

## ORDINANCE NO. 2

Series 2025

September 2, 2025: Introduced as Council Bill 2, Series 2025 by Councilor Susan Maguire, seconded by Mayor Pro Tem Earl Hoellen and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

September 16, 2025: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

### **A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING SECTION 2-4-40(B) OF CHAPTER 2 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING QUALIFICATIONS OF MUNICIPAL JUDGES**

**WHEREAS**, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority, and as set forth in Section 6 of Article XX of the Colorado Constitution, the City is authorized to legislate upon, provide, regulate, conduct, and control the creation of municipal offices and to define, regulate, and alter the powers, duties, qualifications, and terms or tenure of all municipal offices, including municipal courts and the election and appointment of the officers thereof; and

**WHEREAS**, Section 7.1 of the City's Home Rule Charter ("Charter") created a Municipal Court endowed with the jurisdiction to hear and determine all cases arising under the Charter or the ordinances of the City, which functions shall be exercised by one or more municipal judges appointed by City Council who meet qualifications established by ordinance; and

**WHEREAS**, Section 2-4-40 of the Cherry Hills Village Municipal Code ("Municipal Code") provides that City Council shall appoint a Municipal Judge to preside over, supervise, and direct the operation of the Municipal Court, as well as one or more alternate judges when necessary, which judges shall meet qualifications established therein; and

**WHEREAS**, City Council desires to eliminate the requirement that the Municipal Judge and alternate judges shall be a resident of the County.

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

**Section 1. Incorporation of Recitals.** The recitals contained above are incorporated herein by reference and are adopted as findings of the City Council.

**Section 2. Municipal Judge Qualifications Amended.** Sub-section(b) of Section 2-4-40 of the Municipal Code, entitled *Appointment and qualifications of municipal judge*, is hereby amended to read in full as follows, with deletions shown in ~~strikethrough~~:

(b) The Municipal Judge (including alternate judges) shall be a citizen of the United States, over the age of thirty (30) years, a person duly licensed to practice law in the State with at least five (5) years' experience as a practicing attorney or judge, a ~~resident of the County~~ and, in the opinion of the City Council, an individual of good moral character with judicial temperament.

**Section 3. Safety Clause.** The City Council of the City of Cherry Hills Village deems this Ordinance to be necessary for the public health, safety and welfare.

**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

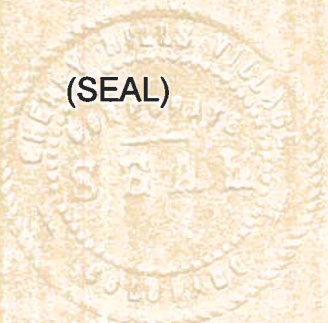


adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

**Section 5. Codification Amendments.** The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Cherry Hills Village Municipal Code.

**Section 6. Effective Date.** This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 2, Series 2025, by the City Council of the City of Cherry Hills Village, Colorado this 16<sup>th</sup> day of September, 2025.



(SEAL)

Kathleen B Brown  
Kathleen Brown, Mayor

ATTEST:

Laura Gillespie  
Laura Gillespie, City Clerk

APPROVED AS TO FORM:

Kathie B Guckenberger  
Kathie B. Guckenberger, City Attorney

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