

# Cherry Hills Village Municipal Code

## CHAPTER 2

### Administration and Personnel

- Article I Elections**  
Sec. 2-1-10 Conduct of elections  
Sec. 2-1-20 Designation and description of districts  
Sec. 2-1-30 Annexed lands; district boundaries  
Sec. 2-1-40 Write-in candidate affidavit  
Sec. 2-1-50 Cancellation of election
- Article II Mayor and City Council**  
Sec. 2-2-10 Rules of procedure  
Sec. 2-2-20 Boards and commissions
- Article III Officers and Employees**  
Sec. 2-3-10 Appointed officers  
Sec. 2-3-20 Powers and duties of officers  
Sec. 2-3-30 Oath of office; bond  
Sec. 2-3-40 City Manager  
Sec. 2-3-50 Code enforcement  
Sec. 2-3-60 Social Security
- Article IV Municipal Court**  
Sec. 2-4-10 Definitions  
Sec. 2-4-20 Creation of Municipal Court  
Sec. 2-4-30 Original jurisdiction  
Sec. 2-4-40 Appointment and qualifications of Municipal Judge  
Sec. 2-4-50 Oath of office and bond  
Sec. 2-4-60 Court Clerk  
Sec. 2-4-70 Sessions generally  
Sec. 2-4-80 Powers of Court  
Sec. 2-4-90 Rules of procedure  
Sec. 2-4-100 Contempt power  
Sec. 2-4-110 General Violations Bureau  
Sec. 2-4-120 Appeals; bond  
Sec. 2-4-130 Trial by jury
- Article V Police Department**  
Sec. 2-5-10 Creation; composition  
Sec. 2-5-20 Departmental regulations  
Sec. 2-5-30 Chief of Police; appointment and duties  
Sec. 2-5-40 Duties of police officers  
Sec. 2-5-50 Oath of officers
- Article VI Planning and Zoning Commission**  
Sec. 2-6-10 Purpose  
Sec. 2-6-20 Members; appointment  
Sec. 2-6-30 Terms of office; organization  
Sec. 2-6-40 Meetings
- Article VII Rehabilitation Authority**  
Sec. 2-7-10 Purpose  
Sec. 2-7-20 Creation  
Sec. 2-7-30 Powers and duties

## Cherry Hills Village Municipal Code

### **Article VIII Parks, Trails and Recreation Commission**

- Sec. 2-8-10 Purpose
- Sec. 2-8-20 Members; appointment
- Sec. 2-8-30 Terms of office; organization
- Sec. 2-8-40 Meetings

### **Article IX Code of Ethics**

- Sec. 2-9-10 Applicability
- Sec. 2-9-20 Definition of personal interest
- Sec. 2-9-30 Disclosure of personal interest by official with vote
- Sec. 2-9-40 Disclosure of personal interest in nonvoting matters
- Sec. 2-9-50 Acceptance of gratuities, etc.
- Sec. 2-9-60 Use of information
- Sec. 2-9-70 Use of City time, facilities, etc.
- Sec. 2-9-80 Use of position or authority
- Sec. 2-9-90 Outside employment
- Sec. 2-9-100 Ethics complaints
- Sec. 2-9-110 Violations

**Cherry Hills Village Municipal Code**

**ARTICLE I**

**Elections**

**Sec. 2-1-10. Conduct of elections.**

(a) All elections shall be held and conducted in accordance with the provisions contained in the City Charter.

(b) The City is authorized to conduct mail ballot municipal elections and to participate in mail ballot elections coordinated by Arapahoe County. The City shall utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S., in lieu of the Colorado Municipal Election Code of 1965, Section 31-10-101, et seq., C.R.S., with respect to any mail ballot election.

(c) The following time periods and procedures shall apply to the City mail ballot elections, except those conducted as part of a coordinated election:

- A. Nomination petitions
  - First day to circulate nomination petition 57 days before election
  - Last day to circulate nomination petition 39 days before election
  - Nomination petitions due to City Clerk 39 days before election
  - Last day to amend nomination petition 32 days before election
- B. Withdrawal of candidacy
  - Last day candidate can withdraw 32 days before election

(Ord. 9 §1, 2003; Ord. 6 §1, 2004; Ord. 16 §1, 2010)

**Sec. 2-1-20. Designation and description of districts.**

The City shall be divided into six (6) Council districts; each of said districts shall consist of all the territory within the following described boundaries:

(1) District No. 1. Beginning at a point along the City's southern corporate boundary at the center line of South Franklin Street, thence east along the southern corporate limits in East Belleview Avenue to the eastern line of the Cherry Hills Farm Subdivision, thence north to the southern line of the Cherryridge Subdivision, thence east to the eastern line of the Cherryridge Subdivision, thence north to the southwestern corner of the Petry-Garnsey Subdivision, thence east to the southeastern corner of the Polichio Subdivision, thence north to the center line of East Quincy Avenue, thence west along the center line of East Quincy Avenue to the intersection of East Quincy Avenue and South Franklin Street, thence south along the center line of South Franklin Street to the point of beginning.

(2) District No. 2. Beginning at the intersection of the centerlines of South University Boulevard and East Quincy Avenue, thence west along the centerline of East Quincy Avenue to the southwesternmost corner of the Cherry Hills Country Club, thence following the boundary of the

## Cherry Hills Village Municipal Code

Cherry Hills Country Club generally north, then west, then east to the centerline of South Franklin Street extended, thence north to the corporate boundary in East Hampden Avenue, thence east along the corporate boundary line in East Hampden Avenue to the easternmost property line (extended) of the High Line Canal, thence south and east along the High Line Canal property line to the centerline of South Colorado Boulevard, thence south to the centerline of East Quincy Avenue, thence west along the center line of East Quincy Avenue to the point of beginning.

