

ORDINANCE NO. 3

Series 2012

January 3, 2012: Introduced as Council Bill 1, Series 2012 by Councilor Roswell, seconded by Councilor Stewart and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

February 21, 2012: 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 TO AMEND SECTION 16-17-60(f) OF THE CITY OF 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 regulate property and construction 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 of Cherry Hills Village has determined that it is in the best interest of the citizens of the City to amend Section 16-17-60(f) of the Cherry Hills Village Municipal Code to clarify the requirements applicable dredging of ponds and lakes.

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

Section 1. Section 16-17-60(f) is amended to read as follows:

(f) Dredging of ponds and lakes: The City Manager or his or her designee may administratively approve an application for a floodplain development permit that is exclusively for dredging of ponds or lakes within an ineffective flow area. Such approval shall be in accordance with the following procedures and criteria:

(1) Dredging procedures shall follow all applicable regulations of the Arapahoe County Stormwater Management Manual (ACSMM), ~~and~~ Urban Drainage and Flood Control District (UDFCD) criteria, and state dam safety requirements, as may be amended from time to time.

(2) The applicant shall be required to submit a hydraulic analysis, prepared by a professional engineer, for review and approval by the City Engineer. The applicant shall demonstrate that the dredging will not alter the floodplain boundary or increase base flood elevations.

(3) All required permits shall be obtained by the applicant from those applicable federal, state or local governmental agencies before administrative approval will be granted.

(4) The applicant shall provide written notification of the request to all owners of property that are adjacent to the property that is the subject of the request and with floodplain intersecting the property. Such written notification shall be sent by certified mail, return receipt requested.

(5) The applicant shall provide ~~written verification from the office of the State Engineer demonstrating compliance with all applicable water rights and dam safety requirements.~~ documentation satisfactory to the City that the dredging activities are not inconsistent with Colorado law.

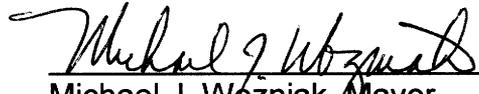
(6) The City Manager or his or her designee may approve, approve with conditions or deny an application or, in the City Manager's reasonable discretion, present the application for review and decision by the City Council. The City Manager's discretion includes, but is not limited to, applications that may be reasonably considered to negatively impact other properties. City Council proceedings to address the application shall be quasi-judicial, with decisions rendered after considering evidence presented at a public hearing. The City Council review shall be based on the procedures and criteria outlined in this Subsection.

(7) The City Manager or his or her designee may attach conditions to any approval of a floodplain development permit for dredging as deemed necessary to further the purposes of this Article.

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. 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.

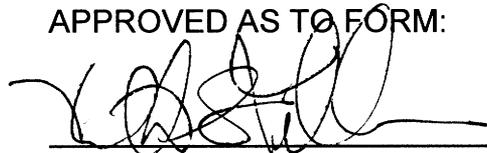
Adopted as Ordinance No. 3, Series 2012, by the City Council of the City of Cherry Hills Village, Colorado this 21st day of February, 2012.


Michael J. Wozniak, Mayor

ATTEST:


Laura Smith, City Clerk

APPROVED AS TO FORM:


Kenneth S. Fellman, City Attorney

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**CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 3, SERIES 2012**

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE TO AMEND SECTION 16-17-60(F) OF THE CITY OF CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING DREDGING PONDS AND LAKES WITHIN THE FLOODPLAIN

Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

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Published March 1, 2012
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