

ORDINANCE

AN ORDINANCE AMENDING SECTIONS 18.12.010 AND 18.38.020 GOVERNING THE USE OF PRIVATE PROPERTY FOR ROLL-OFF DUMPSTERS AND OUTDOOR SEATING AND DISPLAYS

WHEREAS, the City is revising its Municipal Code to address the use of public property for all types of encroachment; and

WHEREAS, the City, in an effort to clarify and reorganize its Municipal Code to address certain activities which can occur on both public and private property, desires to make the amendments in this Ordinance.

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

Section 1: Section 18.12.010 of the Manitou Spring Municipal Code is hereby amended by the addition of a new subsection F to read as follows:

F. No permit is required for placement of a roll-off dumpster on private property in connection with an active construction or remodeling project, however any such roll-off dumpster must be screened from public view if it is in place for more than ninety (90) days during any consecutive twelve (12) months.

Section 2: Section 18.12.010(A)(3) of the Manitou Springs Municipal Code is deleted and Section 18.12.010 is amended by the addition of a new subsection G to read as follows:

Containers and roll-off dumpsters may be temporarily placed on public property in accordance with Chapter 12.04 of this Code.

Section 3: Section 18.38.020 of the Manitou Springs Municipal Code is amended to read as follows:

1. Placement of outdoor displays or seating on public property shall be governed by Chapter 12.04 of this Code.
2. Each business may have one outdoor display not to exceed a fifteen square foot footprint or one outdoor seating area consistent with rules found within this section.
3. The business owner is responsible for the cleanliness and maintenance of the outdoor display or dining area.
4. Mobile vending on private property not associated with an on-premise indoor licensed business requires a conditional use approval, unless otherwise allowed in this chapter.

Section 4: Section 18.38.030(3) of the Manitou Springs Municipal Code is hereby deleted and remainder of the subsections renumbered accordingly.

Section 5: Section 18.38.040 of the Manitou Springs Municipal Code is hereby deleted.

Section 6: 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 7: 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 8: 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