

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING CHAPTER 12.32 OF THE CITY OF MANITOU SPRINGS MUNICIPAL CODE RELATING TO OBSTRUCTING PUBLIC SIDEWALKS

WHEREAS, the act of obstructing sidewalks or other public rights-of-way impedes the free flow of pedestrian and other traffic;

WHEREAS, City Council is committed to advancing the public health, safety, and general welfare by ensuring unimpeded pedestrian and other traffic; and

WHEREAS, City Council finds it is in the best interests of the public health, safety, and welfare to enact this ordinance.

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

Section 1: Chapter 12.32, "Obstruction," within Title XII of the City of Manitou Springs Municipal Code, "Streets and Other Public Places," is hereby amended to read as follows:

Chapter 12.32 - OBSTRUCTION

12.32.010 – Prohibited.

It is unlawful for any person, individual or corporation within the city, without legal privilege, to:

A. Obstruct a highway, street, sidewalk, waterway, railway, building entrance, elevator, aisle, stairway or hallway to which the public or a substantial group of the public has access; or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from his or her acts alone or from his or her acts and the acts of others;

B. Disobeys a reasonable request or order to move issued by a person he or she knows to be a peace officer, a fireman, or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway, or to maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.

12.32.020 – Definitions.

For the purposes of this chapter, the word "obstruct" means to render any portion of the public passageways described in Section 12.32.010 of this

chapter impassable, to render passage thereon hazardous, or to otherwise impede or restrict the free passage of traffic thereon. The deposit of snow, ice, or other materials on any of such public passageways, whether by use of a shovel, plow, snowblower or otherwise, is included in the definition of the term "obstruct," and any such deposit creates a rebuttable presumption that passage is thereby impeded or restricted, except that in the Downtown Area as depicted in the Exhibit A following this section, snow and ice may be moved from sidewalks onto streets provided that handicap access is not impeded.

12.32.30 – Violation-Penalty.

Violation of the provision of this chapter shall be punishable as provided for in Section 1.01.100, as amended.

Passed on first reading and ordered published this 2nd day of August, 2016.

/s/ Donna Kast
City Clerk, Donna J. Kast

A Public Hearing on this ordinance will be held at the August 16, 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: August 4, 2016 (in full)
City's Official Website and City Hall

Passed on second reading and adopted by Council this 16th day of August, 2016.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

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

Published: August 18, 2016 (in full)
City's Official Website and City Hall