(3) District No. 3. Beginning at the intersection of the centerlines of East Quincy Avenue and South Colorado Boulevard, thence north along the centerline of South Colorado Boulevard to the north property line of the High Line Canal, thence east to the centerline of South Bellaire Street, thence south along the centerline of the road until it intersects with the centerline of East Oxford Place, thence east until the centerline of East Oxford Place intersects the centerline of East Oxford Avenue, thence east to the southwest corner of the Cherry Hills North Subdivision, thence east along the southern border of the Cherry Hills North Subdivision to the centerline of South Holly Street, thence south along the centerline of South Holly Street and South Holly Street extended to Union Avenue, thence west to the northwest corner of the SE  $\frac{1}{4}$ , Section 7, Township 5 South, Range 67 West, thence south along the quarter-section line of the SE  $\frac{1}{4}$ , Township 5 South, Range 67 West to the corporate boundary in East Belleview Avenue, thence west along the corporate boundary in East Belleview Avenue to the western edge of the Glenmoor Subdivision, thence north to the southern line of the Cherryridge Subdivision, thence east to the southeast corner of the Cherryridge Subdivision, thence north to the southwestern corner of the Petry-Garnsey Subdivision, thence east to the southeastern corner of the Polichio Subdivision, thence north to the center line of East Quincy Avenue, thence east along the centerline of East Quincy Avenue to the point of beginning.

(4) District No. 4. Beginning at the centerline intersection of South Franklin Street and East Quincy Avenue thence east along the centerline to the southwesternmost corner of the Cherry Hills Country Club, thence following the boundary of the Cherry Hills Country Club generally north, then west, then east to the centerline of South Franklin Street extended, thence north to the corporate boundary, thence west along the corporate boundary to the northern and westernmost corner of the City at South Clarkson Street and East Hampden Avenue, thence south along the corporate boundary in South Clarkson Street to the southwest corner of the City, thence east along the corporate boundary in East Belleview Avenue to the intersection of the centerline of South Franklin Street and the corporate boundary in East Belleview Avenue, thence north along the centerline of South Franklin Street to the point of beginning.

(5) District No. 5. Beginning at the intersection of the southern corporate boundary and the western quarter-section line for the SE  $\frac{1}{4}$ , Section 7, Township 5 South, Range 67 West, at the intersection of East Belleview Avenue and South Dahlia Street, thence east along the southern corporate boundary in East Belleview Avenue to the southeast corner of the City, thence north to the intersection of the eastern corporate boundary and the corporate boundary in Happy Canyon Drive, thence north and west along the corporate boundary in Happy Canyon Drive to the intersection of the corporate boundary on the north side of the Cherry Hills North Subdivision, thence south along South Holly Street extended to Union Avenue, thence west to the northwest corner of the SE  $\frac{1}{4}$ , Section 7, Township 5 South, Range 67 West, thence south along the quarter-section line of the SE  $\frac{1}{4}$ , Section 7, Township 5 South, Range 67 West to the point of beginning.

## Cherry Hills Village Municipal Code

(6) District No. 6. Beginning at the intersection of the northern corporate boundary and the eastern property line (extended) of the High Line Canal, thence south and east along the High Line Canal property line to the centerline of South Bellaire Street, thence south along the centerline of the road until it intersects with the centerline of East Oxford Place, thence east until the center line of East Oxford Place intersects the centerline of East Oxford Avenue, thence east to the southwest corner of the Cherry Hills North Subdivision, thence east along the southern border of the Cherry Hills North Subdivision to the southeast corner of the Cherry Hills North Subdivision and then to the centerline of South Holly Street, thence north along South Holly Street extended to the north line of the Cherry Hills North Subdivision, thence west to the intersection of the corporate boundary in the East Mansfield Avenue and South Dahlia Street intersection, thence north along the corporate boundary in South Dahlia Street to the intersection of the corporate boundary in the South Dahlia Street/East Hampden Avenue/Happy Canyon Road intersection, thence west along the corporate boundary in Hampden Avenue to the point of beginning. (Prior code 1-8-1; Ord. 9, 2001)

### **Sec. 2-1-30. Annexed lands; district boundaries.**

In the event that one (1) or more of several contemplated or pending annexations to the City are consummated, the annexed territory or territories shall fall within the applicable Council districts as above described. (Prior code 1-8-2; Ord. 7, 1981)

### **Sec. 2-1-40. Write-in candidate affidavit.**

No write-in vote for any City elective office shall be counted unless an affidavit of intent has been filed with the City Clerk by the person whose name is written in prior to twenty (20) days before the day of a polling place municipal election, or thirty-two (32) days before the day of a mail ballot municipal election, indicating that such person desires the office and is qualified to assume the duties of the office, if elected. (Prior code 1-8-3; Ord. 6, 1996; Ord. 16 §2, 2010)

### **Sec. 2-1-50. Cancellation of election.**

(a) Whenever the only matter before the voters is the election of persons to the positions of City Council Member and Mayor and if, at the close of business on the nineteenth day before said polling place municipal election, or at the close of business on the twenty-ninth day before said mail ballot municipal election, there is not more than one (1) candidate per seat to be filled at such election, including candidates filing affidavits of intent as set forth in Section 2-1-40 above, the City Clerk, if instructed by resolution of the City Council either before or after such date, shall cancel the election and by said resolution declare the candidates elected. Upon such declaration, the candidates shall be deemed elected.

(b) Notice of such cancellation of the municipal election shall be published forthwith in the legal newspaper of the City and posted at the village center in order to inform the electorates. (Prior code 1-8-4; Ord. 6, 1996; Ord. 9 §1, 2003; Ord. 16 §3, 2010)

**Cherry Hills Village Municipal Code**

**ARTICLE II**

**Mayor and City Council**

**Sec. 2-2-10. Rules of procedure.**

The City Council shall prescribe from time to time, by resolution or motion, rules of procedure governing its meetings and other activities. (Prior code 1-5-1)

**Sec. 2-2-20. Boards and commissions.**

The City Council shall create and appoint members to such boards and commissions as may now or hereafter exist, including but not limited to the following:

- (1) Board of Adjustment and Appeals; and
- (2) Planning and Zoning Commission. (Ord. 9 §1, 2003)

**ARTICLE III**

**Officers and Employees**

**Sec. 2-3-10. Appointed officers.**

(a) The following officers of the City shall be appointed by the City Council in accordance with the provisions of the City Charter:

- (1) City Manager;
- (2) City Attorney;
- (3) City Clerk;
- (4) City Treasurer; and
- (5) Municipal Judge.

