

ORDINANCE**AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING VARIOUS SECTIONS OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING THE SETTING OF CITY FEES BY RESOLUTION**

WHEREAS, the Manitou Springs Municipal Code contains many provisions regarding the setting of fees within the various City departments;

WHEREAS, the City Council desires to create a streamlined method of reviewing and updating the City's fee and cost structure; and

WHEREAS, the City Council desires to revise the Manitou Springs Municipal Code to remove provisions establishing fees in the Municipal Code itself, to allow the City Council to adopt fees separately by resolution in a universal fee schedule.

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

Section 1: Section 1.32.120 of the Manitou Springs Municipal Code is hereby amended to read as follows:

1.32.120. Court costs.

The per diem fee for all jurors shall be an amount set by resolution of the city council. A jury fee set by resolution of the city council shall be imposed as part of the costs of the suit in each cause tried by a jury, which fee shall be paid upon the demand therefor by any defendant. Upon a verdict or judgment of guilty all costs of the trial may be assessed to the defendant including counsel fees, jury fee and other court costs, which court costs shall include a docket fee of in an amount set by resolution of the city council. Said costs shall be paid into the municipal court. In all such cases except for parking ticket cases, the court shall also assess a surcharge in an amount set by resolution of the city council, which shall be deposited into the Law Enforcement Special Revenue Fund. Funds deposited into the Law Enforcement Special Revenue Fund shall be used for constructing improvements to the Police Department offices and facilities and to purchase equipment for public safety purposes. Upon a verdict and judgment of not guilty, all of the costs shall be paid by the city.

Section 2: Section 3.36.010 of the Manitou Springs Municipal Code is hereby amended to read as follows:

3.36.010. Established.

A. The planning director shall charge a fee for all administrative, technical and legal reviews of development proposals and for all inspections of proposed development sites. The director of planning may charge a fee for other similar administrative services performed by the planning department under this chapter.

B. The city council shall from time to time determine the cost of performing various types of administrative, technical and legal services under this chapter, including, but not limited to, administrative reviews of development proposals and inspections of proposed development sites, based upon all factors included in the current cost of performing those services and on the basis of such historic costs and estimations, shall promulgate a schedule of fees for the performance of services, which shall be adopted by resolution of the city council.

C. Any schedule of these fees promulgated by the city council shall be effective immediately upon adoption by resolution and shall be available for public inspection in the office of community development and planning.

D. A late fee of 200% of the normal application fee (two times the normal fee) shall be charged for any unauthorized use, unauthorized improvement, or unauthorized work begun before required approval(s).

Section 3: Section 5.04.090(B)(2) of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.04.090. License Fees.

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B. Partial Payment—Lost Licenses.

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2. Whenever a license is lost, the finance director is authorized to replace the license, upon payment of a fee set by resolution of the city council to defray the costs of replacement.

Section 4: Section 5.05.040 of the Manitou Springs Municipal Code is hereby repealed in its entirety and reenacted as follows:

5.05.040. Schedule of fees.

Fees for business licenses and renewal of business licenses shall be divided into the categories established in this Section 5.05.040. The license fee

associated with each category of business license shall be set by resolution of the City Council.

1. Businesses that contemplate the collection of retail sales tax;
2. Businesses that do not contemplate collection of retail sales tax;
3. Specific activity licenses for those activities appearing in Chapters 5.06, 5.08, 5.12, 5.17, 5.20, 5.24, 5.28, 5.36, 5.44, 5.48, 5.52, 5.56, 5.60, 5.64, 5.68, 5.72, 5.76, 5.80 and Section 6.44.030 of this Code; and
4. Home occupation licenses. For purposes of this section, "home occupation" means any business conducted from a residential zoned property, when such business is not subject to any other business license fees set forth in this Chapter 5.05. All home occupations shall be subject to the requirements set forth the City's zoning regulations.

Section 5: Section 5.08.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.08.020. Auctioneers—License Fee—Bond.

No person shall carry on the business of an auctioneer without having obtained a license therefor and paid the license fee set by resolution of the city council. Each auctioneer applying for a license shall also present the Director of Finance and Budget with a corporate surety bond payable to the city in an amount set by resolution of the city council, signed by one or more sureties and conditioned on the faithful compliance with this chapter.

Section 6: Section 5.08.030 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.08.030. Auction houses—License Fee—Bond.

No person may establish an auction house without having first obtained a license therefor and paid a license fee set by resolution of the city council together with a corporate surety bond in an amount set by resolution of the city council, signed by one or more sureties and conditioned on the faithful compliance with this chapter.

Section 7: Section 5.12.010 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.12.010. License--Fees.

A. It is unlawful for any person to advertise or conduct or carry on in the city any sale of goods, wares or merchandise at retail that is represented as a

closing-out, quitting business, going out of business, liquidation, closing out all stock, lost lease, forced out of business, bankrupt or other similar sale without first having filed with the finance director the inventory under oath herein provided for, complying with the provisions of this ordinance and obtaining from the finance director a license to do so to be known as a "Closing-Out Sale License." The fees for such license shall be categorized as follows and established in an amount set by resolution of the city council:

1. Closing-out businesses that operate for a period not exceeding thirty days;
2. Closing-out businesses that operate for a period not exceeding sixty days; and
3. Closing-out businesses that operate for a period not exceeding ninety days.

B. Upon good cause, the finance director may extend the license period for a reasonable time if such extension is required to complete the sale. The finance director is also authorized to adopt regulations consistent with the provisions of this chapter in order to accomplish its objectives.

C. "Person," as the word is used herein, includes a corporation, firm, partnership, association, other groups and individuals. The license when issued shall bear a number and the licensee shall include his or her license designation and number in all advertising for sale of goods or stocks of merchandise.

Section 8: Subsection (B) of Section 5.17.030 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.17.030. Application for license.

