

**ORDINANCE NO. 09**  
**Series 2008**

May 20, 2008: Introduced as Council Bill 7, Series 2008 by Councilmember Russell Stewart, seconded by Councilmember Harriet LaMair, and considered by the title only on first reading. Passed by a vote of 6 yes and 0 no.

June 3, 2008: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

**A BILL FOR AN ORDINANCE  
 OF THE CITY OF CHERRY HILLS VILLAGE  
 AMENDING CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,  
 CONCERNING BUILDING REGULATIONS, BY  
 AMENDING SECTION 18-10-70(a),  
 CONCERNING ENFORCEMENT OF THE PROVISIONS OF CHAPTER 18 THAT REGULATE  
 CONSTRUCTION TIMES**

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 is experiencing a significant increase in construction activities in areas of the City that are already predominantly developed; and

WHEREAS, the City Council finds that construction activities in areas of the City that are already predominantly developed can have an adverse impact on the health, safety and welfare of residents of the City who reside in the vicinity of such activities; and

WHEREAS, the City Council has, in Section 18-10-70 of the Cherry Hills Village Municipal Code, established provisions to allow for the enforcement of those provisions of Chapter 18 of the Code that regulate construction practices; and

WHEREAS, the City Council desires to amend the above referenced section to clarify the City's enforcement of construction time violations.

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

**Section 1.** That section 18-10-70(a) of the Cherry Hills Village Municipal Code, concerning enforcement of the provisions of Chapter 18 of the Code that regulate construction practices, is hereby amended to read as follows:

**Sec. 18-10-70. Enforcement.**

(a) Upon a complaint or observation by the City of a violation of this Article, or upon a determination by the City that a construction site is not being maintained or operated in strict conformance with the provisions of an approved construction staging plan, the City shall provide written notice to the contractor or person performing the work on the construction site, as well as mailed notice to the owner of record of the construction site, specifying the specific conditions that are deemed in violation of this Article or the approved construction staging plan and demanding that the construction site be brought into compliance with this Article or such plan within twenty-four (24) hours; provided, however, that no such notice is required if the City Manager or his or her designee determines that the immediate cessation of the violation or failure to comply with an approved construction staging plan is necessary to preserve health or safety, or when there is a violation of the regulations concerning construction times as stated in Section 18-10-60 of this Article.

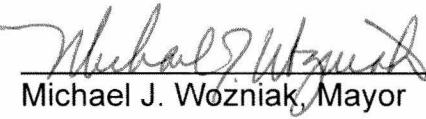
**Section 2.** Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not

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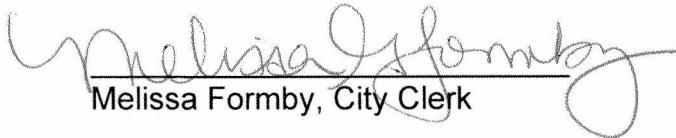
determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid.

Section 3. Effective Date. This ordinance shall take effect in accordance with the City of Cherry Hills Village Home Rule Charter.

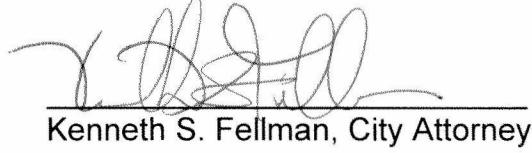
Adopted as Ordinance No. 9 Series 2008, by the City Council of the City of Cherry Hills Village, Colorado this 3<sup>rd</sup> day of June, 2008.

  
Michael J. Wozniak, Mayor

ATTEST:

  
Melissa Formby, City Clerk

APPROVED AS TO FORM:

  
Kenneth S. Fellman, City Attorney

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CITY OF CHERRY HILLS VILLAGE  
ADOPTION OF ORDINANCE  
ORDINANCE 9, SERIES 2008

A BILL FOR AN ORDINANCE AMENDING CHAPTER  
18 OF THE MUNICIPAL CODE CONCERNING  
BUILDING REGULATION.

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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Published: June 12, 2008

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