

ORDINANCE

AN ORDINANCE AMENDING TITLE 12 STREETS AND OTHER PUBLIC PLACES OF THE MANITOU SPRINGS MUNICIPAL CODE TO REGULATE THE PLACEMENT OF ROLL-OFF DUMPSTERS, STORAGE PODS OR OTHER IMMOVEABLE OBJECTS.

WHEREAS, the current regulations regarding roll-off dumpsters are found in the Municipal Code under Section 12.16.010 Accumulation of snow or debris on sidewalks and City Staff has recommended moving the regulations to a part of the Code that is more consistent with the subject matter; and

WHEREAS, in addition to roll-off dumpsters, there is also a need to regulate storage pods or other immovable objects which take up on-street parking spaces and were not in use at the time this part of the Code was originally written; and

WHEREAS the proposed regulations and fees for placement of dumpsters, PODs and similar objects has been reviewed and recommended for adoption by the Parking Authority Board; and

WHEREAS City Council, upon the recommendations from City Staff and the Parking Authority Board, hereby finds and concludes that moving and amending these regulations benefits the clarity of the Municipal Code, provides for the management of the City’s limited parking resources, and allows the placement of these types of objects in a manner that supports the health, safety and welfare of the community.

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

Section 1: Section 12.16.010 *Accumulation of snow or debris on sidewalks—Owner Duty* of the Manitou Springs Municipal Code is hereby amended by deleting the paragraph referring to roll-off dumpsters as follows:

It is unlawful for the owner, occupant or agent of any lot, parcel or tract of land to permit snow, debris, rubbish or dirt to remain on the sidewalk on the street upon which such lot, parcel or tract of land abuts for a period exceeding twenty-four hours after the termination of the falling of the snow, or in the case of debris, rubbish or dirt, for a period exceeding twenty-four hours from the time said debris, rubbish or dirt appeared on said sidewalk.

Section 2: Title 12 STREETS AND OTHER PUBLIC PLACES of the Manitou Springs Municipal Code is hereby amended by the addition of new Chapter 12.34 Roll-off dumpsters, storage pods or other objects, which shall read as follows:

12.34.010 Roll-off dumpsters, storage pods, or other large immovable objects

A. Placement on Public Streets or Sidewalks

1. Roll-off dumpsters, storage pods, or other large immovable objects which take up one or more parking spaces may be placed on public streets or on public sidewalks

only for as long as they are in active use in connection with construction, remodeling, or any other project upon issuance of a permit for such placement by the City. Placement that obstructs a public sidewalk shall require submission of plans for the provision of safe pedestrian movements. In no instance shall placement of a roll-off dumpster, storage pod, or other large immovable object obstruct or cause the public street to become impassable for emergency or other vehicles.

2. A Permit for placement of roll-off dumpsters, storage pods, or other large immovable objects may be issued following submission and review of an application and payment of the fee as indicated in the following section to the Finance Department. The Finance Department may approve, conditionally approve, or deny such application for use of the public streets or sidewalks based on the recommendations and input from the Police Department, Fire Department, and Streets Department and consideration of the proposed location and time of year.

3. Application shall be accompanied by a permit fee in the amount of:

Roll-Off Dumpster – 30 days or less

\$100 Manitou, Canon, Park, or Ruxton Avenue

\$30 All Other streets or sidewalks

Storage POD or other Immovable Objects – 15 Days or less

\$75 Manitou, Canon, Park, or Ruxton Avenue

\$30 All Other streets or sidewalks

Additional months, or portions thereof, shall be charged at 100% of the base fee for locations on Manitou, Canon, Park or Ruxton Avenues, and 50% of the base fee for all other locations up to a total of three months in any 12 month period. Permits for over the initial permit period may be approved only upon demonstration of need (such as continuing, active construction project). In no instance shall placement of a roll-off dumpster, storage pod, or other large immovable object under such a permit be used as a substitute for long-term or on-site trash or materials storage arrangements.

B. Placement on Private Property

No permit is required for placement of a roll-off dumpster on private property, however any such roll-off dumpster must be screened from public view if it is in place for more than ninety days during any consecutive twelve months. Storage pods, or other large immovable objects installed on private property for any period of time require issuance of a permit from the Planning Department and/or Regional Building Department.

Section 3: 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 4: 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 5: This ordinance shall take effect five (5) days after final approval and adoption on second reading.

Passed on First Reading and Ordered Published this 4th day of January 2011.

/s/ Donna Kast
City Clerk

A Public Hearing on will be held at the January 18, 2011 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: January 6, 2011.
Pikes Peak Bulletin

Passed on Second Reading and Ordered Published this 18th day of January 2011.

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

Attest: /s/ Donna Kast
City Clerk

Approved for Council Action: /s/ Mike Leslie
Deputy City Administrator

Approved as to form: /s/ Jeff Parker
City Attorney

Published: January 20, 2011
Pikes Peak Bulletin