(b) Said officers shall hold their respective offices until their successors are duly appointed and qualified. Vacancies shall be filled by appointment of the City Council. (Ord. 9 §1, 2003)

**Sec. 2-3-20. Powers and duties of officers.**

Appointed officers of the City shall have such power and perform such duties as are now or hereafter may be prescribed by the City Charter and state law, shall further perform any additional duties required by the City Council, and shall be subject to the control and orders of the City Council. (Ord. 9 §1, 2003)

## Cherry Hills Village Municipal Code

### Sec. 2-3-30. Oath of office; bond.

(a) When required by the City Council, every appointed official, before entering upon the duties of his office, shall take and subscribe to an oath or affirmation before entering upon the duties of his office, that he will support the Constitutions and laws of the United States and the State and the City Charter and ordinances of the City, and faithfully perform the duties of his office.

(b) The Mayor, Mayor Pro Tem, City Clerk and Deputy City Clerk shall have authority to administer oaths and affirmations.

(c) Pursuant to Section 13.4 of the City Charter, prior to entering upon the duties of his office or employment, any officer or employee other than the Municipal Judge who handles City funds shall obtain and file with the Clerk a fidelity bond from a bonding company authorized to do business in the State in the amount of not less than twenty thousand dollars (\$20,000.00) nor more than one hundred thousand dollars (\$100,000.00), as specified from time to time by the City Council. (Prior code 1-5-2, 1-5-3; Ord. 9 §1, 2003)

### Sec. 2-3-40. City Manager.

(a) Appointment. The City Council may, by majority vote with the express concurrence of the Mayor, or by a two-thirds ( $\frac{2}{3}$ ) majority vote of the entire City Council without his concurrence, appoint a City Manager who shall be the chief executive and administrative officer of the City. Such appointment shall be without definite term and at a salary to be fixed by the City Council. The City Manager shall be chosen by the Mayor and the Council on the basis of his executive and administrative qualifications with particular emphasis on actual experience and knowledge of the accepted practice in respect to the duties of the office. No Mayor or Council member shall be appointed City Manager during or within one (1) year after the termination of his term as Mayor or Council member.

(b) General powers and duties: The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City placed in his charge, and to that end he shall have the power and duty and be required to:

- (1) Be responsible for the enforcement of the laws and ordinances of the City.
- (2) Appoint, suspend, discipline and remove all employees of the City, except as otherwise provided herein, subject to the personnel rules and regulations of the City adopted by the City Council.
- (3) Make appointments on the basis of executive and administrative ability and the training and experience of such appointees in the work which they are to perform.
- (4) Prepare a proposed budget annually and submit it to the City Council, and be responsible for the administration of the budget after its adoption.
- (5) Upon request of the City Council, make written or verbal reports at any time concerning the affairs of the City under his supervision.

## Cherry Hills Village Municipal Code

(6) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations to the City Council for adoption as he may deem necessary or expedient.

(7) Exercise supervision and control over all executive and administrative departments and recommend to the City Council any proposal he thinks advisable to establish, consolidate or abolish administrative departments.

(8) Be responsible for the enforcement of all terms and conditions imposed in favor of the City in any contract of public utility franchise, and upon knowledge of any violation thereof, report the same to the City Council for such action and proceedings as may be necessary to enforce the same.

(9) Attend Council meetings and participate in discussions with the City Council in an advisory capacity.

(10) Inform the public concerning plans and activities of the City.

(11) Establish a system of accounting and auditing for the City which shall reflect the financial condition and financial operation of the City.

(12) Provide for engineering, architectural, maintenance, construction, work, equipment and services required by the City.

(13) Perform such other duties as may be prescribed by ordinance, required by the City Council, and not inconsistent with the provisions of this Section.

(c) Power to appoint and remove officers and employees. The City Council shall retain the power as set forth in the City Charter to appoint and remove the City Attorney, the Municipal Judge, the members of City boards and commissions and the City Manager. The City Manager shall be delegated the power to appoint and remove the City Clerk, City Treasurer and Public Works Director, subject only to a majority concurrence of the Mayor and City Council. The City Manager shall also be delegated the exclusive power to appoint and remove all employees of the City other than those previously listed in this Section. This exclusive power of the City Manager to appoint and remove other City employees may be delegated by the City Manager and is subject to the provisions of the personnel rules and regulations adopted by the City Council.

(d) Relationship with City Council. The Mayor and members of the City Council shall deal with that portion of the administration for which the City Manager is responsible through the City Manager. Directives issued by the Mayor or individual members of the City Council affecting the area of responsibility of the City Manager and the administration of any such departments shall be made so as to direct the City Manager to accomplish the necessary orders. Should such individual directives not be in conformance with the general policies of the City Council, the City Manager shall seek clarification by the City Council as a whole.

(e) Absence of City Manager. To perform his duties during his temporary absence or disability, the City Manager shall designate, by letter filed with the City Clerk, a qualified administrative City employee. In the event of failure of the City Manager to make such a designation, the City Council may

## Cherry Hills Village Municipal Code

by resolution appoint a qualified administrative City employee to perform the duties of the City Manager until he returns or the disability shall cease.

(f) Removal from office. The City Council may, at its pleasure, at a regular meeting or properly called special meeting, by majority vote with the express concurrence of the Mayor, or by a two-thirds ( $\frac{2}{3}$ ) majority vote of the entire Council without the concurrence of the Mayor, remove the City Manager from office and any such powers and duties previously delegated to him. (Ord. 11, 1978; prior code 1-6-1—1-6-6; Ord. 9 §1, 2003)

### **Sec. 2-3-50. Code enforcement.**

(a) Definitions. Unless otherwise required by context or use, words and terms shall be defined as follows:

*Code enforcement* means the act of carrying out and implementing the laws and regulations contained in this Code.