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B. All applications for a transient business license shall be submitted to the city council for approval subject to all applicable requirements of Chapter 5.04. The business shall be subject to a license fee in an amount set by resolution of the city council.

Section 9: Section 5.17.040 of the Manitou Springs Municipal Code is hereby deleted in its entirety.

Section 10: Section 5.20.050 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.20.050 - License fees.

All applications shall be accompanied by the payment of fees set forth in state statute and as set by resolution of the city council in the city's fee schedule.

Section 11: Section 5.24.110 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.24.110. License Fee.

Any applicant wishing to apply for a license to do business as a pawnbroker or as a purchaser of valuable articles shall submit his or her application for such license upon a form provided by the city clerk, and at the time of application shall submit all information required in the application form, and shall pay the application fee set by resolution of the city council. If the license holder wishes to renew the license for the succeeding year, he or she shall, prior to the expiration of the license, submit to the city clerk a renewal application, together with a renewal fee as set by resolution of the city council

Section 12: Section 5.28.010 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.28.010. Carrying passengers—License required.

It is unlawful for any person, firm or corporation to engage in the business of carrying passengers for hire in or with horse-drawn vehicles within the corporate limits of the city without first having secured an annual business license and without payment of a new license fee or renewal fee, as set by resolution of the city council.

Section 13: Section 5.32.040 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.32.040. License--Fee.

Each applicant for a license shall pay an annual license fee, as set by resolution of the city council, prior to the issuance of same, irrespective of the number of taxicabs which may be operated within the city.

Section 14: Section 5.36.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.36.020. License--Required.

It is unlawful for any person, firm or corporation to establish, carry on or engage in any of the occupations or businesses defined in Section 5.36.010 within the corporate limits of the city, without first having secured a license to do

business as a tourist driver/private car driver, and without payment of a new license fee or renewal license fee, in an amount set by resolution of the city council.

Section 15: Section 5.48.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.48.020. License--Required.

No person shall engage in the business of operating an entertainment or amusement business without first obtaining a business license, and without payment of new license fee or renewal license fee in an amount set by resolution of the city council.

Section 16: Section 5.52.040 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.48.040. License requirements.

A. It is unlawful for any person, firm or corporation to operate, conduct or maintain any dance, dance hall or dance pavilion for profit where there is a charge for admission or for dancing or to lease such premises for private dances unless and until such person, firm or corporation first obtains a license therefor and paid an application fee in an amount set by resolution of the city council. No license shall be required for a dance held on publicly owned property, in churches or in public schools or by a charitable or nonprofit organization. Application shall be made to the finance director, which application shall set forth the applicant's detailed plan of operation and shall be accompanied by three letters of recommendation. Notice of the hearing on the application shall be published in a newspaper of general circulation in the city at least ten days before a hearing shall be held by the council on the application for such license. The license shall be granted only after a public hearing before the city council. The city council or its duly appointed representative shall inspect the premises and shall investigate the moral fitness, character and reputation of the applicant and the officers, directors and stockholders of the corporation. At the public hearing all interested parties shall be permitted to appear on behalf of the applicant or opposing the granting of the license.

B. The city council in authorizing and granting the license shall find the issuance of such license will not adversely affect public health, safety or morals of the city and the operation of such facility on the premises will not constitute a nuisance in the neighborhood.

Section 17: Section 5.56.040 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.56.040. License--Fee.

The fee for an amusement ride license fees and renewal fees shall be set by resolution of the city council.

Section 18: Section 5.60.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.60.020. License—Required.

It is unlawful for any person, firm or corporation to run or operate a rifle range within the corporate limits of the city without first obtaining a license to do so, and without payment of a new license fee or renewal fee in an amount set by resolution of the city council.

Section 19: Section 5.64.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.64.020. License—Required--Fee.

No person, firm or corporation shall engage in the business of being an operator or proprietor of coin-operated amusement devices as the term is herein defined, nor shall a person, firm or corporation whose business is other than that of operating coin- operated amusement devices on his business premises, without first having obtained the proper license, and without having paid a new or renewal license fee in an amount set by resolution of the city council.

Section 20: Section 5.68.010 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.68.010. License—Required--Fee.

It is unlawful for any person, firm or corporation to maintain or operate a pony ride in the city, without first having obtained a business license, and without having paid a new or renewal license fee in an amount set by resolution of the city council.

Section 21: Section 5.72.050 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.72.050. Application fee.

Each applicant, whether an individual, partnership, or corporation, shall pay an application fee in an amount set by resolution of the city council at the time of filing an application. Such application fee shall be nonrefundable.

Section 22: Section 5.72.140 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.72.140. Identity cards.

A. Every applicant, licensee, agent or employee of said applicant or licensee who administers massages shall, prior to commencing work in or upon the licensed premises, obtain an identity card from the city clerk and shall carry said identity card at all times while in or upon the licensed premises.

B. The identity card shall include the location of the massage parlor, the name, signature, and photograph of the individual. A fee in an amount set by resolution of the city council shall be charged for each card, said fee to be collected by the city clerk and used to defray the expenses of providing such identity cards. A separate identity card shall be required for each person for each place of employment.

C. Each applicant for an identity card shall be photographed and fingerprinted by the police department and must submit an application form, background investigation report, a copy of a valid picture driver's license or other form of acceptable picture identification, and the required identity card and investigation fees to the city clerk. Upon receipt of a properly completed application form, acceptable form of identification, and fee, the city clerk shall transmit the application to the Manitou Springs police department for investigation of the applicant's background. The city clerk shall reject any application that is not complete in every detail.

D. Within forty-five days after filing of a properly completed application for an identity card, the city clerk will either issue the requested identity card or notify the applicant that the police department has recommended denial of the identity card. The police department may request a reasonable extension of time from the city clerk if such extension of time is necessary in order to complete its investigation. Notice of denial of an identity card setting out the grounds for denial shall be sent by certified mail to the applicant at the address provided by the applicant. The grounds for denial shall be those set out in this section and Section 5.72.160 herein. In the event of a denial, an applicant shall have the right to a hearing before the licensing authority as set forth in Section 5.72.150.

