

CITY OF LEADVILLE, COLORADO
Ordinance No. 5
Series of 2020

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON
THE CITY'S ISSUANCE OF PARKING PERMITS AND DECLARING
AN EMERGENCY**

WHEREAS, the City Council of the City of Leadville ("City Council") possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

WHEREAS, the City currently permits and accepts applications for parking permits for property owners in Leadville to obtain a parking sign and privilege to have a designated parking space in front of the owner's residence under the conditions set forth in Chapter 10.12 of the Leadville Municipal Code; and

WHEREAS, the City has long experienced and continues to experience many issues and significant impacts related to parking and extreme traffic congestion within the City; and

WHEREAS, furthermore, the City will have multiple roadway projects that will add to the parking challenges the City currently has, including a street restriping project and a project on Harrison Avenue by the Colorado Department of Transportation; and

WHEREAS, City Council desires to temporarily suspend the parking permit program established by Chapter 10.12 of the Leadville Municipal Code and preserve the status quo in order to fully research and analyze the traffic issues of the City and develop workable solutions, which will include assessment of the continued viability of the parking permit program; and

WHEREAS, City Council finds that it is just and fair to issue refunds for any applicant who applied for a 2020 parking permit prior to the date of the moratorium due to the temporary moratorium imposed by this Ordinance; and

WHEREAS, the City Council further finds that a temporary moratorium until and including December 31, 2020 on acceptance and issuance of new parking permit applications by the City is necessary to provide the City a period of time to develop parking and related traffic congestion solutions for the City and will best preserve the health, peace and safety of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

Section 1. Parking Permit Moratorium. Effective immediately, no applications or requests for City approval of parking permits pursuant to Chapter 10.12 of the Leadville Municipal Code shall be accepted, reviewed, considered or approved until such time as this Ordinance is terminated or repealed, unless otherwise expressly provided by this Ordinance. The provisions of

this Ordinance are temporary in nature and intended to be replaced or repealed by a subsequent legislative enactment. The temporary moratorium on the acceptance and processing of parking permit applications by the City shall automatically terminate and this Ordinance shall automatically be repealed as of **11:59 P.M. of December 31, 2020**, unless terminated earlier by City Council or extended in its duration by the enactment of another ordinance. Nothing contained in this Ordinance shall be construed to limit or preclude the City Council from termination, repeal, amendment, or modification of this Ordinance prior to the date and time of expiration and repeal.

Section 2. Refunds. City Council hereby directs City staff to process and issue refunds for any parking permit application processed by the City prior to the effective date of this Ordinance.

Section 3. Preservation of Status Quo and Violation. Any person who has a valid parking permit and parking sign issued by the City prior to the effective date of this Ordinance may continue to utilize the parking permit and sign throughout the duration of this Ordinance. No person without a valid parking permit issued by the City may install parking signs in front of their residence. The City may remove any invalid parking signs installed in violation of this Ordinance, and any person who installs a parking sign in violation of this Ordinance may be subject to the general penalty provisions of the Leadville Municipal Code and enforcement action in Leadville Municipal Court.

Section 4. Remaining provisions. Except as specified in this Ordinance, all other provisions of the Leadville Municipal Code shall continue in full force and effect. This Ordinance makes no amendments to the Leadville Municipal Code and temporarily suspends the provisions specified herein only.

Section 5. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. Emergency. This Ordinance is necessary for the immediate preservation of the public peace, health and safety because of the significant immediate and ongoing impacts caused by traffic congestion and related parking issues within the City. If this Ordinance does not pass as an emergency ordinance with the required three-fourths affirmative vote of all members of City Council, but is nonetheless approved by majority vote, it shall be deemed effective as a regular ordinance with the emergency clause deemed severed from the other provisions of the Ordinance.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption, if approved as an emergency measure. If this Ordinance is approved as a non-emergency ordinance, it shall be effective thirty (30) days following final publication.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 23rd day of June, 2020 by a vote of 6 in favor and 0 against.

CITY OF LEADVILLE, COLORADO:



Greg Labbe, Mayor

ATTEST:



Kimberly Jackson, Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on this 2nd day of July, 2020.


PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this 21st day of July, 2020 by a vote of 6 in favor and 0 against.

CITY OF LEADVILLE, COLORADO:



Greg Labbe, Mayor

ATTEST:



Kimberly Jackson, Deputy City Clerk

PUBLISHED by title only in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this _____ day of _____, 2020.