*Code Enforcement Officer* means a City employee who is a designated specialist to enforce Chapters 7, 10, 11, 13, 16, 18 and 19 of this Code.

(b) Authority. Code Enforcement Officers are appointed as limited and restricted peace officers with authority only for the purpose of investigating, issuing and serving summonses and complaints for offenses committed in violation of the particular Chapters they are empowered to enforce and such traffic regulations as they may be assigned to enforce under the provisions of Section 8-1-30(1) of this Code.

(c) Restrictions. The aforementioned limited appointments do not permit the designated appointees to carry firearms, make arrests or exercise any other duties of law enforcement officers, except as herein provided; however, the appointees shall be included in the definition of *peace officers or firemen engaged in the performance of their duties* within the meaning of Section 18-3-201, C.R.S., and Sections 10-2-50 and 10-2-70 of this Code, even though such employees, by their limited appointments as specified in Subsection (b) above, are not subject to certification requirements of Part 93, Article 31, Title 24, C.R.S. (Prior code 1-14-1—1-14-3; Ord. 6, 1991; Ord. 9 §1, 2003; Ord. 02 §1, 2008)

### **Sec. 2-3-60. Social Security.**

(a) It is hereby considered the opinion of this body that the extension of the Social Security System to employees and officers of the City will be of great benefit, not only to the employees of the City by providing that said employees and officers may participate in the provisions of the Old-Age and Survivors' Disability and Health Insurance System, but will also be of great benefit to the City by enabling it to attract and retain in employment the best personnel and thus increase the efficiency of its government.

(b) The 38th General Assembly of the State of Colorado, in regular session, enacted a statute, known as House Bill No. 291, which is the enabling act provided for in Section 218 of Public Law 734, 81st Congress, which designated the Department of Employment Security, State of Colorado, to act as the Department to implement the coverage of employees and officers under the Old-Age Survivors' Insurance System. The City is hereby authorized to execute and deliver to the Department of Employment Security, State of Colorado, a plan or plans and agreement, required under Section 5 of said enabling Act and the

## Cherry Hills Village Municipal Code

Social Security Act, to extend coverage to employees and officers of the City and do all other necessary things to effectuate coverage of employees and officers under the Old-Age and Survivors' Insurance System.

(c) The City Clerk is hereby authorized to establish a system of payroll deductions to be matched by payments by the City to be paid into the Contribution Fund of the State through the Department of Employment Security, and to make charges of this tax to the funds from which wage or salary payments are issued to employees of the City. Such payments are to be made in accordance with the provisions of Sections 1400 and 1410 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of the Act. Payments made to the Department of Employment Security, State of Colorado, shall be due and payable on or before the 15th day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate of one-half of one percent (.5%) per month until such time as payments are made.

(d) Appropriation is hereby made from the proper fund or funds of the City in the necessary amount to pay into the contribution fund as provided in Section 5(c)(1) of the enabling Act and in accordance with the plan or plans and agreement.

(e) Authority is given to the Mayor and the City Clerk to enter into an agreement with the Department of Employment Security, State of Colorado, which agreement shall be in accordance with House Bill No. 291, and with Paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of this City shall be in effect as of January 1, 1965. (Ord. 11, 1964; prior code 1-12-1)

## ARTICLE IV

### Municipal Court

#### Sec. 2-4-10. Definitions.

Unless the context clearly indicates otherwise, the following words and phrases shall be defined as follows:

*Court* means the Municipal Court.

*Judge* means the Municipal Judge.

*Nonviolent municipal ordinance or Code offense* means a municipal ordinance or Code offense which does not involve the use or threat of physical force on or to a person in the commission of an offense. (Prior code 1-9-1; Ord. 9 §1, 2003)

#### Sec. 2-4-20. Creation of Municipal Court.

A qualified Municipal Court of record in and for the City is hereby created and established pursuant to and governed by the provisions of state law. The Court shall set a policy and fee schedule for the transcriptions of such records and procedures for appeals. (Prior code 1-9-2; Ord. 9 §1, 2003)

## Cherry Hills Village Municipal Code

### **Sec. 2-4-30. Original jurisdiction.**

The Municipal Court shall have original jurisdiction to hear and determine all cases arising under the provisions of the City Charter, this Code or ordinances of the City, with full power to carry the same into effect and to punish violations thereof by imposition of such fines and penalties as are prescribed in this Code or by ordinance. (Prior code 1-9-5; Ord. 9 §1, 2003)

### **Sec. 2-4-40. Appointment and qualifications of Municipal Judge.**

(a) The Municipal Court shall be presided over by a Municipal Judge, appointed by the City Council, for a term to be at the pleasure of the City Council. If the Judge is absent or unable to act in any manner or case, the City Council shall appoint one (1) or more alternate judges with the same qualifications as required for the Municipal Judge. Every appointment of a judge or alternate judge shall be in writing. The Municipal Judge shall supervise and direct the Court's operation.

(b) The Municipal Judge (including alternate judges) shall be a citizen of the United States, over the age of thirty (30) years, a person duly licensed to practice law in the State with at least five (5) years' experience as a practicing attorney or judge, a resident of the County and, in the opinion of the City Council, an individual of good moral character with judicial temperament. (Prior code 1-9-3)

### **Sec. 2-4-50. Oath of office and bond.**

(a) Before entering upon the duties of his office, the Municipal Judge shall take, subscribe and file with the City Council an oath or affirmation that he will support the Constitution of the United States, the Constitution and laws of the State and the City Charter and ordinances of the City, and will faithfully perform the duties of his office.

(b) The Municipal Judge shall be bonded for faithful performance and fiduciary responsibilities by the City through its normal insurance coverages. (Prior code 1-9-3)

### **Sec. 2-4-60. Court Clerk.**

(a) The Municipal Court Clerk and Deputy Clerks shall be appointed by the City Manager with the assent of the Municipal Judge.

