

## ORDINANCE NO. 6

Series 2022

January 4, 2022: Introduced as Council Bill 5, Series 2022 by Mayor Pro Tem Katy Brown, seconded by Councilor Mike Gallagher and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

February 1, 2022: 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 ARTICLE III OF CHAPTER 20 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING ESCROW FOR CONSULTANT REVIEW FEES PERTAINING TO WIRELESS COMMUNICATION FACILITY APPLICATIONS**

**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 Article 23, Title 31 of the Colorado Revised Statutes, the City is authorized to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

**WHEREAS**, pursuant to the authority outlined herein, the City Council established regulations concerning wireless communication facility application fees, codified in Chapter 20 of the Cherry Hills Village Municipal Code ("Municipal Code"); and

**WHEREAS**, the City Council finds the amendment set forth in this ordinance clarifies the responsibilities of an applicant under Chapter 20 and furthers the health, safety and welfare of the community and the City's police powers.

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

Section 1. Sub-section (d)(2)a. of Section 20-3-125 of the Municipal Code, entitled *Application fees and escrows*, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~, with the remainder of Section 20-3-125 to remain intact:

**Sec. 20-3-125. – Application fees and escrows.**

(d) Escrow for consultant review.

(2) Initial escrow payment.

- a. If the Director determines that an application will require review by professional consultants, then the ~~Director~~ Applicant shall execute an escrow agreement in a form approved by the City Attorney, and make an initial escrow payment in an amount sufficient to cover the estimated review costs. A schedule of minimum required escrows for different application types may be attached to the fee resolution described in subsection (a), above.

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 be declared invalid.

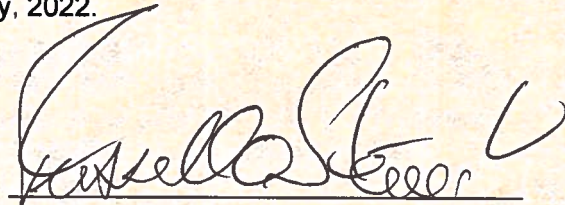
Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

**Section 4.** 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 5.** 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. 6, Series 2022, by the City Council of the City of Cherry Hills Village, Colorado this 1<sup>st</sup> day of February, 2022.

(SEAL)

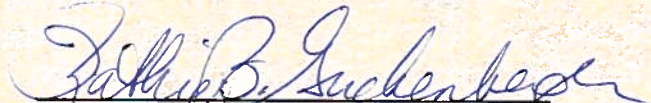


Russell O. Stewart, Mayor

ATTEST:

Approved as to form:

  
Laura Gillespie, City Clerk

  
Kathie B. Guckenberger, City Attorney

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