

**ORDINANCE NO. 7**  
**Series 2004**

April 20, 2004: Introduced as Council Bill 05 Series 2004 by Doug Tisdale, seconded Bonnie Blum, and considered by the title only on first reading. Passed unanimously.

May 18, 2004: Considered in full text on second reading. Passed unanimously.

**A BILL FOR AN ORDINANCE**  
**OF THE CITY OF CHERRY HILLS VILLAGE AMENDING THOSE CERTAIN**  
**SECTIONS PERTAINING TO THE INCLUSION OF**  
**FEES, COSTS, DEPOSITS, OCCUPATION TAXES AND OTHER CHARGES INTO**  
**THE TEXT OF THE**  
**CHERRY HILLS VILLAGE MUNICIPAL CODE**

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 set certain fees, costs, deposits, occupation taxes and other charges to protect the health, safety and welfare of the City's residents; and

WHEREAS, the City Council desires to amend its existing Code to include the fees, costs, deposits, occupation taxes and other charges in the text of the Code to provide for easier reference to the required amounts for said activities; and

WHEREAS, the City Council desires to amend Appendix A-Fee Schedule of the Code to include newly codified fees.

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

**Section 1.** Subsections (3), (4), (5), and (6) of Section 2-4-80 of the Code for the City of Cherry Hills Village, entitled "Powers of Court" are hereby amended to read in full as follows:

**Sec. 2-4-80. Powers of Court**

(3) Court costs. The Municipal Judge is empowered in his discretion to assess costs against any defendant who, after trial, is found guilty of a violation of this Code. Such costs shall be ~~as set forth in Appendix A to this Code.~~ set at up to \$15.00 for a trial to the Court and up to \$45.00 for a trial by jury.

(4) Jury fee. Any defendant who requests a jury trial shall be ~~as set forth in Appendix A to this Code.~~ assessed a jury fee in the amount of \$25.00. If the defendant is found not guilty at trial, this jury fee shall be returned. If the defendant is found guilty, the jury fee shall be retained by the Court and credited toward any court costs or jury expenses imposed by the Court.

(5) Witnesses. The defendant and the City shall be entitled to compel the attendance of any witnesses subject to the jurisdiction of the Court. Subpoenas shall be issued and served pursuant to Court rule. All witnesses under subpoena shall be entitled to a fee ~~as set forth in Appendix A to this Code~~ of \$5.00 per day, but not mileage, and such witness fees shall be paid by the party requesting the attendance of the witness and taxed as costs of the suit. Failure to obey a subpoena without adequate excuse shall constitute contempt of court punishable as set forth in Section 1-4-20 of this Code.

(6) Detention. Every person against whom any fine or penalty is assessed who refuses or neglects to pay the same when demanded may be committed in default thereof to the County jail or such other enclosure as may

from time to time be designated by the City Council as a lawful place for the detention of prisoners, under the direction of the proper officers, until said fine or penalty is fully paid. Satisfaction shall be allowed ~~as set forth in Appendix A to this Code~~ at a rate of \$10.00 per day of twenty-four (24) hours. Any such person may be required to do any reasonable work; provided, however, that no single term of imprisonment for any one (1) violation shall exceed ninety (90) days. The Court shall discharge such person from further imprisonment for such fine when it is satisfactorily shown that such person has no means to pay such fine.

**Section 2.** Subsection (a) of Section 2-4-120 of the Code for the City of Cherry Hills Village, entitled "Appeals; bond" is hereby amended to read in full as follows:

**Sec. 2-4-120. Appeals; bond.**

(a) When any defendant is appealing from any judgment of the Municipal Court and desires to stay the judgment of the Municipal Court, the defendant shall execute a bond to the City in ~~an amount as set forth in Appendix A to this Code~~ the amount of double the judgment but not less than a total of \$50.00, and not more than \$2.00 per day of the sentence.

**Section 3.** Paragraph 2-4-130(b)(3) of the Code for the City of Cherry Hills Village, entitled "Jury fees" is hereby amended to read in full as follows:

**Sec. 2-4-130(b)(3)** Jury fees. Persons summoned to jury duty pursuant to this Article shall be entitled to a juror's fee ~~as set forth in Appendix A to this Code~~ of \$3.00 per day.

**Section 4.** Subsection (a) of Section 6-1-50 of the Code for the City of Cherry Hills Village, entitled "License fees" is hereby amended to read in full as follows:

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

(a) Every person required to be licensed by the provisions of this Article shall pay a fee ~~as set forth in Appendix A to this Code~~ of \$25.00 for every license unless specified otherwise in this Code or any other ordinance.

**Section 5.** Subsection (b) of Section 6-2-150 of the Code for the City of Cherry Hills Village, entitled "License fee and application fee" is hereby amended to read in full as follows:

**Sec. 6-2-150. License fee and application fee.**

(b) There shall be levied and assessed an application fee for all applications submitted to the City for a license or other form of approval pursuant to the Colorado Liquor Code. The amount of such application fee shall be the maximum authorized by the State. In the event that no maximum fee is specifically established by the State, the application fee shall be administratively established by the City Clerk based on the actual and necessary expenses associated with the City's processing of the application. In no event shall the application fee be less than the amount indicated below for the following license applications ~~be less than the amount contained in Appendix A to this Code.~~

<u>LICENSE APPLICATION</u>	<u>LICENSE APPLICATION FEE</u>
<u>New license</u>	\$ 500.00
<u>License renewal</u>	\$ 50.00
<u>Modification of premises</u>	\$ 100.00
<u>Transfer of ownership</u>	\$ 500.00
<u>Transfer of location</u>	\$ 500.00
<u>Change of corporate structure</u>	\$ 100.00
<u>Special events permit (malt, vinous, spirituous liquors)</u>	\$ 25.00
<u>Special events permit (malt beverage)</u>	\$ 10.00
<u>Temporary permit</u>	\$ 100.00
<u>Manager's registration</u>	\$ 75.00
<u>Late renewal</u>	\$ 500.00