(b) Before entering upon the duties of their offices, the Municipal Court Clerk and Deputy Clerks shall take and subscribe before the City Clerk and file with him an oath or affirmation that they will support the Constitutions of the United States and of the State and the City Charter and ordinances of the City, and will faithfully perform the duties of their offices.

(c) The Municipal Court Clerk and Deputy Clerks shall be bonded for faithful performance and fiduciary responsibilities by the City through its normal insurance coverages.

(d) The Municipal Court Clerk shall collect and receive all fines, fees, penalties, costs and other sums receivable by or payable to the Municipal Court or any of the Municipal Judges thereof in their official capacity, and shall give receipt for the same. The Municipal Court Clerk shall prepare all writs, notices and other papers pertaining to the business of the Court. Deputy Clerks of the Court may be appointed and shall have such authority to exercise such of the functions, powers and duties of the

## Cherry Hills Village Municipal Code

Municipal Court Clerk as shall be prescribed. The Municipal Court Clerk shall also keep a register of the actions in the Municipal Court, including all fees and monies collected, and an index thereof. The Municipal Court Clerk shall also prepare and keep dockets for the Municipal Court in which the judgments in each case shall be recorded, together with such other entries and memoranda of proceedings as are required by law.

(e) It is the duty of the Municipal Court Clerk to make and file monthly with the City Manager and the Municipal Judge a report of the preceding month, a copy of which shall also be filed with the City Clerk. This report shall be designed by the Municipal Court Clerk with consent of the City Manager and the Municipal Judge, and must include at a minimum the following information:

- (1) The total number of complaints filed and processed;
- (2) The total number of convictions, acquittals and dismissals;
- (3) The total number of jury trials and trials to the Court; and
- (4) The total monies collected. (Prior code 1-9-4; Ord. 9 §1, 2003)

### **Sec. 2-4-70. Sessions generally.**

(a) Sessions of Court. There shall be regular sessions of the Municipal Court for trial of cases as may be fixed by the Municipal Judge. The Municipal Judge shall hear and determine complaints for the violation of any ordinance or this Code where there is probable cause to believe that an offense has been committed. It shall be lawful for the Municipal Judge to hold a special session of Court at any time, including Sundays, holidays and evenings, if in the discretion of the Municipal Judge a special session is deemed advisable. The hours of Municipal Court shall be set by the Municipal Judge, subject to approval of the City Council. All sessions in Court shall be open to the public.

(b) Where the nature of the case is such that it would be in the best interest of justice to exclude persons not directly connected with the proceedings, the Municipal Judge may order that the courtroom be cleared. (Prior code 1-9-6; Ord. 9 §1, 2003)

### **Sec. 2-4-80. Powers of Court.**

The Municipal Court shall have power to compel attendance of witnesses and to punish for contempt of such Court as set forth in Section 1-4-20 of this Code, and shall have all powers incident to a court of record and as permitted by state law in relation to same. The Municipal Court shall have the additional power and authority as listed below:

- (1) Stay. In the discretion of the Municipal Judge, a stay of execution may be granted to enable the defendant to pay the fine or penalty at a later date or in installments, or to delay incarceration temporarily. In case the defendant shall not have met the terms of the stay of execution, execution shall issue and the defendant shall be placed in jail until said sentence is satisfied.
- (2) Sentence suspended. Unless otherwise provided, the Municipal Judge is authorized to suspend the payment of any fine, or any part thereof, assessed for a violation of this Code, and he

## Cherry Hills Village Municipal Code

may suspend all or any part of any jail sentence and place the violator on probation for a period not to exceed one (1) year.

(3) Court costs. The Municipal Judge is empowered in his discretion to assess costs against any defendant who, after trial, is found guilty of a violation of this Code. Such costs shall be set at up to fifteen dollars (\$15.00) for a trial to the Court and up to forty-five dollars (\$45.00) for a trial by jury.

(4) Jury fee. Any defendant who requests a jury trial shall be assessed a jury fee in the amount of twenty-five dollars (\$25.00). If the defendant is found not guilty at trial, this jury fee shall be returned. If the defendant is found guilty, the jury fee shall be retained by the Court and credited toward any court costs or jury expenses imposed by the Court.

(5) A gasoline surcharge of ten dollars (\$10.00) shall be imposed for all violations of the City Charter, the City Code or any ordinances of the City resulting in a conviction, a deferred prosecution, a deferred judgment and sentence or a plea of guilty or nolo contendere. Whenever a fine is doubled as specified in the City Code, the surcharge shall also be double the amount specified in this Subsection. This gasoline surcharge shall be mandatory and be in addition to any other surcharge, fine or cost imposed by this Code or the Court. The surcharge levied by this Subsection may not be suspended or waived by the Court unless the Court determines that the defendant is indigent. As gasoline prices may change over time, the City Council may modify the amount of the surcharge specified in this Subsection by resolution.

(6) Witnesses. The defendant and the City shall be entitled to compel the attendance of any witnesses subject to the jurisdiction of the Court. Subpoenas shall be issued and served pursuant to Court rule. All witnesses under subpoena shall be entitled to a fee of five dollars (\$5.00) per day, but not mileage, and such witness fees shall be paid by the party requesting the attendance of the witness and taxed as costs of the suit. Failure to obey a subpoena without adequate excuse shall constitute contempt of court punishable as set forth in Section 1-4-20 of this Code.

(7) Detention. Every person against whom any fine or penalty is assessed who refuses or neglects to pay the same when demanded may be committed in default thereof to the County jail or such other enclosure as may from time to time be designated by the City Council as a lawful place for the detention of prisoners, under the direction of the proper officers, until said fine or penalty is fully paid. Satisfaction shall be allowed at a rate of ten dollars (\$10.00) per day of twenty-four (24) hours. Any such person may be required to do any reasonable work; provided, however, that no single term of imprisonment for any one (1) violation shall exceed ninety (90) days. The Court shall discharge such person from further imprisonment for such fine when it is satisfactorily shown that such person has no means to pay such fine.