E. Should any identity card be lost, stolen, or otherwise missing, the person to whom the identity card was issued shall report the missing card to the city clerk within forty-eight hours of discovery that the identity card is missing. Replacement identity cards shall be issued within five business days of receipt of an application for a replacement identity card. The fee for a replacement card shall be in an amount set by resolution of the city council.

Section 23: Section 5.76.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.76.020. License required.

It is unlawful for any person to engage in the restaurant business without first securing an annual restaurant license and paying a new or renewal license fee in an amount set by resolution of the city council.

Section 24: Section 5.80.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.80.020 - License required.

It is unlawful for any person to engage in the service station business without first securing an annual service station license and without payment of a new or renewal license fee in an amount set by resolution of the city council.

Section 25: Subsection (B) of Section 5.88.130 of the Manitou Springs Municipal Code is hereby amended to read as follows:

5.88.130 - Renewals.

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B. Notwithstanding the provisions of Subsection A, a licensee whose license has been expired for not more than ninety days may file a late renewal application upon the payment of a nonrefundable late application fee in an amount set by resolution of the city council to the local licensing authority. A licensee who files a late renewal application and pays the requisite fees may continue to operate until both the state and local licensing authorities have taken final action to approve or deny the licensee's late renewal application unless the state or local licensing authority summarily suspends the license.

Section 26: Subsection (D) of Section 6.08.050 of the Manitou Springs Municipal Code is hereby amended to read as follows:

6.08.050 – Abatement of conditions of nuisance.

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D. If the initial notice period expires without receipt by the city manager, or his or her designee, of a petition for hearing, or the five-day period following the mailing of the city manager's, or his or her designee's, determination, expires without the condition of nuisance being abated by the owner, the condition of nuisance may, in the discretion of the city manager, or his or her designee, be abated by the city. Upon completion of the work of abatement, the city manager, or his or her designee, shall cause a notice to be mailed to the owner of the property, setting forth the cost of the abatement, which shall include time devoted to such work by each city employee or contractor at an hourly rate

set by resolution of the city council, plus an administrative fee set by resolution of the city council.

Section 27: Subsection (A) of Section 6.26.104 of the Manitou Springs Municipal Code is hereby amended to read as follows:

6.26.104 – Certificate of designation--requirement.

A. Any person desiring to operate a solid waste disposal site or disposal facility or combination thereof for putrescible or nonputrescible solid waste or a combination thereof shall make application to the city clerk. Such application shall be accompanied by a nonrefundable fee in an amount set by resolution of the city council, and shall set forth the location and type of the site or facility, the type of processing to be used, such as sanitary land fill, composting or incineration, the grade proposed at the culmination of the operation, the hours of operation, the method of supervision, the rates to be charged, if any, and such other information as may be requested of applicant by the city for purposes of evaluating compliance with the rules and regulations pertaining to the approval of an application for a certificate of designation. The application review process for a nonputrescible solid waste disposal facility or putrescible solid waste disposal site or facility or combination thereof shall differ from that for a nonputrescible solid waste disposal site as set forth herein.

Section 28: Section 6.32.030 of the Manitou Springs Municipal Code is hereby amended to read as follows:

6.32.030 – Fees for fire inspections, plan review and permits.

A. Special Attendance. Attendance at meetings or events as *a* representative of the contracting organization shall be compensated at an hourly rate set by resolution of the city council (two-hour minimum).

B. Pre-Plan Submittal Consultations. Pre-plan submittal consultations with city staff shall be compensated at an hourly rate set by resolution of the city council, with a two-hour minimum.

C. Development Plan Review. Review of fire department access to ensure adequate road widths, turning radius, turn-arounds, dead-ends and obstructions including: overhead, gates, fences, topography, grades, parking areas, surfacing, lot restrictions, bridges, etc., will be charged at a flat rate set by resolution of the city council. This review will also indicate locations of required fire lanes. No field inspection is included with a development plan review.

D. Water Plan Review. Review of available water supply, adequate number of hydrants, hydrant spacing and location per the applicable fire code and local amendments will be charged at a flat rate set by resolution of the city council plus a per-hydrant/cistern connection fee, also set by resolution of the city

council. No field inspection is included with the water plan review; however, flow documentation from an approved testing agency shall be provided at the time of water plan review.

E. Construction Plan Review. Review of construction plans to verify life safety system components such as: address, location, occupancy classification, occupant load, exiting, fire extinguishers, emergency generator, smoke management, medical gas systems, signage, emergency lighting, and special hazards shall be charged pursuant to a fee schedule set by resolution of the city council. If multiple structures are submitted for review on a single plan submittal, each building will be reviewed and charged individually. Plans submitted for review of a single building containing multiple occupancies will be charged for the highest occupancy classification fee.

Section 29: Section 6.32.050 of the Manitou Springs Municipal Code is hereby amended to read as follows:

6.32.050 – High-pile storage.

A. Occupancies storing high-pile stock as defined by the applicable fire code will be assessed a fee in an amount set by resolution of the city council for review and inspection of high-pile storage for code compliance. The fees detailed in this Section reflect a single fire final inspection. In the event that the inspection is failed, additional inspections will be assessed at an hourly rate set by resolution of the city council, with a two-hour minimum.

1. Fire Sprinkler Plan Review. Fire sprinkler plans will be reviewed to ensure compliance to the most current applicable edition of NFPA 13, 13R or 13D standards in addition to the applicable fire code. Fire Sprinkler Plan review shall be charged at rates set by resolution of the city council. There are three inspections required and included with the sprinkler plan: 1) Underground flush and hydrostatic test; 2) Rough-in visual; and 3) Final visual and system hydrostatic test. In the event that the inspection is failed, additional inspections will be assessed at an hourly rate set by resolution of the city council, with a two-hour minimum.

