

ORDINANCE

AN ORDINANCE AMENDING SECTION 18.40.020(E) OF MANITOU SPRINGS MUNICIPAL CODE, COLORADO, REGARDING HOME OCCUPATION SIGNS

WHEREAS, in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), the U.S. Supreme Court held provisions of a municipality's sign code to be in violation of the First Amendment, thereby providing further guidance concerning the regulation of signs within a municipality; and

WHEREAS, the City has revised its sign regulations to comply with *Reed v. Gilbert*, and desires to amend the regulations regarding home occupations that are not contained with the City's sign regulations to also comply with *Reed v. Gilbert*.

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

Section 1: Section 18.40.020(E) of the Manitou Springs Municipal Code shall be amended to read as follows:

In addition to any signs permitted pursuant to Chapter 15.16 of this Code, home occupations may have one additional wall or hanging sign affixed to the primary structure. The sign shall be limited to a maximum of two square feet and shall have no exterior, interior or neon lighting;

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 is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 17th day of October, 2017.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the November 21, 2017, City Council meeting.
The meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: October 19, 2017 (in full)
City's Official Website and City Hall

Passed on second reading and adopted by Council this 21st day of November, 2017.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

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

Ordinance Published: November 22, 2017 (in full)
City's Official Website and City Hall