

ORDINANCE NO. 01
Series 2006

December 13, 2005: Introduced as Council Bill 16 Series 2005 by Councilmember Doug Tisdale, seconded by Councilmember John Love, and considered by the title only on first reading. Passed unanimously.

January 3, 2006: Considered in full text on second reading. Passed unanimously

A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE AMENDING ARTICLE 11-2 OF THE
CHERRY HILLS VILLAGE MUNICIPAL CODE, ENTITLED PUBLIC RIGHT-OF-
WAY PERMITS

WHEREAS, City Council on September 20, 2005 the City Council adopted Ordinance 10-05 concerning Right-of-way Permits, which ordinance was codified as Article 2 of Chapter 11 of the Cherry Hills Village Municipal Code and was entitled Public Right-of-way Permits; and

WHEREAS, pursuant to section 11-2-20 of the Cherry Hills Village Municipal Code, and "Public right-of-way" means any public street, way, place, alley, sidewalk, easement, park, square, median, parkway, boulevard or plaza that is dedicated to public use or maintained by the City; and

WHEREAS, the Colorado Department of Transportation owns certain right-of-ways within the City of Cherry Hills Village; and

WHEREAS, the Colorado Department of Transportation manages their right-of-ways with the City of Cherry Hills Village and has established a permitting process for certain construction and related activities within such right-of-ways; and

WHEREAS, administering the City of Cherry Hills Village permitting process with respect to persons working within the Colorado Department of Transportation right-of-ways is redundant of Colorado Department of Transportation's permitting process and constitutes an undue burden on such persons;

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

Section 1. Section 11-2-20 of Article II of Chapter 11 of the Cherry Hills Village Municipal Code, concerning definitions, is hereby amended to read as follows:

Section 11-2-20 Definitions.

P. "Public right-of-way" means any public street, way, place, alley, sidewalk, easement, park, square, median, parkway, boulevard or plaza that is dedicated to public use or maintained by the City except for those right-of-ways owned by the Colorado Department of Transportation within the City of Cherry Hills Village municipal limits.

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 or unconstitutional.

Section 3. Effective Date. This ordinance shall take effect in accordance with the City of Cherry Hills Village Home Rule Charter.

Adopted as Ordinance No. 01, Series 2006, by the City Council of the City of Cherry Hills Village, Colorado, the 3rd day of January, 2006.

Douglas C. Scott, Mayor

ATTEST:

APPROVED AS TO FORM:

Jennifer Pettinger, City Clerk

Thad W. Renaud, City Attorney

Published in the Villager
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