**Section 6.** Subsection (c) of Section 6-2-190 of the Code for the City of Cherry Hills Village, entitled "Annual occupation tax" is hereby amended to read in full as follows:

**Sec. 6-2-190. Annual occupation tax.**

(c) The annual occupation tax shall be levied and assessed by this Article as set forth in ~~Appendix A to this Code.~~ below:

<u>OPERATOR CLASS</u>	<u>ANNUAL TAX FOR LIQUOR LICENSE</u>
<u>Class A Operators</u>	\$ 2,000.00
<u>Class B Operators</u>	\$ 200.00
<u>Class C Operators</u>	\$ 2,000.00
<u>Class D Operators</u>	\$ 800.00

Such occupation taxes shall be in addition to the annual license fees and application fees paid to the City and the State, and shall be paid prior to the issuance of the City license. No refund of any tax paid in accordance with this Article shall be made to any person who discontinues or sells his business during the duration of the license; provided, however, that the new owner of any establishment, when approved as the new licensee, shall be credited on a monthly basis for any occupation tax paid by the previous owner for the term of the previous owner's license.

**Section 7.** Subsection (d) of Section 6-3-40 of the Code for the City of Cherry Hills Village, entitled "License application; fees" is hereby amended to read in full as follows:

**Sec. 6-3-40. License application; fees.**

(d) All applications for licenses shall be accompanied by an application fee ~~as set forth in Appendix A to this Code.~~ of \$15.00.

**Section 8.** Subsection (a) of Section 6-3-50 of the Code for the City of Cherry Hills Village, entitled "License fees" is hereby amended to read in full as follows:

**Sec. 6-3-50. License fees.**

(a) The annual license fee for persons engaged in the merchant guard or merchant patrol business, private security guards and agents and employees

ABJ053

of merchant guards or merchant patrols shall be as ~~set forth in Appendix A to this Code.~~follows:

<u>MERCHANT GUARDS</u>	<u>ANNUAL LICENSE FEES</u>
<u>Private Security Guards</u>	<u>\$ 10.00</u>
<u>Merchant Guards &lt; 6</u>	<u>\$ 35.00</u>
<u>Merchant Guards 6 to 9</u>	<u>\$ 60.00</u>
<u>Merchant Guards 10 to 19</u>	<u>\$ 85.00</u>
<u>Merchant Guards 20 &gt;</u>	<u>\$ 110.00</u>

**Section 9.** Subsection (c) of Section 6-3-50 of the Code for the City of Cherry Hills Village, entitled "License fees" is hereby amended to read in full as follows:

**Sec. 6-3-50. License fees.**

(c) In addition to the annual license provided hereinbefore, the City may issue a temporary license for a period not to exceed thirty (30) days to any private security guards, agents and employees of merchant guards or merchant patrols, upon the submission of a satisfactory application, as provided in Section 6-3-40 above. The application for a temporary license shall be accompanied by an application fee ~~as set forth in Appendix A to this Code,~~of \$15.00, and, upon issuance of the temporary license, a license fee ~~as set forth in Appendix A to this Code~~of \$15.00 shall be payable.

**Section 10.** Section 6-4-90 of the Code for the City of Cherry Hills Village, entitled "Security alarm system permit, renewal fee" is hereby amended to read in full as follows:

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

Security alarm system permits shall be in the amount ~~as set forth in Appendix A to this Code~~of \$25.00 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 11.** Subsection (a) of Section 6-4-100 of the Code for the City of Cherry Hills Village, entitled "Police Department false alarm response charges" is hereby amended to read in full as follows:

**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 in accordance with the schedule set forth in Appendix A to this Code of \$100.00 shall be charged for the third response to a false alarm and a charge of \$200.00 shall be charged for the fourth and each successive response to a false alarm. The charge 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 12.** Paragraph (d)(2) of Section 6-4-130 of the Code for the City of Cherry Hills Village, entitled "Revocation and nonresponse status; administration and procedure" is hereby amended to read in full as follows:

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

(d)(2) A permit reinstatement fee ~~as set forth in Appendix A to this Code~~ of \$100.00 shall be paid to the City without proration for the current calendar year; and

**Section 13.** Subsection (d) of Section 7-5-310 of the Code for the City of Cherry Hills Village, entitled "Registration and vaccination requirements-dogs" is hereby amended to read in full as follows:

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

(d) Registration fees: The registration fee shall be ~~as contained in Appendix A to this Code~~ \$10.00 per dog, which fee must be paid to the City at the time of submission of the registration form.

**Section 14.** Section 11-2-140 of the Code for the City of Cherry Hills Village, entitled "Permit fees" is hereby amended to read in full as follows:

**Sec. 11-2-140. Permit fees.**

Before any permit for excavation may be issued, the permittee shall pay to the City an excavation fee ~~as set forth in Appendix A to this Code~~ of \$20.00 for the first twenty (20) feet plus \$10.00 per each additional twenty (20) feet or portion thereof. The permittee or his contractor shall also provide a license and permit bond for each individual contract running to the City in an amount ~~as set forth in Appendix A to this Code~~ of \$2.00 per each linear foot or \$1,000.00, whichever is greater. The bond shall be conditioned upon the requirement that the street cut will be thoroughly compacted to ninety percent (90%) or better of the original ground compaction and that asphalt or concrete resurfacing will be as good or better than any present asphalt or concrete paving at that location. The bond must be either a cash deposit or be written with a corporate surety company or association authorized to execute such bond, to be approved by the Administrative Authority.