(8) Collection of fine imposed. The Municipal Court may, in order to guarantee payment of any fine imposed for the commission of a nonviolent or Code offense, where the person who committed the offense is unable to pay the fine at the time of hearing or fails to pay such fine, compel collection of the fine in the manner provided in Section 18-1-110, C.R.S. (Prior code 1-9-5; Ord. 9 §1, 2003; Ord. 7 §1, 2004; Ord. 16 §1, 2008)

## Cherry Hills Village Municipal Code

### Sec. 2-4-90. Rules of procedure.

(a) Rules. In addition to other powers, the Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, not inconsistent with any uniform rules and regulations hereafter adopted by the Colorado Supreme Court. Any rules that conflict with the Rules of Procedure for Municipal Courts hereafter promulgated by the Colorado Supreme Court shall be null and void to the extent of such conflict.

(b) Examine complaints. The Municipal Judge shall receive and examine affidavits and complaints, at all times, for the violation of any ordinance or this Code, and shall issue a summons or warrant in every case where there is probable cause to believe an offense has been committed.

(c) Commencement of action. An action for the violation of any ordinance or this Code shall be brought in the name of the People of the State of Colorado, ex rel. the City of Cherry Hills Village, against the person who is alleged to have violated the ordinances as defendant, and shall be commenced by:

- (1) Issuance of a summons and complaint;
- (2) Issuance of a summons following the filing of a complaint;
- (3) Filing of a complaint following an arrest; or
- (4) Filing of a summons and complaint following arrest.

Each act or series of related acts committed by the same person constituting a violation of any ordinances may be consolidated for the purpose of filing a complaint, issuing and serving summonses and subpoenas, trial and appeal, but the Municipal Judge shall impose a separate fine or penalty for each offense of which the defendant is convicted.

(d) Content and use of complaint, summons, warrant and subpoenas. The content, form and use of the complaint, summons, warrant and subpoena shall be provided by rule of the Municipal Court.

(e) Bail. The general terms, requirements and conditions of bail, including posting of bond, shall be provided by Municipal Court rule. Pursuant to said rules, the terms and conditions of bail and bond shall be vested in the discretion of the Municipal Court in light of the circumstances of each case. (Prior code 1-9-6; Ord. 9 §1, 2003)

### Sec. 2-4-100. Contempt power.

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment not to exceed a term of ninety (90) days.

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury. (Ord. 9 §1, 2003)

**Cherry Hills Village Municipal Code**

**Sec. 2-4-110. General Violations Bureau.**

(a) Created, duties. The Municipal Judge shall establish within the Municipal Court a General Violations Bureau to assist the Court with the clerical work and handling and expediting routine cases of alleged violations of the City ordinances and this Code.

(b) Designation of offenses for which bureau may receive payments of fines. The Municipal Judge, from time to time, shall designate those offenses under the City ordinances and this Code in respect to which payments or fines may be accepted by the General Violations Bureau in satisfaction thereof, shall specify schedules setting out the amounts of such fines for first, second or subsequent offenses, provided that such fines are within the limit declared by this Code, and shall further specify what number of such offenses shall require appearance before the Municipal Court.

(c) Option to appear before Judge and pay fine or upon plea of not guilty be entitled to trial. Any person charged with an offense for which payment of a fine may be made to the General Violations Bureau shall have the option of paying such fine within the time specified within the notice or the summons and complaint at the General Violations Bureau upon entering a plea of guilty in writing and upon waiving appearance in Court; or, upon a plea of not guilty, shall be entitled to a trial as authorized by law. (Prior code 1-9-7; Ord. 9 §1, 2003)

**Sec. 2-4-120. Appeals; bond.**

(a) When any defendant is appealing from any judgment of the Municipal Court and desires to stay the judgment of the Municipal Court, the defendant shall execute a bond to the City in the amount of double the judgment but not less than a total of fifty dollars (\$50.00), and not more than two dollars (\$2.00) per day of the sentence.

(b) The form of the bond shall be as follows:

IN THE MUNICIPAL COURT  
FOR THE CITY OF CHERRY HILLS VILLAGE  
AND THE STATE OF COLORADO

THE PEOPLE OF THE STATE OF  
COLORADO, *ex rel.* THE CITY OF  
CHERRY HILLS VILLAGE,

APPEAL BOND

vs.

MUNICIPAL CASE NO. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

KNOW ALL MEN BY THESE PRESENTS, that we, \_\_\_\_\_, as principal and \_\_\_\_\_ as suret(y)(ies), are held and firmly bound unto the City of Cherry Hills Village in the penal sum of \$ \_\_\_\_\_ Dollars, lawful money of the United States, for the payment of which sum well and truly to be made, we and each of us bind ourselves, our heirs, executors and administrators, and our successors and assigns, jointly and severally, firmly by these presents. Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Cherry Hills Village Municipal Code**

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH that, whereas, the said \_\_\_\_\_, Defendant, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before \_\_\_\_\_, Judge of Municipal Court, in and for the City of Cherry Hills Village and State of Colorado, was fined in the sum of \$\_\_\_\_\_, and/or was sentenced to \_\_\_\_ days in the County Jail, and costs in the amount of \$\_\_\_\_\_ in which case bond has been set at the sum of \$\_\_\_\_\_ from which judgment the said Defendant has taken an Appeal to the District Court in the County of Arapahoe and the State of Colorado.

NOW THEREFORE, IF SAID \_\_\_\_\_, Defendant, shall prosecute said appeal with effect and shall pay whatever fine or serve whatever jail sentence ordered by the Court upon said Appeal, or upon the acquittal of said Defendant, the above obligation to be void, otherwise to remain in full force and effect.

APPROVED BY ME AT MY OFFICE THIS \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MUNICIPAL JUDGE

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
CLERK OF MUNICIPAL COURT

\_\_\_\_\_  
(Date)

(c) The bond shall be executed by the defendant-appellant as principal and by two (2) sureties, or by one (1) if such surety is a surety company or association authorized by law to execute such bond, to be approved by the Court.

