 amended.**
- ff. **13.20.020 – Charges-Credit for.**
- gg. **13.24.080 - Property—Location.**
- hh. **13.24.090 - Property—Removal or abandonment.**
- ii. **13.24.100 - Changes required by public improvements.**
- jj. **13.24.110 - Failure to perform street work.**
- kk. **13.32.010 - City right to withdraw certain groundwater.**
- ll. **13.32.020(A) - Limitations on consent to withdraw groundwater**

- mm. **13.32.040 - Map filed with State Engineer.**
- nn. **15.08.030 – Enforcment – Housing inspector.**
- oo. **15.08.040(C) - Penalties.**
- pp. **15.16.150 – Enforcement.**
- qq. **15.16.160(A) - Violations and penalties**

Section 2: Section 2.16.100 of the Manitou Springs Municipal Code is hereby repealed and reinstated as follows:

The secretary shall keep minutes of the meetings and provide and post the minutes so that they available to the public.

Section 3: Section 2.20.090 of the Manitou Springs Municipal Code is hereby repealed and reinstated as follows:

2.20.090 - Staff.

The Planning Director shall attend meetings of the planning commission, serving as the staff advisor to the commission and shall take part in the discussions of the commission but shall have no vote. The Planning Director shall be responsible for keeping a record of the proceedings of the planning commission; however, he may designate a member of his staff to perform this function. Such other staff assistance and professional and technical services as necessary will be provided within the appropriations made by the city council. The city attorney shall serve as legal advisor to the planning commission but shall not be required to attend meetings except when requested to do so by the chairman or the Planning Director.

Section 4: Section 2.60.080 is hereby deleted.

Section 5: Section 3.08.010(B) of the Manitou Springs Municipal Code is hereby repealed and reinstated as follows:

- B. The City Clerk shall keep records of all other property sold by the city in accordance with the provisions of this chapter.

Section 6: Section 3.24.060 of the Manitou Springs Municipal Code is hereby repealed and reinstated as follows:

3.24.060 – Financial Director’s powers and duties.

The Finance Director is authorized to promulgate rules and regulations regarding the payment, collection, reporting and accounting criteria and periods, settlement of disputes over payment, refunding and enforcement of the tax imposed by this

chapter. The Finance Director may require any person to make such return, render such statement or keep and furnish such records as the Financial Director may deem sufficient and reasonable to show whether or not such person is liable under this chapter for the payment or collection of the tax imposed herein. The Financial Director may inspect the business records of any vendor subject to this tax at any time during normal business hours.

Section 7: Section 3.24.080 of the Manitou Springs Municipal Code is hereby repealed and reinstated as follows:

Every person who is responsible under this chapter for the collection of the tax imposed herein shall be liable and responsible for the payment of an amount equivalent to the tax to be collected under this chapter and shall before the twentieth of each month following the end of the preceding month make a return as shall be prescribed by the rules and regulations promulgated by the Financial Director pursuant to the authority of this chapter and shall file same with the Finance Director. Such returns of the taxpayer or his duly authorized agent shall contain such information and shall be made in such manner and upon such forms as the authorized rules and regulations require.

Section 8: Section 5.04.120(A) of the Manitou Springs Municipal Code shall be amended by the deletion of the reference to the “city manager.”

Section 9: Section 13.04.120 of the Manitou Springs Municipal Code is hereby repealed and reinstated as follows:

All excavation of city streets or public ways must be authorized by the Director of Public Services and restoration thereof to be done in accordance with the design criteria and specifications for water lines and sanitary sewers at no expense to the city.

Section 10: Section 13.08.125 of the Manitou Springs Municipal Code is hereby repealed and reinstated as follows:

All excavation of city streets or public ways must be authorized by the Director of Public Services and restoration thereof to be done in accordance with the design criteria and specifications for water lines and sanitary sewers at no expense to the city.

Section 11: Section 13.09.120(12) of the Manitou Springs Municipal Code shall be repealed and reinstated as follows:

Hazard, Health. "Health hazard" means any condition, device or practice in the water supply system and its operation which could create or, in the judgment of the Director of Public Services or his or her designee, may create a danger to the health and well-being of the water consumer. An example of a "health hazard" is a structural defect, including cross-connections, in a water supply system.

Section 12: Section 13.09.120(17) of the Manitou Springs Municipal Code is hereby deleted.

Section 13: 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 14: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published by City Council this 5th day of April, 2016.

/s/ Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the April 19, 2016, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: April 7, 2016 (in full)
City's Official Website and City Hall

Passed on second reading and ordered published this 19th day of April, 2016.

Approved: /s/ Nicole Nicoletta
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk, Donna Kast

Ordinance Published: April 21, 2016 (in full)
City's Official Website and City Hall