ORDINANCE NO. 14
Series 2007

September 18, 2007: Introduced as Council Bill 09, Series 2007 by Councilmember Doug Tisdale, seconded by Councilmember Bonnie Blum, and considered by the title only on first reading reading. Passed by a vote of 6 yes and 0 no.

October 16, 2007: 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 REPEALING AND RE-ENACTING ARTICLE II OF CHAPTER 5 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE, TO APPROVE A GAS AND ELECTRIC FRANCHISE AGREEMENT BY AND BETWEEN PUBLIC SERVICE COMPANY OF COLORADO, D/B/A XCEL ENERGY, AND THE CITY OF CHERRY HILLS VILLAGE, COLORADO

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, Article XII of the City of Cherry Hills Village Home Rule Charter authorizes the City Council to approve franchise agreements by ordinance; and

WHEREAS, the City of Cherry Hills Village is authorized to regulate public property within the boundaries of the City to further the health, safety and welfare of the citizens of the City of Cherry Hills Village; and

WHEREAS, the City Council desires to enter into a franchise agreement for the provision of gas and electric services within the City as more specifically described in the "Franchise Agreement Between the City of Cherry Hills Village, Colorado and Public Service Company of Colorado," that is attached hereto and incorporated herein.

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

Section 1. That Article II, Chapter 5 of the Cherry Hills Village Municipal Code, entitled "Gas and Electric Franchise" is hereby repealed in its entirety and reenacted to read in full as follows:

ARTICLE II
Gas and Electric Franchise

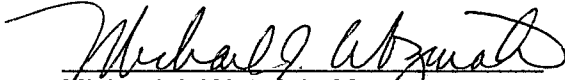**Sec. 5-2-10. Approval of agreement.**

The Franchise Agreement Between the City of Cherry Hills Village, Colorado and Public Service Company of Colorado, which is incorporated herein as if set forth in full, is approved by the City Council. The Franchise Agreement shall be available for public inspection during normal business hours from the City Clerk at the offices of the City of Cherry Hills Village.

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 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.
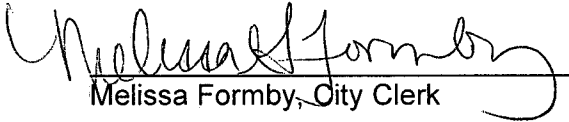
Section 3. Repeal. Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed provided, however, that the repeal of any ordinance or parts of ordinances of the City of Cherry Hills Village shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

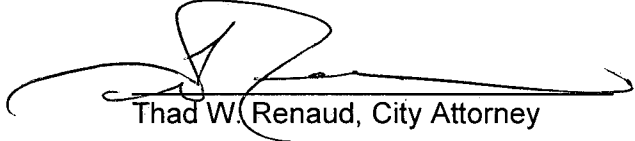Section 4. Effective Date. This ordinance shall take effect at 12:00 a.m. on November 1, 2007.

Adopted as Ordinance No. 14 Series 2007, by the City Council of the City of Cherry Hills Village, Colorado this 16th day of October, 2007.

Michael J. Wozniak, Mayor

ATTEST:

Melissa Formby, City Clerk

APPROVED AS TO FORM:

Thad W. Renaud, City Attorney

Published in the Villager
Published _10-25-2007_
Legal # _9771_