**Section 15.** Subsection (b) of Section 11-2-340 of the Code for the City of Cherry Hills Village, entitled "Restoration of surface" is hereby amended to read in full as follows:

**Sec. 11-2-340. Restoration of surface.**

(b) In case of failure or settlement of any repaired or new excavation made by the permittee which in the opinion of the Administrative Authority endangers the safety of the pedestrian or motoring public, the permittee shall cause emergency repairs or barricading to be made within five (5) hours after notification. Should the permittee fail to cause the emergency repairs or barricading to be accomplished within the specified time, or in the event immediate action is necessary to protect the public health or safety, the City may cause the emergency repairs or barricading to be accomplished and may assess, as a charge against the surety bond or cash deposit, or against the permittee if the funds held by the City are insufficient, the cost thereof with a minimum charge per trip ~~as set forth in Appendix A to this Code~~ of \$25.00.

**Section 16.** Subparagraph (b)(1)b. of Section 11-5-40 of the Code for the City of Cherry Hills Village, entitled "Petition" is hereby amended to read in full as follows:

**Sec. 11-5-40. Petition.**

(b)(1)b. A nonrefundable application fee ~~as set forth in Appendix A to this Code~~ of \$100.00. 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 17.** Subsection (a) of Section 15-1-30 of the Code for the City of Cherry Hills Village, entitled "Preliminary steps" is hereby amended to read in full as follows:

**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 ~~as set forth in Appendix A to this Code~~, of \$300.00, 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 18.** Section 16-2-30 of the Code for the City of Cherry Hills Village, entitled "Fees" is hereby amended to read in full as follows:

**Sec. 16-2-30. Fees.**

Until provided otherwise by ordinance or resolution of the City Council, fees shall be as follows:

(1) A fee ~~as set forth in Appendix A to this Code~~ of \$200.00 shall be charged for any application or appeal filed with the Board of Adjustment and Appeals.

(2) A fee ~~as set forth in Appendix A to this Code~~ of \$300.00 shall be charged for any application for rezoning or for amendment to the official zoning map. An additional fee ~~as set forth in Appendix A to this Code~~ of \$100.00 calculated at maximum density permitted in the requested zone district, shall be charged when more than one (1) unit is to be created by the rezoning. These fees are nonrefundable and no fee shall be charged for initial zoning at the time of annexation of property.

(3) A fee ~~as set forth in Appendix A to this Code~~ of \$300.00 plus \$50.00 per lot or unit shall be charged for any application or appeal filed with the City Council for an amendment to or construction within the floodplain boundaries as set forth in Article XVI of this Chapter.

(4) The applicant shall also pay all costs incurred for required certified notices. The City shall pay publication and posting expenses relating to said applications.

(5) A cash payment in lieu of land dedication agreed to by the City under Section 17-3-30 of this Code shall be paid in full before issuance of a building permit for construction upon a lot to which such cash payment relates.

(6) Rezoning costs.

a. The applicant for rezoning, as set forth in Paragraph (2) above, shall also pay for planning and engineering review services and other consultant fees including, without limitation, legal fees and other costs and expenses incurred by the City and made necessary as a result

of said application. The applicant shall make an initial deposit into a non-interest-bearing escrow account held by the City at the time the application is filed with the City. The amount of this initial deposit shall be ~~as set forth in Appendix A to this Code~~ **\$5,000.00 plus \$100.00 for each unit of increased density**. The City shall have the right and authority to make disbursements from said escrow account at its sole discretion to cover the City's costs and expenses for planning and engineering review services, attorney and other consultant fees and other costs and expenses incurred with regard to said application. Any balances remaining in the escrow account following approval, denial or withdrawal of said application shall be returned to the applicant without interest. In the event said funds are exhausted before final disposition of said application, the applicant shall make a supplemental deposit to said escrow account in a reasonable amount to cover future costs and expenses, as determined by the City Manager, based on past expenditures. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. The City Manager, with cause, may reduce the amount of the initial escrow deposit; however, the applicant shall remain responsible for the actual cost of the planning and engineering review services and other consultant fees including, without limitation, legal fees and other costs and expenses incurred by the City.

b. If the City incurs costs and expenses beyond the amount deposited with the City and the applicant does not pay those costs and expenses within ten (10) days after written notice from the City, then, in addition to the other remedies the City may have, the City shall be entitled to a lien on the property that is the subject of the application, or the City may elect to certify the assessed costs and expenses to the office of the County Treasurer for collection in the same manner as general property taxes are collected. Such lien shall be perfected and foreclosed upon in accordance with applicable state laws. Nothing herein shall authorize the City to charge the applicant for costs and expenses the City incurs as a result of litigating a matter against the applicant or against a third party.

**Section 19.** Paragraph (a)(4) of Section 16-3-70 of the Code for the City of Cherry Hills Village, entitled "Applicant requirements and setting hearings" is hereby amended to read in full as follows:

**Sec. 16-3-70. Applicant requirements and setting hearings.**

(a)(4) Makes a deposit ~~in an amount as set forth in Appendix A to this Code~~ **of \$200.00** into a non-interest-bearing account in accordance with Section 16-3-90 below.