(d) The necessity for sureties may be dispensed with by the Municipal Court if the defendant-appellant executes such bond as principal and deposits with the Court the amount of the bond in cash or certified funds. (Prior code 1-9-8; Ord. 9 §1, 2003; Ord. 7 §2, 2004)

**Sec. 2-4-130. Trial by jury.**

(a) Trial by Court. If any defendant pleads guilty or waives his right to a jury trial or fails to demand a jury trial, the Municipal Judge shall hear the evidence and render a judgment thereon.

(b) Jury trial. Cases shall be tried to the Municipal Court unless the defendant demands trial by jury and is so entitled under the Constitution or general laws of the State. The number and qualifications of jurors, together with the provisions for challenging jurors or the array, shall be as provided by Court rule.

(1) Method of summoning jurors. Upon demand of the defendant for trial by jury, the Municipal Judge shall cause the Court Clerk, who shall serve ex officio as Jury Commissioner, to obtain a jury panel for the date and time of jury trial. The Jury Commissioner shall randomly select the names of at least four (4) times the number of jurors needed for trial. The Jury Commissioner, at least ten (10) days prior to trial, shall mail a jury summons in the form set forth below to each named individual. The Jury Commissioner also is authorized to require completion by residents of jury questionnaire forms.

**JUROR'S SUMMONS**

STATE OF COLORADO )  
 ) ss.  
CITY OF CHERRY HILLS VILLAGE )

## Cherry Hills Village Municipal Code

THE PEOPLE OF THE STATE OF COLORADO, *ex rel.* THE CITY OF CHERRY HILLS VILLAGE,

To \_\_\_\_\_ greetings: You are hereby summoned to be and appear before the Municipal Court of the City of Cherry Hills Village at the Village Center, 2450 East Quincy Avenue, in the City of Cherry Hills Village, on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_m., to serve therein as a Petit Juror, and herein fall not under penalty of the law.

Dated at Cherry Hills Village, Colorado, \_\_\_\_\_,

\_\_\_\_\_  
Jury Commissioner

(2) Juror failing to appear; penalty. If any person summoned as a juror shall fail, neglect or refuse to appear without reasonable excuse, he shall be deemed guilty of contempt and punished as set forth in Section 1-4-20 of this Code. The Municipal Court shall have authority to issue a citation directed to the Chief of Police commanding him forthwith to bring before such Court the body of any juror failing to attend and for such juror to show cause why he should not be punished for contempt. On appearance of such juror on such citation, it shall be lawful for the Court to punish him for contempt or wholly discharge him if a satisfactory excuse is made.

(3) Jury fees. Persons summoned to jury duty pursuant to this Article shall be entitled to a juror's fee of five dollars (\$5.00) per day during the jury selection process; those persons selected for jury service shall be entitled to a juror's fee of ten dollars (\$10.00) per day of such service in lieu of the five-dollar fee.

(4) Discharge of jurors. The term of jury service shall be indicated in the juror's summons, and a person who has actually been in attendance as a juror in the Court as ordered for the period of time ordered shall be discharged by the Court. No juror shall be discharged until the close of the trial in which he may be serving, and if the selection of a jury in any case has begun, the Court shall have authority to retain the panel until such jury is selected and sworn. (Prior code 1-9-9; Ord. 1, 1990; Ord. 9 §1, 2003; Ord. 7 §3, 2004; Ord. 04 §1, 2008)

## ARTICLE V

### Police Department

#### **Sec. 2-5-10. Creation; composition.**

There is hereby created a Police Department for the City, which shall consist of one (1) Chief of Police and as many police officers as may from time to time be deemed necessary for the safety and good order of the City. (Ord. 9 §1, 2003)

#### **Sec. 2-5-20. Departmental regulations.**

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the City Council. (Ord. 9 §1, 2003)

## Cherry Hills Village Municipal Code

### **Sec. 2-5-30. Chief of Police; appointment and duties.**

(a) The City Manager shall appoint a Chief of Police who shall be the head of the Police Department. It shall be the duty of the Chief of Police to:

(1) See that the ordinances of the City and the laws of the State are duly enforced and the rules and regulations of the Police Department obeyed, and perform such duties as may be required by the City Council.

(2) Direct the operations of the Police Department, subject to the rules and regulations thereof.

(3) Arrest any person violating any of the City ordinances and take such violator before the Municipal Court for trial.

(4) Render such accounts of the Police Department, his duties and receipts as may be required by the City Council, and keep the records of his office open to inspection by the City Council at any time.

(b) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he will support the Constitution of the United States, the Constitution and laws of the State and ordinances of the City, and that he will faithfully perform the duties of the office upon which he is about to enter. (Ord. 9 §1, 2003)

### **Sec. 2-5-40. Duties of police officers.**

All members of the Police Department shall have power and duties as follows:

(1) They shall perform all duties required by the Chief of Police.

(2) They shall be the enforcement officers of the City and shall see that the provisions of the ordinances of the City and the laws of the State are complied with.

(3) They shall execute and return all writs and processes to them directed by the Municipal Judge in any case arising under a City ordinance, and they may serve the same in any part of the County. (Ord. 9 §1, 2003)

### **Sec. 2-5-50. Oath of officers.**

Before entering upon the duties of his office, each police officer shall take and subscribe an oath that he will support the Constitution of the United States, the Constitution and laws of the State and the ordinances of the City, and that he will faithfully perform the duties of the office upon which he is about to enter. (Ord. 9 §1, 2003)

**Cherry Hills Village Municipal Code**

**ARTICLE VI**

**Planning and Zoning Commission**

**Sec. 2-6-10. Purpose.**

The Planning and Zoning Commission, as created by Section 8.3 of the City Charter, has been established for the following purposes:

(1) To prepare and maintain, subject to periodic revision and amendments as necessary, a Master Plan as described by state statute and to submit the proposed Master Plan, or any amendments thereto, to the City Council for the Council's adoption, modification or rejection.

(2) To implement the provisions of Chapters 16 and 17 of this Code and to perform all functions and powers referred to in said chapters where reference is made.

(3) To study and recommend to the City Council amendments to the Zoning Map of the City.

