

ORDINANCE

REVISING CHAPTER 12.34 ROLL-OFF DUMPSTERS, STORAGE PODS, OR OTHER LARGE IMMOVEABLE OBJECTS OF THE MANITOU SPRINGS MUNICIPAL CODE REGARDING THE REMOVAL OF FEES, PROVIDING FOR THE TEMPORARY PLACEMENT OF ITEMS SUCH AS BUILDING MATERIALS, AND CHANGING THE RESPONSIBLE PARTY FOR PROCESSING PERMITS

WHEREAS, and the City Council desires to remove fees from Chapter 12.34 and include them in the unified resolution establishing all City fees;

WHEREAS, Chapter 12.34 was enacted prior to the creation of the Parking Department and designates the Finance Office as the responsible party for issuance of these permits;

WHEREAS, processing of these permits by the Parking Manager would be advantageous and streamline the process for applicants;

WHEREAS, the City finds it to be appropriate to allow the placement of items such as building materials to be included under the permits provided for in this Chapter; and

WHEREAS, the City Council finds the proposed amendments are in the best interests of the City and therefore desires and directs adoption of the amendments.

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

Section 1: Section 12.34.010(A) is hereby amended to read as follows:

1. Roll-off dumpsters, storage pods, or other large immovable objects, including construction and building materials, 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 City Parking Manager. The City Parking Manager may approve, conditionally approve, or deny an 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. In determining whether to grant a permit and the duration of a permit, consideration shall be given to pedestrian and vehicular sightlines, safety and movement, the impact on parking availability, and the impact on the neighboring properties (including visual impacts).
3. An Application for a permit shall be accompanied by a permit fee as established in the schedule of fees adopted by resolution of the city council. The maximum duration of a permit shall be thirty (30) days; unless an extended permit period is warranted upon demonstration of need due to the nature of the project (such as a large project that reasonably requires the placement of a storage pod for more than thirty (30) days or unforeseen delays not the fault of the permit holder that require an extension of the

initial permit expiration date). 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 or disposal arrangements.

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 on second reading and publication.

Passed on first reading and ordered published this 6th day of December, 2016.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the December 20, 2016, 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: December 8, 2016 (in full)
City's Official Website and City Hall

Passed on second reading and ordered published by City Council this 20th day of December, 2016.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

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

Ordinance Published: December 22, 2016 (in full)
City's Official Website and City Hall