

ORDINANCE NO. 6
Series 2003

June 17, 2003: Introduced as Council Bill 07 Series of 2003 by Councilmember Doug Tisdale, seconded by Councilmember Cathy Pomeroy, and considered by the title only on first reading. Passed unanimously.

July 15, 2003: considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 6, Series 2003.

**A BILL FOR AN ORDINANCE OF THE CITY OF
CHERRY HILLS VILLAGE AMENDING SECTION 6-15-4
PERTAINING TO FENCES AND WALLS**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with article XX of the Colorado Constitution; and

WHEREAS, the City of Cherry Hills Village is authorized to regulate land uses for property within the boundaries of the City; and

WHEREAS, the City has long-regulated the location of fences and walls by provisions in the City's Zoning Ordinance (Title 6 of the City Code) and the City's adopted uniform building code (Title 5); and

WHEREAS, the City Council confirms the City's long-standing intent that fences and walls should be regulated through provisions governing both zoning of property and the construction of structures; and

WHEREAS, the City Council recognizes that the City has historically required the issuance of building permits for fences and walls and that the City authorizes fences and walls only when such uses conform to the requirements of the zoning ordinance and adopted uniform building codes of the City; and

WHEREAS, to the knowledge of the City Council, the City has never interpreted its City Code to authorize the construction of a fence or wall on a lot or building site that was created illegally, e.g., upon property that was divided in violation of the applicable subdivision regulations; and

WHEREAS, the City Council desires to amend Section 6-15-4 of the City Code to confirm the City's intent that fences and walls should be permitted only where these structures are located on lawfully recognized lots and following issuance of a valid building permit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. The introductory preamble of Section 6-15-4 of the City Code for the City of Cherry Hills Village, entitled "Fences and Walls" is hereby amended to read in full as follows:

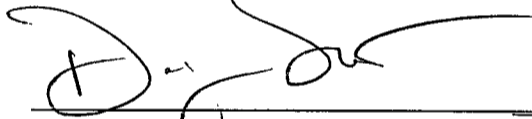


6-15-4: FENCES AND WALLS: ~~Notwithstanding any other provisions of this Title, f~~ Fences and walls are permitted on legally established lots as defined by Chapter 1 of this Title 6, and are permitted on legally established non-conforming lots as defined by Chapters 1 and 14 of this Title 6, subject to compliance with the following regulations:

Section 2. No other amendment of Section 6-15-4 or such Section's subsections (A) through and including (F) of the City Code for the City of Cherry Hills Village is intended by Section 1 and such provisions of Section 6-15-4 shall remain valid and effective.

Section 3. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Adopted as Ordinance No. 06 Series 2003, by the City Council of the City of Cherry Hills Village, Colorado this 15th day of July, 2003.



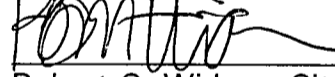
Douglas Scott, Mayor

ATTEST:



Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:



Robert C. Widner, City Attorney

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