

ORDINANCE NO. 08
Series 2008

April 15, 2008: Introduced as Council Bill 6, Series 2008 by Councilmember Russell Stewart, seconded by Councilmember Scott Roswell, and considered by the title only on first reading. Passed by a vote of 5 yes and 0 no.

May 6, 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 SECTION 10-4-30
OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING TRESPASSING

WHEREAS, the City of Cherry Hills Village (the "City") 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, Section 10-4-30 of the Municipal Code addresses provisions for trespassing concerning public, private and personal property; and

WHEREAS, some of the requirements of said section appear to create a potential conflict with Section 10-10-20, concerning door-to-door solicitation; and

WHEREAS, the City Council desires to modify Section 10-4-30 of the Municipal Code, concerning trespassing, to be consistent with the provisions of Section 10-10-20 of the Municipal Code, concerning door-to-door solicitation.

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

Section 1. That Section 10-4-30 of the City of Cherry Hills Village Municipal Code, concerning trespassing, is hereby amended as follows:

Sec. 10-4-30. Trespassing.

It is unlawful for any person to trespass upon, use or occupy the premises of another person without authority to do so from the owner or lawful occupant thereof. It is further unlawful for any person willfully and intentionally to deprive the owner or lawful occupant of the use, benefit or enjoyment of such premises. Nothing in this Section shall be construed as altering, amending or affecting the laws governing acquisition of property, or rights therein, by adverse possession, and nothing in this Section makes lawful door-to-door solicitation, as permitted by Section 10-10-20 of this Code, unlawful.

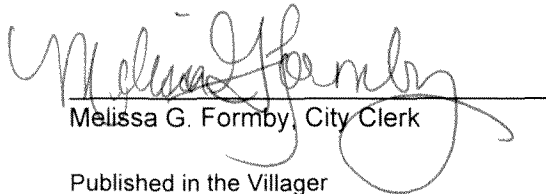
Section 2. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining 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 take effect in accordance with the City of Cherry Hills Village Home Rule Charter.


Adopted as Ordinance No. 8, Series 2008,
by the City Council of the City of Cherry
Hills Village, Colorado, on the 6th day of
May, 2008.


Michael J. Wozniak, Mayor

ATTEST:


Melissa G. Formby, City Clerk

APPROVED AS TO FORM:


Kenneth S. Fellman, City Attorney

Published in the Villager
Published _____
Legal # _____