

ORDINANCE NO. 11
Series 2008

June 3, 2008: Introduced as Council Bill 9, Series 2008 by Councilmember Harriet LaMair, seconded by Councilmember Scott Roswell, and considered by the title only on first reading. Passed by a vote of 5 yes and 0 no.

June 17, 2008: 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 7 OF THE CHERRY HILLS VILLAGE MUNICIPAL
CODE, CONCERNING HEALTH, SANITATION AND ANIMALS, BY AMENDING
SECTION 7-1-30(5) CONCERNING LIGHTING NUISANCE

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 adopt and enforce police power regulations in furtherance of the health, safety and welfare of its citizens; and

WHEREAS, Section 7-1-30 of the City of Cherry Hills Village Municipal Code identifies and declares certain conditions, events or circumstances that are declared a nuisance; and

WHEREAS, subsection (5) of said Code section identifies and declares those certain conditions, events or circumstances that create a lighting nuisance; and

WHEREAS, Council finds a duplication in subsection (5)(a) and (5)(b) of the current code and desires to correct that error.

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

Section 1. That Section 7-1-30(5) of the Cherry Hills Village Municipal Code concerning lighting nuisance is hereby amended to read as follows:

Sec. 7-1-30. Nuisances identified and declared.

(5) Lighting nuisance: Any floodlight, spotlight or other source of artificial light or illumination is declared a nuisance where:

~~a. The City received a complaint that a source of lighting or illumination interferes with the a person's enjoyment of his property and the City contacted the owner or occupant of the property upon which the source of the lighting or illumination is located in an effort to resolve or remedy the complaint;~~

ba. An owner or occupant of property neighboring the property upon which the source of the lighting or illumination is located submits a written complaint to the City stating that the lighting or illumination interferes with the owner's or occupant's enjoyment of his property; and

eb. The light or illumination produces, generates or discharges light at a level exceeding two-tenths (0.2) foot-candle above the ambient light level when measured at ground level at the property line of the property upon which the source of the lighting or illumination is located.

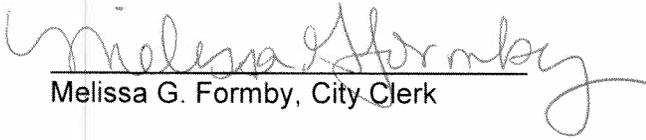
Section 2. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining 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. Effective date and time. This Ordinance shall become effective at 12:00 a.m. on the eleventh (11th) 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. 11 Series 2008, by the City Council of the City of Cherry Hills Village, Colorado this 17th day of June, 2008.


Michael J. Wozniak, Mayor

ATTEST:


Melissa G. Formby, City Clerk

APPROVED AS TO FORM:


Kenneth S. Fellman, City Attorney

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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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