2. Fire Alarm Plan Review. Fire alarm plans will be reviewed to ensure compliance with the most current applicable edition of NFPA 72 standards in addition to the applicable fire code. Fire alarm plan reviews shall be charged at rates set by resolution of the city council. There is a single fire alarm final inspection required. In the event that the inspection is failed, additional inspections will be assessed at an hourly rate set by resolution of the city council, with a two-hour minimum.

3. Fixed Fire Plan Review. Fixed fire plans will be reviewed to ensure compliance to the most current applicable edition of NFPA 17 and 17A standards in addition to the applicable fire code. Fixed fire plan

reviews shall be charged at a rate set by resolution of the city council. There is a single fixed fire final inspection required. In the event that the inspection is failed, additional inspections will be assessed at an hourly rate set by resolution of the city council, with a two-hour minimum.

B. Shipping/travel. The fees charged for fire inspections do not include the cost of shipping plans to and from the city's consultants, or expenses associated with travel requested beyond required fire inspections. Retrofits, upgrades, or code compliance situations where only fire alarm monitoring is required shall be charged at an hourly rate set by resolution of the city council.

C. Special Permits. Permits must be secured from the city fire code enforcement officer prior to engaging in the following special uses and activities. Permit activities are defined in Article 4 of the Uniform Fire Code, entitled "Permits." The city shall charge special permit fees, as set by resolution of the city council. Permits will remain in effect for one year from date of issue unless revoked by action of the city fire code enforcement officer for violation of the Uniform Fire Code.

1. Bonfires, rubbish fires, or open burning;
2. Explosives and blasting caps;
3. Dry-cleaning plants;
4. Fireworks;
5. Installations of, or alterations, removal, abandonment, retirement from service or other disposal of flammable or combustible-liquid tanks;
6. Erecting or operating a tent or air-supported structure covering an area in excess of two hundred square feet unless such structures are used exclusively for camping.

Section 30: Section 6.32.060 of the Manitou Springs Municipal Code is hereby amended to read as follows:

6.32.060 – In-house inspections and reviews.

A. To the extent that personnel of the Manitou Springs Fire Department are available and have the licenses and certifications for making such inspections, such personnel may perform the inspections detailed in this Chapter and shall do so upon the basis of a fee schedule adopted by resolution of the city council.

B. Definitions and Explanations.

1. Pre-Plan Submittal Consultations: Fees assessed for pre-plan submittal consultations are intended to account for time associated with a project during the design and planning stages. The intent behind such fees is cost recovery for staff time during the consultations, similar to time spent during plan reviews. For minor meetings with one or two staff members that take less than thirty minutes, a fee will not be assessed.

2. Trip Fee: Trip Fees are assessed for the staff time associated with the two site inspections for a given permit. A trip fee will be assessed when, due to the phasing or scheduling of a project, additional inspections may be required.

3. Reinspection Fee: Reinspection fees are assessed when any portion of work for which an inspection is called is not complete or when required corrections have not been made. Reinspection fees may also be assessed for failure to post a required permit, failure to provide access for a requested inspection, failure to maintain work in an exposed condition until the inspection is completed, deviation from approved plans, lack of sufficient documentation, equipment, or personnel required to conduct the inspection, or work for which an inspection has been called but has not been pre-tested or is not ready for inspection.

4. Standby Fire Watch: In the event a business is required to conduct a fire watch, or where it is determined that Manitou Springs Fire Department employees are required to perform fire watch duties, a Standby Fire Watch fee will be assessed for each employee involved in the fire watch on an hourly basis.

Section 31: Section 7.08.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

7.08.020 – Licensing requirements (dogs and cats).

A. It is unlawful for any person to own or keep any cat or dog over the age of six months without obtaining a city of Manitou Springs license.

B. When any cat or dog owned or kept by any person residing within the city becomes six months old, the owner or keeper of such cat or dog shall have it licensed within thirty days of that date. The application shall include the breed, sex, color and name of the cat or dog, and a license fee shall be paid in an amount set by resolution of the city council.

Section 32: Section 7.08.050 of the Manitou Springs Municipal Code is hereby amended to read as follows:

7.08.050 – Kennels—Licensing requirements.

A. Every person desiring to keep and maintain a kennel within the corporate limits of the city shall apply to the license clerk for a license. A kennel

license authorizes the operation of a kennel composed of not more than twenty-five dogs.

B. Applicants for a kennel license will provide the name of the applicant, the location and proposed size of the kennel. In addition, applicant will submit proof of written consent of a majority of persons of legal age living within six hundred feet of the proposed kennel. Then, upon payment of the annual license fee set by resolution of the city council, the license clerk shall submit the application to the city council for approval.

Section 33: Section 9.56.030 of the Manitou Springs Municipal Code is hereby amended to read as follows:

9.56.030 – Registration of alarm system.

A. No person shall install or operate any alarm system in a commercial building, structure or facility within the City of Manitou Springs unless the alarm system has been registered with the Police Department. An alarm system shall be deemed registered at such time as a registration form supplied by the Police Department is completed as to all information requested therein and is returned to the Police Department receipt of which is acknowledged in writing. Among the information to be provided on the registration form is the following:

1. The name, address, telephone number of the owner or manager of the property upon which the alarm system is installed;
2. A list of the names, address and telephone numbers of the person(s) to be contacted in the event of an alarm or in an emergency situation determined by the Police Department and Fire Department;
3. The name of the installer of the system (name, address and telephone number);
4. The type of system;
5. The names, addresses and telephone numbers of the persons or company maintaining the alarm system.

B. No further renewal registration shall be required unless and until there has occurred any material change in the information previously submitted with respect to any alarm system; in which event it shall be the duty of the user of the alarm system, within ten days of such material change, to file a supplemental or revised registration containing accurate, current information. A one-time registration fee in an amount set by resolution of the city council shall accompany each registration form. All preexisting alarm systems shall comply with requirements of this subsection.

