

ORDINANCE

**AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, EXTENDING AN EXISTING MORATORIUM ON APPLICATIONS FOR ADULT BUSINESS LICENSES OR ON ESTABLISHING A SEXUALLY ORIENTED BUSINESS IN THE CITY**

**WHEREAS**, via Ordinance No. 3217, the City Council extended the six-month moratorium, originally established by Ordinance No. 0617, on applications for adult business licenses and on establishing a sexually oriented business in the City to provide time for the City to determine appropriate location and business license regulations;

**WHEREAS**, a draft ordinance regulating adult businesses has been developed by City staff and reviewed by the City Planning Commission;

**WHEREAS**, City Council reviewed the draft ordinance at its regular meeting on September 19, 2017 and directed staff and legal counsel to review and advise upon several issues related to the ordinance;

**WHEREAS**, staff and legal counsel have delivered such advice, a citizen working group was formed to provide community guidance regarding the proposed regulations, and regulations have been worked on further in response to comments and input from the community working group;

**WHEREAS**, updated and revised regulations are anticipated to be submitted to the Planning Commission and the City Council in May or June for final comments and approval; and

**WHEREAS**, the City Council, therefore, desires to extend the moratorium until July 20, 2018, to accommodate this planned review and approval period, any additional resulting revisions, and publication of the adopting ordinance.

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

**Section 1:** The moratorium is hereby extended through July 20, 2018, unless repealed prior to that date or extended, if necessary, as determined by City Council.

**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 necessary for the preservation of the public health and safety, because the current City regulations governing sexually oriented business are

inadequate to address secondary effects of such businesses and the existing moratorium has not provided sufficient time to adopt appropriate regulations with the level of public input and review desired by the City Council.

**Section 4:** This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on first reading and ordered published this 17<sup>th</sup> day of April, 2018.

/s/ Donna Kast  
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the May 1, 2018, 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 19, 2018.  
*City's Official Website and City Hall*

Passed on second reading and adopted by City Council this 1st day of May, 2018.

/s/ Ken Jaray  
Mayor, Ken Jaray

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

Published: May 3, 2018 (in full)  
*City's Official Website and City Hall*