**Section 20.** Section 16-3-90 of the Code for the City of Cherry Hills Village, entitled "Land development account" is hereby amended to read in full as follows:

**Sec. 16-3-90. Land development account.**

Persons applying for variances; special exceptions, appeals from City Manager orders, requirements, decisions or determinations; relief pursuant to Article XIV of this Chapter; or other relief which the Board or City Manager has the authority to grant shall pay for planning and engineering review services and other consultant fees, including, without limitation, legal fees and other direct expenses incurred on behalf of the City and made necessary as a result of said applications. The applicant shall make an initial deposit into a non-interest-bearing escrow account held by the City at the time the application is filed with the City. The amount of this initial deposit shall ~~as set forth in Appendix A to this Code~~ **be \$500.00**. The City shall have the right and authority to make disbursements from said escrow account at its sole discretion to cover the City's cost for planning and engineering review services, attorney and other consultant fees and other direct expenses incurred with regard to said application. Any

balance remaining in the escrow account at the conclusion of said application, such as approval, denial or withdrawal, shall be returned to the applicant without interest. In the event said funds are exhausted before completion of said application, the applicant will make a supplemental deposit to said escrow account in an amount determined by the City Manager. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made.

**Section 21.** Subsection (a) of Section 16-14-100 of the Code for the City of Cherry Hills Village, entitled "Fees" is hereby amended to read in full as follows:

**Sec. 16-14-100. Fees.**

(a) Persons applying for building permits or other consideration pursuant to the provisions of this Article shall pay for planning and engineering review services and other consultant fees including, without limitation, legal fees and other costs and expenses incurred by the City and made necessary as a result of said application. The applicant shall make an initial deposit into a non-interest-bearing escrow account held by the City at the time the application is filed with the City. The amount of this initial deposit shall be ~~as set forth in Appendix A to this Code.~~ \$1,000.00. The City shall have the right and authority to make disbursements from said escrow account at its sole discretion to cover the City's cost for planning and engineering review services, attorney and other consultant fees, and other costs and expenses incurred with regard to said application. Any balances remaining in the escrow account following approval, denial or withdrawal of said application shall be returned to the applicant without interest. In the event said funds are exhausted before final disposition of said application, the applicant shall make a supplemental deposit to the escrow account in a reasonable amount to cover future costs and expenses as determined by the City Manager, based on past expenditures. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. The City Manager, with cause, may reduce the amount of the initial escrow deposit; however, the applicant shall remain responsible for the actual cost of the planning and engineering review services, and other consultant fees including, without limitation, legal fees and other costs and expenses incurred by the City.

**Section 22.** Subparagraph (b)(2)b. of Section 16-16-70 of the Code for the City of Cherry Hills Village, entitled "Temporary uses and structures" is hereby amended to read in full as follows:

**Sec. 16-16-70. Temporary uses and structures.**

**(b)(2)b. Payment of a \$20.00 application and review fee.**

**Section 23.** Subsection (a) of Section 16-17-90 of the Code for the City of Cherry Hills Village, entitled "Fees" is hereby amended to read in full as follows:

**Sec. 16-17-90. Fees.**

(a) Persons applying for a development permit pursuant to the provisions of this Article shall pay for planning and engineering review services and other consultant fees including, without limitation, legal fees and other costs and expenses incurred by the City and made necessary as a result of said application. The applicant shall make an initial deposit into a non-interest-bearing escrow account held by the City at the time the application is filed with the City. The amount of this initial deposit shall be ~~as set forth in Appendix A to this Code.~~ \$1,000.00. The City shall have the right and authority to make disbursements from said escrow account at its sole discretion to cover the City's cost for planning and engineering review services, attorney and other consultant fees and other costs and expenses incurred with regard to said application. Any



balances remaining in the escrow account following approval, denial or withdrawal of said application shall be returned to the applicant without interest. In the event said funds are exhausted before final disposition of said application, the applicant shall make a supplemental deposit to said escrow account in a reasonable amount to cover future costs and expenses, as determined by the City Manager, based on past expenditures. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. The City Manager, with cause, may reduce the amount of the initial escrow deposit; however, the applicant shall remain responsible for the actual cost of the planning and engineering review services, and other consultant fees including, without limitation, legal fees and other costs and expenses incurred by the City.

**Section 24.** Subsection (2) of Section 16-18-50 of the Code for the City of Cherry Hills Village, entitled "Application procedures" is hereby amended to read in full as follows:

**Sec. 16-18-50. Application procedures.**

(2) Fees. Persons applying for a conditional use permit shall pay for planning and engineering review services and other consultant fees including, without limitation, legal fees and other direct expenses incurred on behalf of the City and made necessary as a result of said application. The applicant shall pay an initial fee ~~as set forth in Appendix A to this Code of \$500.00~~ and make an initial deposit of \$1,000.00 into a non-interest-bearing escrow account held by the City at the time the application is filed by the City. The City shall have the right and authority to make disbursements from said escrow account at its sole discretion to cover the City's cost for planning and engineering review services, attorney and other consultant fees and other direct expenses incurred with regard to said application. Any balances remaining in the escrow account at the conclusion of said application, such as approval, denial or withdrawal, shall be returned to the applicant without interest. In the event said funds are exhausted before completion of said application, the applicant will make a supplemental deposit to said escrow account in an amount determined by the City Manager. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made.

**Section 25.** Subsections (2) and (3) of Section 16-19-60 of the Code for the City of Cherry Hills Village, entitled "Preapplication meeting and submission requirements" is hereby amended to read in full as follows:

**Sec. 16-19-60. Preapplication meeting and submission requirements.**

(2) Pays the required application fee ~~as set forth in Appendix A to this Code of \$200.00.~~

(3) Makes a deposit in the amount ~~as set forth in Appendix A to this Code of \$1,000.00~~ into a non-interest bearing account in accordance with Section 16-19-150 below.