Section 34: Section 10.12.010 of the Manitou Springs Municipal Code is hereby amended to read as follows:

10.12.010 - Prohibited—Where—When.

A. Metered and regulated parking.

1. No person shall park a vehicle in any parking space designated by the city as a paid parking space. Paid parking spaces shall be regulated by any type of parking meter, parking meter machine or other technology without first paying the required fees for the amount of time the vehicle shall be parked.

2. Parking fees shall be set by resolution of the City Council, and all required fees shall be paid by any method allowed by the city, which may include bills, coins, credit cards, smart cards, or other technology methods such as pay by cell phone, online prepaid parking, and validations.

3. Vehicles with a valid Residential Permit Parking (RPP) sticker or tag may be parked in a metered space only within their assigned RPP area without paying the meter. RPP permits will only be valid in the areas and at the times specified in both the applicable RPP area and by the posted signage.

B. It is unlawful to park a vehicle in the following lots in violation of the rules and limitations posted in said lots:

1. Mansions Park parking lot (118 Lovers Lane);
2. City hall parking lot (606 Manitou Avenue);
3. Police and fire department parking lot (620 Manitou Avenue);
4. Wichita parking lot (708 Manitou Avenue);
5. Canon Avenue parking lot (135 Canon Avenue);
6. Schryver Park and swimming pool parking lot (202 Manitou Avenue);
7. Fields Park parking lot (101 El Paso Blvd);
8. Prospect parking lot (833 Prospect Place);
9. City of Manitou Springs Cemetery (502 Plainview Place);
10. Barr Trail parking lot (13 Hydro Street); and
11. Smischny parking lot (1134 Manitou Avenue);

C. Persons legally authorized to use on-street ADA parking spaces are allowed to occupy such spaces for one additional hour over the established time limit for the area and in any instance not less than four hours.

D. Designation of color coding for parking restricted areas:

1. To assist vehicle operators in identifying various types of parking restricted areas in addition to posted signs when and where appropriate, the following color designations shall be used to identify such spaces and areas:

a.	No parking	Yellow
b.	ADA designated parking	Blue
c.	Loading zones and other parking restricted areas	Green
d.	Fire lane	Red

Section 35: Section 10.12.014 of the Manitou Springs Municipal Code is hereby amended to read as follows:

10.12.014 – Delivery vehicle use of Manitou Avenue center lane.

A. Private and commercial delivery vehicles as defined in Section 10.12.14.B or for which a pick-up placard per Section 10.12.14.E has been issued and that have an approved Manitou Springs delivery permit shall be authorized to park in the center lane of Manitou Avenue within the 500 block through the 1300 block for the purpose of delivering or picking up goods.

B. Delivery Vehicle Definition.

1. "Private delivery vehicle" means a passenger vehicle used by a business enterprise for the purpose of loading and/or unloading goods or merchandise. Private delivery vehicles may use the center lane of Manitou Avenue provided they display an authorized delivery permit sticker and have an approved permit on file with the city.

2. "Commercial delivery vehicle" means a nonpassenger vehicle visibly marked with a company name or organizational logo and making deliveries. Commercial delivery vehicles do not require issuance of a permit or display of a delivery permit sticker.

C. Regulations for Use of Manitou Avenue Center Lane for Delivery and Pick-up.

1. Only commercial delivery vehicles and permitted private delivery vehicles displaying an authorized deliver sticker or private

vehicles displaying a pick up placard issued pursuant to Section 10.12.14.E may use the center lane for deliveries or pick-up.

2. Vehicle emergency warning lamps must be flashing at all times when a vehicle is in the center lane.

3. Use of the center lane is limited to active loading and/or unloading for no more than 15 minutes.

4. No delivery vehicles may park in the center lane of Manitou Avenue within twenty feet of a pedestrian crosswalk.

D. Application, Eligibility and Requirements for Delivery Permits.

1. The owner of any vehicle as defined in Section 10.12.14.B(1) may apply for a delivery permit allowing for the use of the center lane of Manitou Avenue on a city-approved form. The application must be accompanied by a valid copy of the applicant's current Manitou Springs business license, and payment of an application fee in an amount set by resolution of the city council. Businesses located outside of Manitou Springs may provide evidence of incorporation or a sales tax license in lieu of a valid Manitou Springs business license.

2. Any business issued a delivery permit is entitled to up to three stickers.

3. Permits are not transferable.

4. Vehicles requiring permit stickers must visibly display such sticker on the windshield of the delivery vehicle (passenger side-placed low near dashboard).

E. Application, eligibility and requirements for merchandise pick-up placards.

1. Businesses located within the 500 block through the 1300 block of Manitou Avenue may apply for one pick-up placard to allow customers to park in the center lane for the sole purpose of picking up large, heavy, or cumbersome merchandise.

2. Application shall be made to the City of Manitou Springs on an approved form for a pick-up placard allowing the use of the center lane of Manitou Avenue by customers. The application shall be accompanied by a valid copy of the applicant's current Manitou Springs business license and payment of an application fee in an amount set by resolution of the city council.

3. In the event a pick-up placard is lost, replacement placards may be obtained for a fee in an amount set by resolution of the city council.

4. The business operator shall instruct the customer to display the placard on the rear-view mirror or vehicle dashboard so it is visible through the windshield and to return the placard to the business before driving away. The regulations for use of the center lane as defined in Section 10.12.14.C shall be complied with.

F. Permits valid. Once issued, vehicle delivery or pick-up placard permits are valid until a business ceases operation or moves outside of the center lane delivery area. Businesses that move within the center lane delivery area, or that change the specified passenger vehicle(s) shall update any approved permit within ten days; no fee shall be charged for such updates. The city, at its discretion, shall have the option of requiring new permit applications at any time in the future.

G. Revocation of Permit or Placard. Use of a delivery permit or pick up placard for other than the intended purposes may result in revocation of center lane use privileges by the city administrator.

