

ORDINANCE NO. 2

Series 2020

February 4, 2020: Introduced as Council Bill 3, Series 2020 by Mayor Pro Tem Katy Brown, seconded by Councilor Randy Weil and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

February 18, 2020: 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 REPLACING REFERENCES TO SPECIFIC DOLLAR AMOUNTS FOR FEES, COSTS, DEPOSITS, AND OTHER CHARGES IN THE CHERRY HILLS VILLAGE MUNICIPAL CODE WITH REFERENCES TO A FEE SCHEDULE RESOLUTION TO BE ADOPTED BY CITY COUNCIL

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, the City is authorized under its Home Rule Charter, Article 15 of Title 31 of the Colorado Revised Statutes, and the Cherry Hills Village Municipal Code ("Code") to exercise its general police and financial powers, including but not limited to the ability to impose and collect fees for the processing of licenses, applications, and performance of other administrative services; and

WHEREAS, the Code currently imposes specific fees, costs, deposits, and other charges ("Fees") to cover the public cost of providing services so that the public is not subsidizing individual benefits derived therefrom; and

WHEREAS, Section 1-1-80 of the Code currently authorizes the City Council to adopt a fee schedule resolution to establish and amend Fees set forth in the text of the Code and Appendix A to the Code; and

WHEREAS, to enhance clarity, facilitate transparency, and increase efficiency regarding the City's Fees, the City Council desires to restate City Council's authority to adopt Fees by resolution, to replace references to specific Fee amounts in the Code with references to a fee schedule resolution adopted by City Council, and to repeal Appendix A of the Code.

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

Section 1. Section 1-1-80 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 1-1-80. - Fee schedule.

The fees, costs, deposits, ~~occupation taxes~~ and other charges as required by this Code shall be ~~set forth~~ established in the text of the Code and, to the extent authorized by this Code, in Appendix A ~~Fee Schedule to the Code set forth in a fee schedule resolution adopted by City Council, as may be amended from time to time. In the event of a conflict between the fees, costs, deposits, occupation taxes and other charges listed in the text of any individual section of the Code and Appendix A, the provisions of the applicable section of the Code shall control. Notwithstanding the preceding sentences of this Section 1-1-80, City Council may adopt a fee schedule resolution to establish fees as required by this Code and to amend the fees, costs, deposits, occupation taxes, and other charges set forth in the text of this Code and Appendix A. In the event of a conflict between the charges listed in any individual section of the Code or Appendix A and such fee schedule resolution, the fee schedule resolution shall control.~~

Section 2. Subsection (a) of Section 6-1-50 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 6-1-50. - License fees.

- (a) Every person required to be licensed by the provisions of this Article shall pay a fee of ~~twenty five dollars (\$25.00) for every license unless specified otherwise in this Code or any other ordinance as set by resolution of the City Council.~~

Section 3. Subsection (11) of Section 6-3-60 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 6-3-60. - License - application.

- (11) ~~Payment of~~ The applicant shall pay a nonrefundable license application fee and a guard fee based on the number of security guards employed to work within the City, as set by resolution of the City Council of one hundred dollars (\$100.00) for the initial application and fifty dollars (\$50.00) for each renewal application. The applicant shall also pay with each application a fee based on the number of security guards employed to work within the City. The fee shall be fifty dollars (\$50.00) for one (1) to nine (9) security guards, one hundred dollars (\$100.00) for ten (10) to nineteen (19) security guards, and one hundred fifty dollars (\$150.00) for twenty (20) or more security guards; and

Section 4. Section 6-4-90 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 6-4-90. - Security alarm system permit, renewal fee.

Security alarm system permits shall be in an amount of ~~twenty five dollars (\$25.00)~~ set by resolution of the City Council and shall be renewed each calendar year. The application for renewal of permit form shall be completed and the annual permit fee paid by March 1 of each year. Permit fees shall not be prorated. Applications for renewal of permits shall be processed in the same manner as applications for the initial permit; however, a permit may not be renewed while the subject security alarm system is in a nonresponse status as set forth in Sections 6-4-120 and 6-4-130 below or when false alarm response charges are past due as set forth in Section 6-4-100 below.