**Section 26.** Subsections (2) and (11) of Section 16-20-50 of the Code for the City of Cherry Hills Village, entitled "Submittal requirements" is hereby amended to read in full as follows:

**Sec. 16-20-50. Submittal requirements.**

(2) An application fee ~~as set forth in Appendix A to this Code of \$300.00.~~

(11) Any applicant, other than the City, for a nonprofit institution, private club, public recreational facility or nonprofit recreational facility or expanded or increased uses to a nonprofit institution, private club, public recreational facility

or nonprofit recreational facility shall also pay for planning and engineering review services, attorney and consultant fees and other costs and expenses incurred by the City and made necessary as a result of said application. An initial deposit into a non-interest-bearing escrow account held by the City shall be made at the time the application is filed with the City. The amount of this initial deposit shall be ~~as set forth in Appendix A to this Code~~ \$5,000.00. The City shall have the right and authority to make disbursements from said escrow account at its sole discretion for planning and engineering review services, attorney and consultant fees and other costs and expenses incurred with regard to said application. Any balances remaining in the escrow account following approval, denial or withdrawal of said application shall be returned to the applicant without interest. In the event said funds are exhausted before final disposition of said application, the applicant shall make a supplemental deposit to said escrow account in a reasonable amount to cover future costs and expenses, as determined by the City Manager, based on past expenditures. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. The City Manager, with cause, may reduce the amount of the initial escrow deposit; however, the applicant shall remain responsible for the actual cost of the planning and engineering review services and other consultant fees including, without limitation, legal fees and other costs and expenses incurred by the City. If the City incurs costs and expenses beyond the amount deposited with the City and the applicant does not pay those costs and expenses within ten (10) days after written notice from the City, then, in addition to the other remedies the City may have, the City shall be entitled to a lien on the property that is the subject of the application, or the City may elect to certify the assessed costs and expenses to the office of the County Treasurer for collection in the same manner as general property taxes are collected. Such lien shall be perfected and foreclosed upon in accordance with applicable state laws. Nothing herein shall authorize the City to charge the applicant for costs and expenses the City incurs as a result of litigating a matter against the applicant or against a third party.

**Section 27.** Paragraph (a)(2) of Section 16-21-60 of the Code for the City of Cherry Hills Village, entitled "Application requirements" is hereby amended to read in full as follows:

**Sec. 16-21-60. Application requirements.**

(a)(2) Payment of the application fee ~~required by Appendix A to this Code~~ of \$300.00.

**Section 28.** Section 16-21-80 of the Code for the City of Cherry Hills Village, entitled "Review expenses" is hereby amended to read in full as follows:

**Sec. 16-21-80. Review expenses.**

Every applicant for a major event permit shall pay for planning and engineering review services, attorney, and consultant fees and other costs and expenses incurred by the City and made necessary as a result of the application. An initial deposit into a non-interest-bearing escrow account held by the City shall be made at the time the application is filed with the City. The amount of this initial deposit shall be ~~as set forth in Appendix A to this Code~~ \$5,000.00. The City shall have the right and authority to make disbursements from the escrow account at its sole discretion for planning and engineering review services, attorney and consultant fees and other costs and expenses incurred with regard to the application. Any balances remaining in the escrow account following approval, denial or withdrawal of the application shall be returned to the applicant without interest. In the event the deposited funds are exhausted before final disposition of the application, the applicant shall make a supplemental deposit to the escrow account in a reasonable amount to cover future costs and expenses, as determined by the City Manager, based on past expenditures. Failure to

make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. The City Manager, with cause, may reduce the amount of the initial escrow deposit; however, the applicant shall remain responsible for the actual cost of the planning and engineering review services and other consultant fees including, without limitation, legal fees and other costs and expenses incurred by the City. If the City incurs costs and expenses beyond the amount deposited with the City and the applicant does not pay those costs and expenses within ten (10) days after written notice from the City, then, in addition to the other remedies the City may have, the City shall be entitled to impose a lien on the property proposed for the major event and the City may elect to certify the assessed costs and expenses to the office of the County Treasurer for collection against the property in the same manner as general property taxes are collected. Such lien shall be perfected and foreclosed upon in accordance with applicable state laws.

**Section 29.** Section 17-3-20 of the Code for the City of Cherry Hills Village, entitled "Fees" is hereby amended to read in full as follows:

**Sec. 17-3-20. Fees.**

(a) To defray the costs and expenses of administrative procedures, there shall be paid to the City Treasurer at the time of submission of the preliminary plat a fee ~~as set forth in Appendix A to this Code. The fee is nonrefundable.~~ of \$300.00 plus \$100.00 per lot.

(b) Applicants for subdivision approval, including plat amendments, shall also pay for planning and engineering review services, attorney and consultant fees and other costs and expenses incurred by the City and made necessary as a result of said application. An initial deposit into a non-interest-bearing escrow account held by the City shall be made at the time the preliminary or amended plat application is filed with the City. The amount of this initial deposit shall be ~~as set forth in Appendix A to this Code~~ \$1,000.00 plus \$100.00 per lot. The City shall have the right and authority to make disbursements from said escrow account at its sole discretion for planning and engineering review services, attorney and consultant fees and other costs and expenses incurred with regard to said application. Any balances remaining in the escrow account following approval, denial or withdrawal of said application shall be returned to the applicant without interest. In the event said funds are exhausted before final disposition of said application, the applicant shall make a supplemental deposit to said escrow account in a reasonable amount to cover future costs and expenses, as determined by the City Manager, based on past expenditures. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. The City Manager, with cause, may reduce the amount of the initial escrow deposit; however, the applicant shall remain responsible for the actual cost of the planning and engineering review services and other consultant fees including, without limitation, legal fees and other costs and expenses incurred by the City. If the City incurs costs and expenses beyond the amount deposited with the City and the applicant does not pay those costs and expenses within ten (10) days after written notice from the City, then, in addition to the other remedies the City may have, the City shall be entitled to a lien on the property that is the subject of the application, or the City may elect to certify the assessed costs and expenses to the office of the County Treasurer for collection in the same manner as general property taxes are collected. Such lien shall be perfected and foreclosed upon in accordance with applicable state laws. Nothing herein shall authorize the City to charge the applicant for costs and expenses the City incurs as a result of litigating a matter against the applicant or against a third party.

