

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING SECTION 1.01.100 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING CIVIL ENFORCEMENT OF CERTAIN MUNICIPAL CODE VIOLATIONS

WHEREAS, the City Council desires to amend the violation and penalty provisions of Section 1.01.100 of the Manitou Springs Municipal Code to expressly provide for civil enforcement of violations of provisions in Title 6 (Health and Safety) and Title 18 (Zoning) of the Manitou Springs Municipal Code.

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

Section 1: A new subsection D is hereby added to Section 1.01.100 of the Manitou Springs Municipal Code, and shall provide as follows:

1.01.100 – Violations and punishment.

- D. The City is authorized to initiate a civil action in municipal court for an alleged violation of any provision of Title 6 and Title 18 of this Code. The City may seek to have the court declare a violation of the municipal code and request that the court enjoin the violation or order its restraint, removal, termination or abatement by the owner, agent, entity, occupant or person who caused the violation or such person or entity who allowed the violation to continue, or authorize the city administrator or the administrator's designee to terminate or abate such violation.
1. A civil action to declare and abate a violation of this Code shall be brought in the name of the City by filing a summons and complaint, which shall be verified or supported by an affidavit. Summonses shall be issued and served in accordance with the municipal court's rules of procedure. A peace officer of the City may serve a summons and verified complaint upon the owner, agent entity, occupant or the person who caused or allowed the violation (hereinafter "respondent"). The trial or hearing of such action shall be to the court.
 2. A notice of appearance shall be served with the summons and complaint. The appearance date shall be not less than seven (7) days from the date of service of the summons and complaint. The respondent shall file a response or answer on or before the appearance date specified in the notice of

appearance. A hearing shall be held upon the appearance date, unless the court grants a continuance for good cause shown.

3. Upon the date and time specified for appearance and hearing, if the respondent has not filed a response and fails to appear, and if the City proves service was made on respondent at least seven (7) days prior to the appearance date, the court may grant such orders as are requested by the City; except that, the court shall order that enforcement by the City be stayed for ten (10) days and that a copy of the court's order be mailed to the respondent at respondent's last known address. Failure to appear at any hearing date shall be grounds for entering a default and default judgment against the nonappearing party. Prior to enforcement, and upon good cause shown, the court may set aside any entry of default and the default judgment entered thereon.

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: 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 21st day of November, 2017.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the December 5, 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: November 22, 2017 (in full)
City's Official Website and City Hall

Passed on second reading and approved by Council this 5th day of December, 2017.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

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

Ordinance Published: December 7, 2017 (in full)
City's Official Website and City Hall