

ORDINANCE NO. 1157

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 20 OF THE FORT MORGAN MUNICIPAL CODE PERTAINING TO PARKING IN RESIDENTIAL AREAS

WHEREAS, the City of Fort Morgan Municipal Code contains regulations concerning the parking, loading, and stacking of vehicles within City limits; and

WHEREAS, ambiguities within the Fort Morgan Municipal Code have been identified by City staff through the enforcement of the Code; and

WHEREAS, the definition of “driveway” will alleviate confusion on the enforcement of the Code and create greater flexibility for homeowners’ use of their property; and,

WHEREAS, the City Council has authority to create and pass ordinances for the enforcement of the general police powers pursuant to Colorado Constitution Article XX Section 6 and the Colorado Revised Statutes § 31-15-401; and,

WHEREAS, the Fort Morgan City Council finds and determines that this Ordinance is necessary for the preservation of the public peace, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN,

Section 1: The City of Fort Morgan Municipal Code Chapter 20 Article 6 Section 70(j) is hereby repealed and replaced with the following:

(j) Required off-street parking for residential dwellings shall be located in a driveway subject to the following conditions:

- (1) For the purposes of this section driveway shall be composed of materials pursuant to Section 20-6-70(i); and,
- (2) shall be maximum width of twenty (20) feet for properties without a garage or with a single-car garage; and,
- (3) shall not be located within the front entry of the residence as to interfere with required ingress and egress pursuant to applicable building codes and regulations;
- (4) shall maintain a minimum curb cut of seventy-five percent (75%) of driveway width; and,
- (5) may be counted toward the required off-street parking space for single-family dwellings, as long as the space is the full length of eighteen (18) feet; and,
- (6) may extend to the side of a home so long as no parking or storage will interfere with required ingress and egress pursuant to applicable building codes and regulations.

Section 2. Validity. If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

Section 3. Repeal. All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any

act done or committed in violation of any Ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof.

Section 5. Certification. The City Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 6. Severability. In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

Section 7. Effective date. The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. These changes shall be effective five (5) days after final publication of this ordinance.

INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED on the 7th day of October, 2014.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister
By: Terry McAlister
Mayor

Attest:

/s/ John Brennan
John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this 21st day of October, 2014.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister
By: Terry McAlister
Mayor

Attest:

/s/ John Brennan
John Brennan
City Clerk

STATE OF COLORADO)

COUNTY OF MORGAN) ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1157** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 7th day of October, 2014. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 11th day of October, 2014, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 21st day of October, 2014. Within five (5) days after its final passage, said **Ordinance No. 1157** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ John Brennan
John Brennan
City Clerk