(c) The subdivider shall pay a fee ~~as set forth in Appendix A to this Code~~ of \$10.00 per page for County filing fees. This fee may be paid after approval of the final plat.

**Section 30.** Subsection (a) of Section 17-3-30 of the Code for the City of Cherry Hills Village, entitled "Land dedication or cash payment in lieu thereof" is hereby amended to read in full as follows:

**Sec. 17-3-30. Land dedication or cash payment in lieu thereof.**

(a) In addition to provisions for roads and easements for drainage and utilities, every subdivider, in order to facilitate the acquisition and development of open space, parks and trails as contemplated by the City's Master Plan and Parks and Trails Sub-Master Plan, and other community recreational, cultural, educational and civic amenities and facilities, shall convey to the City not less than six-hundredths (0.06) acre of land for every lot included in the proposed subdivision. The City may, at its discretion, accept in lieu of such land dedication either land located outside of the land being subdivided or a payment equivalent to the fair market value of the land required for dedication hereunder, or some combination thereof. In the event the City elects to require the dedication of land from the land being developed, the City and the subdivider shall determine what land shall be dedicated and whether in fee simple or by easement, taking into account the existing and anticipated parks, trails and other recreational amenities as provided in the City's Master Plan and Parks and Trails Sub-Master Plan, provided that the City's reasonable determination of what land shall be dedicated shall control in the event the City and the subdivider do not agree. Land dedications and cash payments in lieu thereof under this provision shall be used to provide, improve and maintain open space, parks, trails and other recreational amenities for the benefit of all residents of the City. In addition, every subdivider shall pay to the City a development fee ~~as set forth in Appendix A to this Code of~~ \$5,500.00 per lot for each lot included in the proposed subdivision.

**Section 31.** Section 17-3-330 of the Code for the City of Cherry Hills Village, entitled "Application fee" is hereby amended to read in full as follows:

**Sec. 17-3-330. Application fee.**

To defray the costs and expenses of administrative procedures, the fee for a minor subdivision application shall be ~~as set forth in Appendix A to this Code.~~ \$150.00. In addition to the application fee, applications for minor subdivisions must comply with the escrow deposit requirements of Section 17-3-20(b) above and the land dedication or cash payment requirements of Section 17-3-30 above.

**Section 32.** Subsection (2) of Section 17-6-30 of the Code for the City of Cherry Hills Village, entitled "Contents of administrative review application and plat" is hereby amended to read in full as follows:

**Sec. 17-6-30. Contents of administrative review application and plat.**

(2) Payment of an application fee for administrative review and processing ~~as set forth in Appendix A to this Code.~~ of \$150.00. In addition, the applicant shall deposit with the City an amount ~~as set forth in Appendix A to this Code~~ of \$1,000.00 to be applied toward the applicant's payment of the planning and engineering review services, attorney review fees, plat recordation fees and other costs and expenses incurred by the City and made necessary as a result of the application. The deposit shall be administered in accordance with the provisions of Subsection 17-3-20(b) of this Chapter.

**Section 33.** Subsection (10) of Section 18-1-20 of the Code for the City of Cherry Hills Village, entitled "Amendments" is hereby amended to read in full as follows:

Sec. 18-1-20. Amendments.

(10) Add a new Section 108.2.1 Fee Schedules as follows:

108.2.1 Fee Schedules. Permit Fees shall be as outlined in Tables 1-A through 1-E as ~~contained in Appendix A to the Cherry Hills Village Municipal Code~~ below.

**Table 1-A**  
**Building Permit Fees**

<u>TOTAL VALUATION</u>	<u>FEES</u>
<u>\$1.00 to \$2,000.00</u>	<u>\$ 20.00</u>
<u>\$2,001.00 and up</u>	<u>1% of valuation</u>

**Table 1-B**  
**Electrical Permit Fees for Nonresidential Buildings**  
**and Residential Alteration or Additions**

<u>PROJECT VALUATION</u>	<u>FEES</u>
<u>Up to \$300.00</u>	<u>\$50.00</u>
<u>To \$2,000.00</u>	<u>\$55.00</u>
<u>To \$50,000.00</u>	<u>\$21.75 per \$1,000.00 or fraction thereof of the total valuation</u>
<u>To \$500,000.00</u>	<u>\$20.50 per \$1,000.00 or fraction thereof of the total valuation plus \$57.50</u>
<u>Over \$500,000.00</u>	<u>\$19.50 per \$1,000.00 or fraction thereof of the total valuation plus \$632.50</u>

**Table 1-C**  
**Electrical Permit Fees for New Residential Buildings**

<u>BUILDING AREA</u>	<u>FEES</u>
<u>Not more than 1,000 sq ft</u>	<u>\$51.75</u>
<u>Over 1,000 sq ft and not more than 1,500 sq ft</u>	<u>\$69.00</u>
<u>Over 1,500 sq ft and not more than 2,000 sq ft</u>	<u>\$86.25</u>
<u>Over 2,000 sq ft</u>	<u>\$4.60 per 100 sq ft in excess of 2,000 sq ft</u>

