

**ORDINANCE NO. 01  
Series 2009**

January 20, 2009: Introduced as Council Bill 1, Series 2009 by Mayor Pro Tem Stewart, seconded by Councilmember LaMair, and considered by the title only on first reading. Passed by a vote of 6 yes and 0 no.

February 3, 2009: 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 CHAPTER 11  
OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE  
AMENDING SECTION 11-2-90 CONCERNING PERMIT FEES.**

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 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 is concerned with the cost associated with the issuance and administration of public rights-of-way permits; and

WHEREAS, the City Council is concerned that the full cost of administering a permit process is covered by the payment of fees paid by those entities that obtain permits to work in the public rights-of-way; and

WHEREAS, the City Council desires to raise the fees associated with work within City rights-of-ways to cover the City's actual cost of issuing rights-of-way permits, verifying rights-of-way occupation, mapping rights-of-way occupation, inspecting work and administering this Article and future repair and maintenance of City owned rights-of-way necessitated by work done in the rights-of-way by permittees.

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

Section 1. That Section 11-2-90 of the Cherry Hills Village Municipal Code, concerning the fees associated with rights-of-way permits, is hereby amended to read as follows:

**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 in accordance with the fee schedule contained ~~in the Construction and Excavation Standards herein.~~ 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 rights-of-way occupation, mapping rights-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.

(1) Fee Schedule

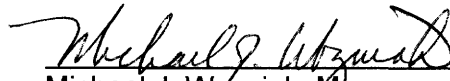
The minimum permit fee for asphalt paved streets	\$480.00
The minimum permit fee for gravel streets	\$838.00
The minimum permit fee for city trails	\$480.00
Right-of-way occupancy fee (not cutting in ROW)	\$300.00

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.

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Section 3. Effective date and time. This Ordinance shall become effective at 12:00 a.m. on the eleventh (11<sup>th</sup>) day after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

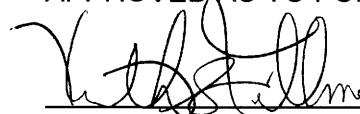
Adopted as Ordinance No.1 Series 2009, by the City Council of the City of Cherry Hills Village, Colorado this 3<sup>rd</sup> day of February, 2009.

  
Michael J. Wozniak, Mayor

ATTEST:

  
Melissa G. Formby, City Clerk

APPROVED AS TO FORM:

  
Kenneth S. Fellman, City Attorney

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