Section 5. Subsection (a) of Section 6-4-100 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 6-4-100. - Police Department false alarm response charges.

- (a) Security alarm system operating with permit. ~~The charge for the first two (2) responses made by the Police Department to the location of a false alarm during a calendar year is included in the annual security alarm permit fee. A charge of one hundred dollars (\$100.00) shall be charged for the third response to a false alarm, and a charge of two hundred dollars (\$200.00) shall be charged for the fourth and each successive response to a false alarm. Charges for responses to false alarms shall be set by resolution of the City Council. The charge~~ Charges, if applicable, shall be paid to the City by the permittee of a security alarm system upon each successive response made by the Police Department to the location of a false alarm during the same calendar year.

Section 6. Subsection (d)(2) of Section 6-4-130 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 6-4-130. - Revocation and nonresponse status; administration and procedure.

- (d)(2) A permit reinstatement fee of ~~one hundred dollars (\$100.00)~~ as set by resolution of the City Council shall be paid to the City without proration for the current calendar year; and

Section 7. Section 7-3-50 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 7-3-50. - Assessment of costs; notice.

The costs of removing the weeds, brush or rubbish from the property shall be chargeable against the delinquent owner and against the property. In addition to the actual out-of-pocket costs incurred by the City, the costs shall include an additional amount as ~~set forth in Appendix A to this Code established by resolution of the City Council~~ to cover inspection and other incidental costs to the City. The City may either remove the weeds, brush or rubbish or hire an independent contractor for that purpose.

Section 8. Section 7-3-60 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 7-3-60. - Establishment of lien.

The cost of removing the weeds, brush or rubbish from the property (including the ~~five-percent or twenty-five-dollar~~ additional amount set by resolution of the City Council), ~~whichever is more~~ together with a ~~ten~~ 10 percent penalty thereon to defray the cost of collection ~~as set by resolution of the City Council~~, shall be reported to the County Treasurer, to be placed by him or her upon the tax list for the current year and to be collected in the same manner as other taxes or assessments are collected. The laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

Section 9. Subsection (d) of Section 7-5-310 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 7-5-310. - Registration and vaccination requirements - dogs.

- (d) Registration fees: The registration fee shall be ~~ten dollars (\$10.00) per dog~~ set by resolution of the City Council, which fee must be paid to the City at the time of submission of the registration form.

Section 10. Section 7-5-430 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 7-5-430. - Redemption of impounded animals.

Any owner or keeper of any animal impounded pursuant to this Article may reclaim his animal from the impounding facility upon payment of all incurred fees for impoundment, boarding, euthanasia, disposal, veterinary and all other services as needed. Failure of the owner or keeper of any impounded animal to claim such animal from the animal shelter or impoundment facility shall not relieve the owner or keeper of all applicable charges and fees incurred by the impoundment facility. In addition, any dog owned or kept within the jurisdictional boundaries of the City shall be released only upon compliance with, and payment of the registration fees imposed by Section 7-5-310(d) hereof, and any cat owned or kept within the jurisdictional boundaries of the City shall be released only upon compliance with Section 7-5-320 hereof.

Section 11. Subsection (a) (3) of Section 7-7-40 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect.

Sec. 7-7-40. - General requirements for hobby operators and owners.

- (a)(3) Registration fee. The registration fee for each UAS shall be ~~ten dollars (\$10.00) for each UAS~~ set by resolution of the City Council unless waived pursuant to Section 7-7-40(a)(1), which fee must be paid to the City at the time of submission of the registration

form. ~~The City Council may increase or decrease the registration fee by resolution as codified in the City's comprehensive fee schedule.~~

Section 12. Subsection (d)(7) of Section 11-2-70 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 11-2-70. - Blanket maintenance permits.

