

ORDINANCE

AN ORDINANCE AMENDING SECTION 10.12.014 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING THE REGULATION OF DELIVERY VEHICLE USE OF MANITOU AVENUE WITHIN THE CITY OF MANITOU SPRINGS.

WHEREAS the Parking Authority Board and City Parking Enforcement personnel have recommended amendment of the current regulations addressing the use of the center lane of Manitou Avenue for delivery or pick-up of merchandise and/or supplies for downtown businesses; and

WHEREAS the intent of the proposed amendments is to reduce potential conflicts with emergency vehicles needing access through the downtown by reducing abuse of the center lane for longer term parking or noncritical delivery/pickup and to ensure that permitted users are aware of the regulations governing use of the center lane; and

WHEREAS City Council hereby finds and concludes that the proposed amendments below will provide greater controls on the use of the center lane of Manitou Avenue and guidance to both personnel responsible for implementing and enforcing the City’s regulations and the permitted users of the center lane of Manitou Avenue.

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

Section 1: Section 10.12.014 “Delivery Vehicle Parking on Manitou Avenue” of the Manitou Springs Municipal Code is hereby retitled to “Delivery Vehicle Use of Manitou Avenue Center Lane” and 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 current Manitou Springs business license, except businesses located outside of Manitou Springs may provide evidence of incorporation or a sales tax license. A fee of \$3 shall be submitted with the application.
2. Any business issued a Delivery Permit is entitled to up to three (3) 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 (1) 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 the 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 current Manitou Springs business license and a fee of \$10.
3. In the event a Pick-Up placard is lost, replacement placards may be obtained at the following costs: 1st replacement - \$3; 2nd replacement - \$5; 3rd or more replacements - \$10.
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 10 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 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 shall take effect five (5) days after final approval and adoption on second reading.

Passed on First Reading and Ordered Published this 15th day of May, 2012.

/s/ Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the June 5, 2012 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: May 17, 2012 (in full)
City's Official Website and at City Hall

Passed on Second Reading and Ordered Published this 5th day of June 2012.

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: June 7, 2012 (in full)
City's Official Website and at City Hall