

ORDINANCE NO. 03
Series 2005

February 1, 2005: Introduced as Council Bill 02 Series 2005 by Councilmember Doug Tisdale, seconded by Councilmember John Love, and considered by the title only on first reading. Passed unanimously.

March 1, 2005: Considered in full text on second reading. Passed unanimously.

A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING ARTICLE XXI OF CHAPTER 16 OF THE CITY OF CHERRY HILLS
VILLAGE MUNICIPAL CODE, CONCERNING MAJOR EVENT PERMITS

WHEREAS, the City Council of the City of Cherry Hills Village is empowered to legislate for the protection of the public health, safety and welfare; and

WHEREAS, in the exercise of this power the City Council has previously adopted Article XXI of Chapter 21 of the Municipal Code, establishing a permit system for major events held within the City, and prescribing regulations in connection therewith; and

WHEREAS, the City Council has determined that portions of said Article XXI require amendment.

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

Section 1. The section title and the introductory sentence of subsection (a) of Section 16-21-60 of the Municipal Code are amended to read:

Sec. 16-21-60. Final application - requirements

(a) Following review by the Planning Commission of the Preliminary application and not less than six (6) months prior to the date of the proposed major event, the applicant shall submit a complete final application for a major event permit WHICH shall include or contain the following information:

Section 2. Subsection (c) of Section 16-21-60 of the Municipal Code is amended to read:

(c) The submission of plans, studies and reports and the deadline for submission of the final application required by this Section may be waived by the City Manager upon a finding by the City Manager that the submission is unnecessary or inappropriate for the particular major event request. Notwithstanding the City Manager's waiver as authorized by this Subsection, the City Council may require the preparation and submission of any plans, studies or reports, deemed by the City Council as necessary to evaluate fully the impacts of any major event; provided, however, if the application is not deemed complete to the satisfaction of the city Manager, the application shall not be further processed until the deficiencies have been satisfactorily remedied prior to the six (6) month deadline established by subsection (a) hereof.

Section 3. Subsection (b) of Section 16-21-70 of the Municipal Code is repealed and reenacted to read:

(b) The development agreement may provide, in the sole and absolute discretion of the City Council, that all or a portion of the review fees may be reimbursed to the applicant when the major event generates tax revenues pursuant to Article VI, Chapter 4 of this Code sufficient to fund such reimbursement.

Section 4. Article XXI of Chapter 16 of the Municipal Code is amended by the addition of a new Section 16-21-110, to read:

Sec. 16-21-110. Penalty for unauthorized major event.

Notwithstanding Section 1-4-20 of this Code, any person, corporation, association or other entity that conducts a major event without an approved permit under this Article, or in violation of the condition of an issued permit shall, upon conviction in the municipal court, be assessed a mandatory minimum fine of \$10,000 per day for each day such unauthorized major event is conducted. Each day of a continuing violation shall be deemed a separate offense.

Section 5. Effective date; applicability to permits in process.

The City Council hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety, and specifically that amendments to the major event permit requirements are required for the purpose of governing pending permit applications. This Ordinance shall become effective five (5) days after final passage as permitted by Section 4.5 of the Charter. This Ordinance shall apply to any application for a major event permit that is pending but not yet finally approved or denied as of the effective date of this Ordinance.

Section 6. No severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall render the remaining portions or applications of this ordinance invalid.

Adopted as Ordinance No. 03 Series 2005, by the City Council of the City of Cherry Hills Village, Colorado this 1st day of March, 2005.

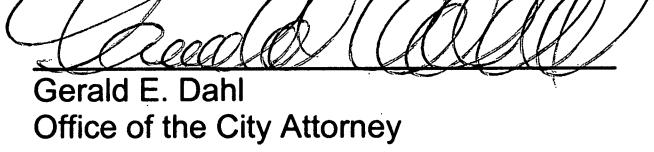


Douglas C. Scott, Mayor

ATTEST:


Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:


Gerald E. Dahl
Office of the City Attorney