Section 36: Section 12.06.010 of the Manitou Springs Municipal Code is hereby amended to read as follows:

12.06.010 – Paved streets not to be cut.

No street, alley or other public way within the City with a paved, overlaid or hard surface shall be cut, or the surface thereof otherwise broken through, by any person, firm, corporation or association for a period of one year subsequent to the date of final acceptance of such construction or reapplication of the paved, overlaid or other hard surface, and no permit therefor shall be issued within such time period. After such one year period, a permit may be issued upon proper application and payment of all fees required by this chapter, and upon payment of an additional paved street cut fee set by resolution of the city council for each sixty square feet, or portion thereof, of cut or activity which causes the surface to be broken through. This section shall not apply to gravel surfaced streets or emergency maintenance of utility lines as authorized by City.

Section 37: Section 12.06.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

12.06.020 – Permit application.

Application forms for street, alley or other public way closure or partial obstruction, and for the cutting of such street, alley or other public way are

available in the City Administration Office at City Hall at 606 Manitou Avenue, Manitou Springs, Colorado. A completed application shall contain the identity, address and telephone number of the applicant, a statement of the need or reason for requesting the permit, a statement of the proposed location and nature of closure or obstruction, a statement of the times of day or period of time which the applicant expects to maintain the closure or obstruction, any conditions which the applicant is willing to volunteer having placed on the permit, and an indemnification of the City for any claims, losses or liabilities arising from the granting of the permit. Incomplete applications will not be accepted by the City. In the event that an application is received and, upon review, deemed to be incomplete, it shall be returned to the applicant with a letter rejecting the application as incomplete and specifying in what particulars the application is incomplete. A permit bond in an amount set by resolution of the city council is required for all streets, alleys and other public ways. The applicant shall provide the permit bond to the City either in the form of a performance bond in the amount set by resolution of the city council, or in cash. A letter of credit is not acceptable in lieu thereof.

Section 38: Section 12.12.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

12.12.020 – Permit application and fee—Retaining wall construction plans.

The applicant shall file with the finance director an application stating his or her name, address and the type of excavating or fill-in work to be done. The applicant shall further submit plans for the construction of a retaining wall adjacent to said public roadway, alley, sidewalk or other public thoroughfare, which plans shall comply with the specifications on file in the finance director's office as approved by the building inspector of the city so that said retaining wall will provide adequate support for said public way. At the time of application, the applicant shall pay the finance director a permit fee in an amount set by resolution of the city council. This amount shall be returned to the applicant only if his request for a permit is denied.

Section 39: Section 12.23.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

12.23.020 – Permits for use of condominium newsracks.

The use of condominium newsracks by publishers and distributors of print media shall be by permit only, in accordance with regulations established by separate resolution of the city council. Any violation of such regulations by any publisher or distributor may, after hearing and notice, result in revocation of the permit for use of the condominium newsracks. The annual permit fee shall be set by resolution of the city council and shall be payable in advance of permit issuance.

Section 40: Section 12.24.020 of the Manitou Springs Municipal Code is hereby amended to read as follows:

12.24.020 – Vendor registration.

Anyone offering goods or services for sale at an event held on city property shall first obtain and display a vendor registration statement from the organizer of the event at a rate set by resolution of the city council for each day on which such goods or services will be offered for sale. The event organizer shall remit all such registration fees to the city finance department no later than forty-eight hours prior to the commencement of the event.

Section 41: The Manitou Springs Municipal Code is hereby amended by the addition of a new Section 12.24.030, which shall read as follows:

12.24.030 – Swimming pool fees.

The city council shall establish by resolution a schedule of fees for use of the Manitou Springs Pool and Fitness Center based upon a user's classification as either a resident or non-resident of the city.

Section 42: Section 12.28.040 of the Manitou Springs Municipal Code is hereby amended to read as follows:

12.28.040 – Burial rights—Resident defined.

A. Burial rights in Crystal Valley Cemetery shall be sold by the city for cash payments only under the regulations and conditions as provided by ordinance and for prices set by resolution of the city council. The fee schedule adopted by resolution of the city council shall be established based upon the following classes of burial rights: residents; nonresidents; resident infants under 6 months; nonresident infants under six months; resident cremates; and nonresident cremates.

B. A "resident" for the purposes of this chapter, is defined as:

1. An individual who resided in the city at the time of death;
2. A member of the immediate family of an individual who resides in the city. Immediate family includes only parent, spouse or child; or
3. A person designated as a resident by resolution of the city council.

Section 43: Section 12.28.090 of the Manitou Springs Municipal Code is hereby amended to read as follows:

12.28.090 – Funerals--Burials.

A. When a funeral procession enters the cemetery it shall be subject to the direction of the Superintendent. Any funeral service that lasts beyond 4:00 p.m. on weekdays shall be charged an hourly fee set by resolution of the city council.

B. Opening and closing costs for burials on Saturday or Sunday shall be double that which is detailed in Section 12.28.150.

C. Burial of more than one person in the same grave is prohibited except in the case of infant child, mother, and cremations of immediate family.

D. No burial of the remains of other than the immediate family of the owner of a lot shall be permitted until a written permit is filed by the owner in the finance director's office.

E. Wooden boxes are prohibited. All burial shall be in concrete vaults, fiberglass vaults or other comparable materials approved by the Superintendent; provided however, the Superintendent may waive this requirement in the case of the burial of indigent persons where the expense of burial is borne by public welfare agencies. A fee in an amount set by resolution of the city council must be paid in cases of a burial without an enclosure or a vault.

Section 44: Section 12.28.150 of the Manitou Springs Municipal Code is hereby amended to read as follows:

12.28.150 – Graves—Opening or filling--Charges.

A. No person except as authorized by the city shall be permitted to open or fill any grave. The city council shall establish by resolution a schedule of fees for the following services of the city incident to burial:

1. Opening and closing of graves for:
 - a. Infants under six months;
 - b. Cremates; and
 - c. All others.
2. Disinterring bodies for:
 - a. Infants and children under ten years old; and
 - b. All others.