**Table 1-D**  
**Plan Review Fees**

<u>PROJECT TYPE</u>	<u>FEES</u>
<u>Nonresidential structures including: Churches, Schools, and Non-profit Recreational Facilities</u>	<u>Minimum \$1,000 for first 10 hours – additional plan review at \$100.00 per hour</u>
<u>New Home/Scrape and Rebuild – more than 50% of Existing Square Footage</u>	<u>\$600.00</u>
<u>Additions/Scrape and Rebuild – more than 50% of Existing Square Footage</u>	<u>\$300.00</u>
<u>Remodel With No New Square Footage</u>	<u>\$150.00</u>
<u>Accessory and Recreational Structures</u>	<u>\$150.00</u>

ABJ053

<u>Additional Plan Review</u>	<u>\$100.00 per hour, minimum 1 hour</u>
<u>Investigation Fee (per Section 108.4)</u>	<u>Same fee as building permit fee or \$100.00 whichever is more</u>
<u>Reinspection Fee</u>	<u>\$50.00</u>

**Table 1-E**  
**Elevator Inspection Fees**

<b><u>ANNUAL CERTIFICATES OF INSPECTION</u></b>	<b><u>FEES</u></b>
<u>For each elevator</u>	<u>\$150.00</u>
<u>For each escalator or moving walk</u>	<u>\$150.00</u>
<u>For each dumbwaiter</u>	<u>\$150.00</u>

**Section 34.** Subsection (4) of Section 18-10-20 of the Code for the City of Cherry Hills Village, entitled "Construction sites" is hereby amended to read in full as follows:

**Sec. 18-10-20. Construction sites.**

(4) In the event that the City remedies the conditions deemed in violation of this Article, the minimum cost for the City to perform such work shall be ~~as set forth in Appendix A to this Code,~~a minimum of \$250.00, exclusive of any costs attributable to vehicle or equipment time.

**Section 35.** Subsections (a) and (c) of Section 18-11-20 of the Code for the City of Cherry Hills Village, entitled "Payment of service expansion fee" is hereby amended to read in full as follows:

**Sec. 18-11-20. Payment of service expansion fee.**

(a) Any owner, architect, contractor or other person applying for a building permit in accordance with the applicable ordinances of the City shall, as a condition to obtaining such building permit, pay to the City a service expansion fee as ~~set forth in Appendix A to this Code,~~follows:

<b><u>SERVICE EXPANSION FEE</u></b>	<b><u>AMOUNT</u></b>
<u>Building</u>	<u>\$.80 per square foot</u>
<u>Garage/pool</u>	<u>\$.30 per square foot</u>
<u>Tennis courts</u>	<u>\$.05 per square foot</u>

(c) The service expansion fee shall be due and payable at the time the building permit is issued. Under no circumstances shall the Building Inspector issue a certificate of occupancy until and unless the service expansion fee, as set forth in ~~Appendix A~~Subsection (a) of this Code,~~Section~~ has been paid in full.

**Section 36.** Title I, Article I of the Code for the City of Cherry Hills Village, is amended by a new Section 1-1-80 entitled "Fee Schedule" to read in full as follows:

**1-1-80. Fee Schedule.**

The fees, costs, deposits, occupation taxes and other charges as required by this Code shall be set forth in the text of the Code and in "Appendix A-Fee Schedule" to the Code. 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.

**Section 37.** "Appendix A – Fee Schedule" of the Code for the City of Cherry Hills Village, is hereby amended to read in full as follows:

**APPENDIX A  
FEE SCHEDULE**

**NOTE:** In the event of a conflict between the fees, costs, and deposits, occupation taxes and other charges listed in this Appendix A and the text of any individual section of the City Code, the provisions of this Appendix the applicable section of the Code shall control.

Municipal Code-Based Fees, Costs and Deposits		
Code Section	Fee/Charge	Amount
2-4-80	Court costs – trial to the Court / trial by Jury	Up to \$15.00/ up to \$45.00
2-4-80	Jury trial fee (Defendant)	\$25.00
2-4-80	Detention – rate of satisfaction of fine	\$10.00/day of 24 hours
2-4-80	Witness fees	\$5.00/day
2-4-120	Appeals fee, bond	Double the judgment/not less than \$50.00/not more than \$2.00/day of sentence
2-4-130	Jury fees	\$3.00/day
6-1-50	Business license fee	\$25.00
6-2-150	License application fee	New license — \$500.00 License renewal — 50.00 Modification of premises — 100.00 Transfer of ownership — 500.00 Transfer of location — 500.00 Change of corporate structure — 100.00 Special events permit (malt, vinous, spirituous liquors) — 25.00 Special events permit (malt beverage) — 10.00 Temporary permit — 100.00 Manager's registration — 75.00 Late renewal — 500.00
6-2-190	Annual occupation tax for liquor license	Class A Operators — \$2,000.00 Class B Operators — 200.00 Class C Operators — 2,000.00 Class D Operators — 800.00
6-3-40	Merchant guard application fee	\$15.00
6-3-50	Merchant guard annual license fees	Private security guards — \$10.00 Merchant guards < 6 — \$35.00 Merchant guards 6 to 9 — \$60.00 Merchant guards 10-19 — \$85.00 Merchant guards > 20 — \$110.00
6-3-50	Temporary (30-day) merchant guard license fee	Application — \$15.00 Issuance — \$15.00
6-4-90	Security alarm system permit fee	\$25.00
6-4-100	False alarm response service charge schedule	1st and 2nd responses — no charge 3rd response — \$100.00 4th and each successive response — \$200.00
6-4-130	Security alarm permit reinstatement fee	\$100.00
7-6-310	Dog tag registration fee	\$10.00 per dog
11-2-140	Excavation permit fee	\$20.00 per 1st 20 feet plus \$10.00 per each add'l 20 feet
11-2-140	License and permit bond	\$2.00 per each linear foot or \$1,000.00, whichever is greater
11-2-340	Restoration of surface by City	Cost; minimum charge \$25.00
11-5-40	Petition for vacation	\$100.00 plus \$10,000.00 deposit
15-1-30	Annexation fee	\$300.00
16-2-30	Board of Adjustment applications/appeals fee	\$200.00
16-2-30	Application for rezoning / amendment to zoning map fee	\$300.00 plus \$100.00 for >1 unit created by rezoning
16-2-30	Amendment to/construction within floodplain boundaries fee	\$300.00 plus \$50.00/lot or unit
16-2-30	Rezoning deposit	\$5,000.00 plus \$100.00/each