- (d) Any person seeking a blanket maintenance permit shall file an application, on a form provided by the City, which includes the following information:
 - (7) The applicable permit fee as set by the ~~adopted fee schedule~~ Construction and Excavation Fee Schedule.

Section 13. Section 11-2-90 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 11-2-90. - Permit fees.

- (a) Before a public right-of-way permit is issued, the applicant shall pay to the City a permit fee, ~~which shall be determined by the City Council in accordance with the fee schedule adopted by resolution and available in the City Clerk's office~~ as set by the Construction and Excavation Fee Schedule. Permit fees shall be reasonably related to the costs incurred by the City in providing services relating to the granting or administration of permits pursuant to this Article and future repair and maintenance costs related to a permittee's work in the City's rights-of-way. These costs include, but are not limited to, the costs of issuing right-of-way permits, verifying right-of-way occupation, mapping right-of-way occupation, inspecting work and administering this Article and future repair and maintenance of City-owned rights-of-way related to a permittee's work.
- (b) Pavement restoration fees. Pavement restoration fees shall be applied and collected as set forth in the Construction and Excavation Standards and ~~adopted fee schedule~~ Construction and Excavation Fee Schedule.

Section 14. Subsection (b)(1)b. of Section 11-5-40 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 11-5-40. - Petition.

- (b)(1)b. A nonrefundable application fee ~~of one hundred dollars (\$100.00)~~ as set by resolution of the City Council. In addition, the petitioner shall deposit with the City ten thousand dollars (\$10,000.00) or such other amount determined by the City Manager based upon the City Manager's estimate of the City's cost and expense associated with the processing of the petition. The deposit shall be applied toward the petitioner's payment of the City's planning and engineering review services, attorney review fees, plat recordation fees, appraisal fees and other costs and expenses incurred by the City and made necessary as a result of the City's processing of the petition. The deposit shall be administered in accordance with the provisions of Subsection 17-3-20**(b)** of this Code;

Section 15. Subsection (a) of Section 15-1-30 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 15-1-30. - Preliminary steps.

- (a) Procedure. At least fifteen (15) days prior to the presentation of any annexation petition to the City Council, the applicant shall submit to the City the annexation petition, the annexation fee ~~of three hundred dollars (\$300.00)~~ as set by resolution of the City Council, a minimum of fifteen (15) copies of the master plan and annexation map, and a minimum of five (5) copies of all required supportive information.

Section 16. Subsection (g) of Section 19-1-80 of the Cherry Hills Village Municipal Code is amended as follows with additions shown as underlined text and deletions shown as strike-throughs, and portions of such section not amended herein shall remain in full force and effect:

Sec. 19-1-80. – General permit requirements.

- (g) Fees. Fees for any stormwater permit required by this Chapter shall be ~~paid per the schedules on the stormwater permit form~~ set by resolution of the City Council. No stormwater permit shall be issued unless and until the fees have been paid in full.

Section 17. Appendix A of the Cherry Hills Village Municipal Code, entitled "Fee Schedule," is hereby repealed and marked "Reserved."

Section 18. 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.

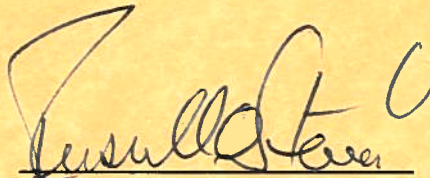
Section 19. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 20. 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 21. 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. 2, Series 2020, by the City Council
of the City of Cherry Hills Village, Colorado, on the 18th day of
February 2020.

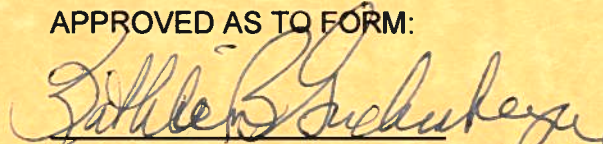
(SEAL)


Russell O. Stewart, Mayor

ATTEST:


Laura Gillespie, City Clerk

APPROVED AS TO FORM:


Kathie B. Guckenberger, City Attorney

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