B. The opening and closing fee is applicable for reburials in Crystal Valley Cemetery.

C. Fees for the opening and closing of graves on Saturdays, Sundays and holidays shall be charged at double rates.

Section 45: Section 12.28.160 of the Manitou Springs Municipal Code is hereby amended to read as follows:

12.28.160 - Burial rights purchase—Transfer recordation—Fee.

A. Transfer of Burial Rights. After burial rights are purchased from the city, they may not be transferred to another owner until such transfer is recorded in the records of the city administrator who shall collect a fee in an amount set by resolution of the city council for each transfer.

B. Inheritance. No person may transfer ownership of burial rights of a deceased owner unless such person is the sole heir of the deceased.

Section 46: Section 13.12.007 of the Manitou Springs Municipal Code is hereby amended to read as follows:

13.12.007 –Installations.

All meters shall be of a type, size and design approved by the city, and shall be installed as required by the procedures of the city. A fee for installation shall be set by resolution of the city council. Each meter shall be inspected and properly adjusted before installation and inspected prior to commencement of new water service.

Section 47: Subsection (C) of Section 13.12.120 of the Manitou Springs Municipal Code is hereby amended to read as follows:

13.12.120 – Charges when access denied.

...

C. When clear access is denied for two successive meter readings, or for any other function after written notice is mailed to the customer or conspicuously posted on the premises and no response is made by the customer to such notice within ten days, and an appointment is thereafter made with the customer for reading the meter or performing such other function, a fee in an amount set by resolution of the city council will be assessed for such appointment. Such fees shall differ depending upon whether the scheduled meter reading occurs during regular business hours or during off-duty hours or weekends.

Section 48: Section 13.16.010 of the Manitou Springs Municipal Code is hereby amended to read as follows:

13.16.010 – Water rates established.

A. There shall be two classifications of water customers: (1) Residential; and (2) Commercial. Any customer other than a single-family dwelling unit is classified as a commercial customer.

B. The city council shall establish by resolution a schedule of water rates that shall be modified on the first fiscal day of each year as follows:

2015	2016	2017	2018	2019	2020	2021
8.2%	8.2%	5.3%	2.1%	1.7%	1.7%	1.7%

C. The schedule of water rates shall include the following charge categories:

- (1) Monthly service charges;
- (2) Volume charge per 1,000 gallons for residential customers; and
- (3) Volume charger per 1,000 gallons for commercial customers.

C. All water rate modifications shall be rounded up to the nearest five-cent increment.

D. For premises located outside of the city boundaries, the monthly rates and charges computed on the basis of water used as set forth in this Section shall be charged at a rate of 1.5 times the rates specified in the City's fee rate schedule.

Section 49: Section 13.16.030 of the Manitou Springs Municipal Code is hereby amended to read as follows:

13.16.030 – Rates and charges—Computation of.

A. For premises located within the city, the monthly rates and charges computed on the basis of water used as set forth in Section 13.16.020 shall be as follows:

- 1. The Customer Charge per month for each customer shall be a sum set by resolution of the city council to cover operation, maintenance and capital improvements to the collection system for expenses associated with and allocated on a per customer basis as determined by the finance director.

2. Normal Quantity Charge for each one thousand gallons billed for all bills rendered after February 1, 2012, is determined by the Finance Director to cover volume-related sewage expense and shall be set by resolution of the City Council. In the event Colorado Springs Utilities changes the amount it charges the City to treat the city's wastewater, the commodity charge shall automatically adjust by an amount equal to the change in the Colorado Springs Utilities' charge.

B. For premises located outside of the city boundaries, the monthly rates and charges computed on the basis of water used as set forth in Section 13.16.020 shall be 1.5 times the rates adopted pursuant to Section 13.16.030(A)(1) and (2).

C. Surcharges. In addition to the rates and charges imposed by subsections A and B, designated nonresidential user classes will be assessed a surcharge for extra strength wastewater discharges. Designated nonresidential user classes located within and without the city, which discharge Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) which exceed the normal domestic strength BOD (280 mg/l) and TSS (270 mg/l), will be assessed a surcharge as determined and established by the city of Colorado Springs. This determination will be based on assigned classifications and will reflect average BOD and TSS strengths for each classification.

D. The city council shall establish by resolution a schedule of sewer rates which shall be modified on the first day of each fiscal year, as follows:

2015	2016	2017	2018	2019	2020	2021
6.5%	6.4%	2.7%	2.7%	2.7%	2.7%	2.7%

When rates are adjusted, they shall be rounded up to the nearest five-cent increment.

Section 50: Section 13.16.050 of the Manitou Springs Municipal Code is hereby amended to read as follows:

13.16.050 – Turn-off and Turn-on—Fees and penalties.

A. It is unlawful for anyone to turn on or turn off water service prior to giving written notice to the finance director. In cases not involving a delinquent account, only the owner of the property or his legally authorized agent may authorize a turn-on or turn-off of water service.

B. A fee in an amount set by resolution of the city council will be charged to restore service after it has been turned off for delinquency.

C. A fee in an amount set by resolution of the city council will be charged for each turn-on performed by the city after it has been turned off at the request of the owner.

D. A fee in an amount set by resolution of the city council will be charged for each turn-on performed by other persons after it has been turned off at the request of the owner. Failure to comply with subsection (A) of this section will result in a penalty of five times the fee described in this section.

Section 51: Section 13.20.040 of the Manitou Springs Municipal Code is hereby amended to read as follows:

13.20.040 – Schedule of charges and fees for water services.

