

ORDINANCE

AN ORDINANCE ESTABLISHING THAT ORDINANCE PUBLICATION REQUIREMENTS, AS SET FORTH IN CHARTER, SHALL BE SATISFIED BY POSTING ORDINANCES ON CITY'S OFFICIAL WEBSITE AND IN CITY HALL

WHEREAS, Section 5.8 of the Charter of the City of Manitou Springs requires that unless otherwise provided in the Charter, certain ordinances shall be published;

WHEREAS, Section 5.9 of the Charter requires that emergency ordinances be published within ten (10) days of passage, or as soon after passage as possible;

WHEREAS, sections 5.11 and 5.13 of the Charter also make reference to the publishing of ordinances;

WHEREAS, no provision in the Charter requires that ordinances be published in any newspaper;

WHEREAS, the City of Manitou Springs incurs significant costs in causing ordinances to be published in a newspaper;

WHEREAS, the City Council recognizes that technological advances have made accessing information via the internet a regular and common practice;

WHEREAS, the City Council also recognizes that certain individuals may not have access to or may not choose to access the internet; and

WHEREAS, in the interests of saving costs, the City Council desires to forego publication of ordinances in the newspaper and instead provide that the publication requirements set forth in the Charter shall be satisfied by publishing ordinances on the official website of the City of Manitou Springs and by posting ordinances in City Hall.

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

Section 1: Chapter 1.04 of the Manitou Springs Municipal Code is hereby amended by the addition of a new section 1.04.060, which shall state as follows:

1.04.060 – Publication.

Unless otherwise expressly required by a specific section of this Code, the requirement that certain ordinances be published, as set forth in Charter, shall be satisfied by the publishing of such ordinances, either by title or in full as required by the Charter, on the City's official website and in City Hall.

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: 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 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

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 October, 2011.

/s/ Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the October 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: October 6, 2011 (in full).
Pikes Peak Bulletin

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

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

Attest: /s/ Donna Kast
City Clerk

Approved for Council Action: /s/ Jack Benson
City Administrator

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

Published: October 20, 2011
Pikes Peak Bulletin, On the City's Official Website and in City Hall