

ORDINANCE NO. 5
Series 2017

June 6, 2017: Introduced as Council Bill 4, Series 2017 by Councilor Katy Brown, seconded by Councilor Al Blum and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

June 20, 2017: Considered in full text on second reading. Passed by a vote of 4 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING SECTION 18-10-60 OF CHAPTER 18 OF THE CHERRY HILLS VILLAGE
MUNICIPAL CODE CONCERNING CONSTRUCTION HOURS**

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 building construction practices for property within the boundaries of the City; and

WHEREAS, the City of Cherry Hills Village has adopted comprehensive regulations governing construction activities in the City codified in Article X of Chapter 18 of the Municipal Code; and

WHEREAS, the City Council desires to amend Article X to clarify the regulations regarding permissible times and circumstances in which construction activity may occur in the City and to allow for waivers in limited circumstances where an emergency or other necessity exists.

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

Section 1. Subsection (a) of Section 18-10-10, titled Applicability and intent, of Chapter 18, concerning building regulations, of the Cherry Hills Village Municipal Code is hereby amended to read in full as follows:

Sec. 18-10-10. Applicability and intent.

(a) Applicability. This Article shall apply to all construction activity within the City, except construction activity performed by or on behalf of the City for a City project.

Section 2. Section 18-10-20, titled Definitions, of Chapter 18, concerning building regulations, of the Cherry Hills Municipal Code is hereby amended to add the following definition:

Emergency work means work required to protect persons or property from exposure to imminent danger.

Section 3. Section 18-10-60, titled Construction times, of Chapter 18, concerning building regulations, of the Cherry Hills Village Municipal Code is hereby amended to read in full as follows:

Sec. 18-10-60. Construction times.

(a) Construction activity may be performed subject to the following restrictions:

| Day | Hours |
|---|--|
| Monday through Friday | 7 a.m. to 6 p.m. |
| Saturday | 8 a.m. to 4 p.m. |
| Sunday | No outside construction activity permitted at any time. Construction activity occurring within a fully enclosed structure is permitted between the hours of 8 a.m. to 4 p.m. |
| Federal holidays (observed): New Year's Day; Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day | No construction activity permitted. |

(b) Construction Vehicles. Construction vehicles or construction delivery trucks shall not park or stand and leave their engines idling between the hours of 6:00 p.m. and 8:00 a.m.

(c) Exception. This section shall not apply to emergency work as defined in section 18-10-20, provided an owner or contractor obtains prior written approval from the City Manager and the emergency work is concluded within forty-eight (48) hours of receipt of approval from the City Manager. Emergency work shall not be subject to the waiver process set forth in subsection (d) of this section.

(d) Construction times waiver. A waiver to the construction times as prescribed in Section 18-10-60 (a) may be approved by the City Manager subject to the procedure and approval criteria set forth in this subsection.

(1) Eligibility.

a. A waiver may be authorized for water well drilling construction activity that exceeds the construction time limits set forth in subsection (a) of this section for up to a maximum of seven (7) consecutive days. Any waiver request to the construction time limits that exceeds seven (7) consecutive days shall be referred to City Council for consideration at a public meeting and shall be approved only upon a showing of good cause.

(2) Application Requirements.

a. Completed waiver request in a form provided by the building department.

b. A statement of justification for the construction times waiver including the following:

1. Reason for waiver.
2. Copy of well permit issued by office of state engineer.
3. Scope of work.
4. Description of potential impacts to adjacent properties, including but not limited to noise, lighting, vibrations, location of heavy equipment.
5. Description of mitigation efforts to address any adjacent property impacts.
6. Time schedule for start and completion of construction.

c. Site plan showing the size, location and use of all existing and proposed improvements or construction, with dimensions to property lines showing setbacks. The plan shall show all other existing or proposed structures or improvements on the site, including the location and size of vegetation, if applicable.

d. Construction staging plan exhibit in accordance with section 18-10-30 of this Code.

e. Application fee of two hundred dollars (\$200.00), as may be amended by resolution of the City Council.

(3) Preapplication Neighborhood Meeting. The applicant shall conduct a preapplication neighborhood input meeting in accordance with the procedures set forth in section 18-10-80 of this Code.

(4) City Decision. Within ten (10) business days of receipt of a complete waiver application, the City Manager shall render a decision on the waiver request, and may approve a waiver for a specified period of time upon finding that all of the following criteria of approval have been met:

a. The waiver is necessary to complete the drilling or re-drilling of a water well in the most expeditious and safe manner;

b. Construction activity will be mitigated to prevent any significant disruptions to adjacent properties; and

c. The location of construction activity is limited to the subject property and does not adversely impact adjacent properties.

(5) Issuance of Waiver. Upon issuance of a waiver, the applicant shall be authorized to commence and complete construction activity within the parameters of the written waiver. Said written waiver may include conditions of approval and/or waivers to noise limits set forth in section 7-1-30(4) of this Code.

Section 4. 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.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

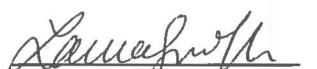
Adopted as Ordinance No. 5, Series 2017, by the City Council of the City of Cherry Hills Village, Colorado, on the 20th day of June, 2017.

(SEAL)



Laura Christman, Mayor

ATTEST:



Laura Smith, City Clerk

APPROVED AS TO FORM:



Linda Michow
Linda Michow, City Attorney

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CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 5, SERIES 2017

A BILL FOR AN ORDINANCE OF
THE CITY OF CHERRY HILLS
VILLAGE AMENDING SECTION
18-10-60 OF THE MUNICIPAL
CODE CONCERNING CON-
STRUCTION HOURS

Copies of the Ordinances are on
file at the office of the City Clerk
and may be inspected during
regular business hours.

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