A. The city council shall establish by resolution a schedule of water system improvement fees based upon the following classifications:

1. Single-family residence;
2. Other than single-family residence:
 - a. Duplex. There shall be two service connections complete with stop box facilities, meters and remote readers, each of which shall be connected to the water main by a single tap sized to adequately service both units.
 - b. Multifamily Residential Units.
 - i. For condominiums, townhomes or townhouses, there shall be separate water service connections complete with stop box, meter and remote reader to each individual dwelling unit. These separate services shall be connected to a sub-main-loop that is to be valved and connected into the water system at both ends. The sub-main-loop shall be connected to the city main by a single tap sized to adequately service all dwelling units and other facilities including irrigation and fire protection.
 - ii. For apartment structures larger than a duplex, there may be a single service connection to the main or separate service connections to each of the dwelling units within the apartment structure. In either case, the service connections must be:
 - a. Sufficiently sized to provide adequate pressure for domestic use and other

facilities such as laundries, irrigation and fire protection;

b. Equipped with a stop box, meter and remote reader.

iii. For each dwelling unit in the foregoing classifications of multifamily residential property, the water tap fee shall be charged at a percentage of the single-family residential rate, as set by resolution of the city council.

3. Commercial Users. There shall be one tap to provide for a single service connection complete with a stop box, a meter and a remote reader which is sufficiently sized to adequately serve structures or property containing space to be used for commercial purposes such as transient room rental, swimming pools, saunas, laundries and other facilities such as irrigation and fire protection.

B. Water Tapping Charges. The city council shall establish by resolution a schedule of water tapping fees based upon the size of the tap, as measured in inches.

C. Expansion of Demand Fee — Water. Remodeling or reconstruction that incorporates water-using fixtures, appliances or facilities in excess of those installed in or on the premises prior to remodeling or reconstruction shall be subject to payment of a fee to be set by resolution of the city council.

Section 52: Section 13.20.050 of the Manitou Springs Municipal Code is hereby amended to read as follows:

13.20.050 – Schedule of charges and fees for sewer services.

A. The city council shall establish by resolution a schedule of sewer improvement fees based upon the following classifications:

1. Single-family residences;

2. Other than single-family residences:

a. Duplex. There shall be two separate service connections to the collector main.

b. Multifamily Residential Units.

i. For condominiums, townhomes and townhouses, there shall be a separate service connection from each dwelling unit to a prefabricated concrete manhole interceptor prior to discharge of sewage to the collector main.

ii. For apartment structures larger than a duplex, there shall be a separate service connector from each structure containing apartment units, which shall be intercepted by a prefabricated concrete manhole prior to discharge of sewage to the collector main.

iii. For each dwelling unit in the foregoing classification of multifamily residential property, the sewer tap fee shall be charged at a percentage of the single-family residential rate, as set by resolution of the city council.

3. Commercial Users.

a. There shall be one tap to provide for a single service connection sufficiently sized to adequately serve structures or property containing space to be used for commercial purposes such as transient room rental, campground space rental, laundries, etc. The service connection from each structure or space shall be intercepted by a prefabricated concrete manhole prior to discharge to the collector main.

b. Collector manholes specified in subdivisions (A)(2)(b)(i) and (A)(2)(b)(ii)-and (3)(a) of this subsection are to be maintained by the owner as part of his sewer service line.

c. The sewer tap fee for commercial users shall be set by resolution of the city council based the following categories of use:

i. For each transient room or campground space rental unit; and

ii. For all other commercial users the fee shall be set based upon the size of the tap in the main measured in inches.

B. Expansion of Demand Fee — Sewer. Remodeling or reconstruction that incorporates wastewater collection fixtures, appliances, or facilities in excess of those installed in or on the premises prior to remodeling or

reconstruction shall be subject to payment of fees which shall be set by resolution of the city council.

Section 53: Subsection (D) of Section 13.28.040 of the Manitou Springs Municipal Code is hereby amended to read as follows:

13.28.040 – Special permits for exemption or partial exemption from water use restrictions.

...

D. Application Fee. Each application for a special exemption permit shall be accompanied by the payment of an application fee in an amount set by resolution of the city council.

Section 54: Subsection (F) of Section 13.28.050 of the Manitou Springs Municipal Code is hereby amended to read as follows:

13.28.050 – Procedure for submission and approval of alternate watering plans during periods of water use restrictions.

...

F. Each application for approval of a special watering plan shall be accompanied by the payment of an application fee in the amount set by resolution of the city council.

Section 55: Section 13.36.120 of the Manitou Springs Municipal Code is hereby amended to read as follows:

13.36.120 – Assessments—Rate.

Each individual water service shall be assessed at a monthly rate set by resolution of the city council.

Section 56: Chapter 18.04 of the Manitou Springs Municipal Code is hereby amended by the addition of a new Section 18.04.120, which shall read as follows:

18.04.120 – Fees.

A. All fees assessed pursuant to Title 18 of the Manitou Springs Municipal Code shall be non-refundable.

B. Any property owner submitting a land development application shall be responsible for paying all costs and fees incurred by the city in reviewing and processing such application, including but not limited to: attorney fees; engineering fees; surveying fees; consulting fees; recording fees; and legal publications and notice expenses.

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C. Final approval of any application submitted pursuant to Title 18 shall be contingent upon payment of all fees and expenses to the city. The city is not obligated to record documents, issue building permits or process any applicant submittals until all outstanding costs and fees have been paid.

D. In the event the city must pursue collection of an applicant's outstanding fees or costs, an applicant shall be responsible for the payment of all attorney fees and costs incurred by the city in such collection efforts. The city reserves the right to suspend an application, withhold approval or postpone public hearings if an applicant fails to pay any fee due under this Title 18. In addition to any other remedy available, any delinquent charges due under this Title 18 may be certified to El Paso County and collected in the same manner as municipal taxes.

Section 57: 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 58: 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 59: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 60: This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on First Reading and Ordered Published this 20th day of January, 2015.

/s/ Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the February 3, 2015 City Council meeting. The Council meeting will be held at 7:00 pm at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: January 22, 2015 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published this 3rd day of February, 2015.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Ordinance Published: February 5, 2015 (in full)
City's Official Website and City Hall