ABJ053

Municipal Code-Based Fees, Costs and Deposits		
Code Section	Fee/Charge	Amount
		unit of increased density
16-3-70	Application for variance fee	\$200.00
16-3-90	Land development account for review services	\$500.00 initial deposit
16-14-100	Building permit application fees for review services	\$1,000.00 initial deposit
<b>16-16-70</b>	<b>Temporary uses and structures fee</b>	<b>\$20.00 application and review fees</b>
16-17-90	Development permit application fees for review services	\$1,000.00 initial deposit
16-18-50	Conditional use permit application fees for review services	Fee — \$500.00 Initial deposit — \$1,000.00
16-19-60	Vested property rights application fee/review services fee	Application fee — \$200.00 Initial deposit — \$1,000.00
16-20-50	Nonprofit use of property fee	Application fee — \$300.00 Review services initial deposit — \$5,000.00
<b>16-21-60</b>	<b>Major Events</b>	<b>Application fee - \$300.00</b>
<b>16-21-80</b>	<b>Major Events</b>	<b>Review services initial deposit - \$5,000.00</b>
17-3-20	Subdivision preliminary plat submittal fee	\$300.00 plus \$100.00 per lot
17-3-20	Subdivision approval/plat amendments review services fee	\$1,000.00 initial deposit plus \$100.00 per lot
17-3-20	County filing fee	\$10.00 per page
17-3-30	Land dedication or cash payment fee	.06 acre per lot or fair market value payment
17-3-30	Development fee	\$5,500.00 per lot
17-3-320	Minor subdivision application fee	\$150.00 plus escrow deposit (see 17-3-20) and land dedication requirements (see 17-3-30)
17-6-30	Administrative review fee	Application fee — \$150.00 Escrow deposit — \$1,000.00
18-1-20(10)	Permit, plan review and elevator inspection fees	Tables IA — I-E below:
<b>Table 1-A Building Permit Fees</b>		
Total Valuation		Fees
\$1.00 to \$2,000.00		\$20.00
\$2,001.00 and up		1% of valuation
<b>Table 1-B Electrical Permit Fees For Nonresidential Buildings and Residential Alteration or Additions</b>		
Project Valuation		Fees
Up to \$300.00		\$50.00
To \$2,000.00		\$55.00
To \$50,000.00		\$21.75 per \$1,000.00 or fraction thereof of the total valuation
To \$500,000.00		\$20.50 per \$1,000.00 or fraction thereof of the total valuation plus \$57.50
Over \$500,000.00		\$19.50 per \$1,000.00 or fraction thereof of the total valuation plus \$632.50
<b>Table 1-C Electrical Permit Fees For New Residential Buildings</b>		
Building Area		Fees
Not more than 1,000 sq. ft.		\$51.75
Over 1,000 sq. ft. and not more than 1,500 sq. ft.		\$69.00
Over 1,500 sq. ft. and not more than 2,000 sq. ft.		\$86.25
Over 2,000 sq. ft.		\$4.60 per 100 sq. ft. in excess of 2,000 sq. ft.

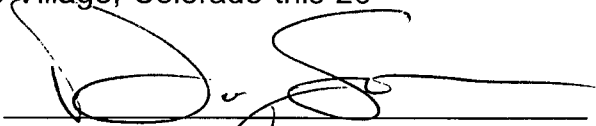


ABJ053

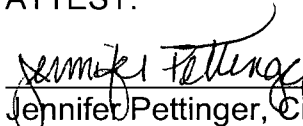
Table 1-D Plan Review Fees		
Project Type		Fees
Nonresidential structures including: Churches, Schools, and Non-Profit Recreational Facilities		Minimum \$1,000 for first 10 hours— additional plan review at \$100/hour
New Home/Scrape and Rebuild >50% of Existing Square Footage		\$600.00
Additions/Scrape and Rebuild <50% of Existing Square Footage		\$300.00
Remodel With No New Square Footage		\$150.00
Accessory and Recreational Structures		\$150.00
Additional Plan Review		\$100.00 per hour, minimum 1 hour
Investigation Fee (per Section 108.4)		Same fee as building permit fee or \$100.00 whichever is more
Reinspection Fee		\$50.00
Table 1-E Elevator Inspection Fees		
Annual Certificates of Inspection		Fees
For each elevator		\$150.00
For each escalator or moving walk		\$150.00
For each dumbwaiter		\$150.00
18-10-20	Remedying construction site violations by City	Minimum \$250.00
18-11-20	Service expansion fee	Building — \$.80 per square foot Garage/pool — \$.30 per square foot Tennis courts — \$.05 per square foot

**Section 38.** 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 or unconstitutional.

Adopted as Ordinance No. 07 Series 2004, by the City Council of the City of Cherry Hills Village, Colorado this 26<sup>th</sup> day of May, 2004.

  
Douglas C. Scott, Mayor

ATTEST:

  
Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:

  
Randy D. Funk, City Attorney

