

ORDINANCE NO. 8
Series 2017

June 20, 2017: Introduced as Council Bill 6, Series 2017 by Councilor Mike Gallagher, seconded by Councilor Katy Brown and considered in full text on first reading. Passed by a vote of 4 yes and 0 no.

July 18, 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 ARTICLE III OF CHAPTER 11 OF THE CHERRY HILLS VILLAGE MUNICIPAL
CODE CONCERNING PROCEDURES FOR PARKS, TRAILS AND CITY PROPERTY USAGE

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 has the authority pursuant to its general police powers and C.R.S. Section 31-15-702 to regulate the use of public parks and trails; and

WHEREAS, the City of Cherry Hills Village City Council has adopted a prohibition as codified in Section 11-3-50 of the Municipal Code against holding a meeting in a City park unless a permit is obtained from the City Manager; and

WHEREAS, the City Council desires to amend this regulation to authorize expanded usage of City property and to clarify the City Manager's designated responsibility to issue permits for public gatherings and events in City buildings, parks and trails.

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

Section 1. Article III, titled *City Parks and Rights-of-Way*, of Chapter 11 of the Cherry Hills Village Municipal Code, is hereby amended to be renamed and titled: "*City Property, Parks and Rights-of-Way*".

Section 2. Section 11-3-10, titled *Definitions*, of Article III of Chapter 11, concerning streets and public property, of the Cherry Hills Village Municipal Code is hereby repealed and reenacted to read in full as follows:

Sec. 11-3-10. Definitions.

For the purpose of this Article, the following words shall have the following meanings:

City Property means any City-owned or City-leased property, building or right-of-way not otherwise defined herein as a park or trail.

Park means Blackmer Common, Dahlia Hollow Park, John Meade Park, Three Pond Park and Woodie Hollow Park.

Trail means any City-owned, City-leased or City-maintained bridle trail, bicycle trail, pedestrian trail or recreational easement or area, including but not limited to the High Line Canal trail.

Section 3. Section 11-3-50, titled *Permit required for public meetings*, of Chapter 11, concerning streets and public property, of the Cherry Hills Village Municipal Code is hereby repealed and reenacted to read in full as follows:

Sec. 11-3-50. - Permitting and administrative policy for use of city property, public parks and trails.

(a) The City owns and maintains public parks and trails for the benefit of and use by the public. The City Manager is hereby authorized to promulgate an administrative policy and rules for public parks and trails and other City property involving:

- (1) Use of space limitations, including temporary closures of areas; and
- (2) rentals of facilities within the City's parks and City property; and

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- (3) permitting of special events and group gatherings, including criteria of approval and an administrative process, including appeals of decisions, and uniform fees and deposits.

(b) The City’s property usage policy as promulgated by the City Manager in accordance with subsection (a) of this section shall include, but not be limited to, the following:

- (1) A process for permit decisions and appeals; and
- (2) permit fees based on direct and indirect administrative and maintenance costs associated with usage of City property, parks and trails; and
- (3) an exemption from permitting for City events.

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.

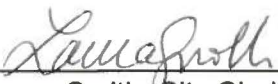
Adopted as Ordinance No. 8 Series 2017, by the City Council of the City of Cherry Hills Village, Colorado this 18th day of July, 2017.

(SEAL)


Laura Christman, Mayor

ATTEST:

Approved as to form:


Laura Smith, City Clerk


Linda C. Michow, City Attorney

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CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 8, SERIES 2017

A bill for an Ordinance of the
City of Cherry Hills Village
amending Article III of Chapter
11 of the Cherry Hills Village
Municipal Code concerning
procedures For Parks, Trails and
City Property Usage

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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