(4) To study and recommend appropriate zoning classifications for all annexations to the City.

(5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.

(6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall:

a. Limit the City Council's authority to approve, modify or reject the Master Plan; or

b. Permit the Planning and Zoning Commission to make amendments or changes in the zoning of the City, such powers expressly being reserved by the City Council.

(7) Except as superseded or modified by this Chapter, the provisions of Parts 2 and 3, Article 23, Title 31, C.R.S., shall be applicable to the Planning and Zoning Commission. (Ord. 9 §1, 2003; Ord. 4 §1, 2009)

**Sec. 2-6-20. Members; appointment.**

The Planning and Zoning Commission shall consist of seven (7) members who reside in the City, none of whom shall be ex officio members by reason of any elective office held with the City. (Ord. 4, 1973; prior code 2-1-1; Ord. 2, 1981; Ord. 4, 1987)

**Sec. 2-6-30. Terms of office; organization.**

(a) The terms of office of the members of the Planning and Zoning Commission shall be for overlapping terms of three (3) years as provided by the City Charter. Each member shall therefore be appointed for a three-year term with terms expiring the third Tuesday in September of each year.

(b) The Planning and Zoning Commission shall elect its chairman from among the appointed members and create and fill such other offices as it may determine. The term of the chairman shall be one

## Cherry Hills Village Municipal Code

(1) year, with eligibility for reelection. The Planning and Zoning Commission shall adopt rules for transaction of its business and keep record of its resolutions, transactions, findings and determinations, which record shall be a public record. (Prior code 2-1-2; Ord. 4, 1987; Ord. 9 §1, 2003; Ord. 07 §1, 2008)

### **Sec. 2-6-40. Meetings.**

Meetings shall be held as the business of the Planning and Zoning Commission requires. The Planning and Zoning Commission shall provide in its rules for the time and place of its regular meetings and the manner of calling special meetings. (Ord. 8, 1966; prior code 2-1-3; Ord. 9 §1, 2003)

## ARTICLE VII

### **Rehabilitation Authority**

#### **Sec. 2-7-10. Purpose.**

As it is hereby determined and declared that by reason of existing plats of lands located in the Northwest Quarter of Section 6, Township 5 South, Range 67 West, and the Northeast Quarter of Section 1, Township 5 South, Range 68 West in Cherry Hills Village, Arapahoe County, Colorado, such quarter sections are or will be substandard and unsanitary areas due to inadequate planning and platting and lack of proper sanitary facilities, and such conditions are or will be conducive to ill health and the transmission of disease, and seriously impair the economic values of these areas, this Article is enacted to remedy such conditions. (Prior code 1-7-1)

#### **Sec. 2-7-20. Creation.**

There is hereby created the Cherry Hills Village Rehabilitation Authority for the Northwest Quarter of Section 6, Township 5 South, Range 67 West, the Northeast Quarter of Section 1, Township 5 South, Range 67 West, and the Northeast Quarter of Section 1, Township 5 South, Range 68 West in the City. (Prior code 1-7-2)

#### **Sec. 2-7-30. Powers and duties.**

The Rehabilitation Authority shall have, and is hereby given, the following powers and duties:

(1) To institute and defend, in the name of the City, all litigation affecting the powers and duties of the Rehabilitation Authority and in relation to the areas and property herein described, and the rights connected therewith or incidental thereto, including but not by way of limitation, the right and authority to exercise the power of eminent domain on behalf of the City in the acquisition of any property within said area.

(2) The power to acquire in the name of the City any land in the area herein described, by purchase, gift, condemnation or otherwise.

(3) The power to designate and set aside such parts of such areas as, in the opinion of the Rehabilitation Authority, may be desirable or necessary for public parks or playgrounds.

## **Cherry Hills Village Municipal Code**

(4) The right and authority to vacate existing plats of land in all or any parts of the herein described areas, to replat the same and to lay out, open, change and establish streets, parks, playgrounds or public grounds.

(5) The right and authority to secure necessary funds for the acquisition of any land in the above described areas, and to borrow money and receive grants; provided that, before any monies for such purposes are borrowed, the Rehabilitation Authority shall obtain the approval of the City Council; and provided further that any bonds or debentures evidencing any borrowed monies shall not be a general obligation of the City.

(6) The power and authority to sell or exchange any lands acquired by the Rehabilitation Authority in the above-described areas.

(7) The right and authority to institute and prosecute proceedings under the laws of this State, for the assessment of part of the cost of the land in the area to other properties specially benefited by the rehabilitation of the area.

(8) The power and authority to take title to all or any part of the areas above described, to vacate the existing plats thereof and replat the same, and thereafter, to reconvey the same, or similar areas of ground, to all those who convey land to the Rehabilitation Authority for the purposes of such vacating and replatting. (Ord. 6, 1950; prior code 1-7-3; Ord. 9 §1, 2003)

### **ARTICLE VIII**

#### **Parks, Trails and Recreation Commission**

##### **Sec. 2-8-10. Purpose.**

(a) The Parks, Trails and Recreation Commission has been established to advise City Council on matters related to parks, trails, recreation and open space within the community. The Commission shall meet at the direction of City Council for the following specific reasons:

(1) To make recommendations with the purpose of improving and maintaining the City's park and open space system consistent with the provisions of Chapter 11, Article III of this Code;

(2) To evaluate and make recommendations concerning the acquisition of additional trails, trail connections, pocket parks, wildlife refuge areas, protected view areas, open space parks and recreational parks;

(3) To make recommendations with the purpose of protecting and maintaining the streams and water features that exist in the City;

(4) To review and make recommendations on the Recreation Reimbursement Program to meet the recreation needs of the community;

(5) To make recommendations to the Planning and Zoning Commission concerning the adoption of that portion of a Master Plan concerning park and trail development;

## Cherry Hills Village Municipal Code

(6) To recommend annual budget priorities to the City Council for capital projects related to parks, trails, open space and recreation;

(7) To develop and recommend an annual recreation and event program and budget to the City Council; and

(8) To recommend long-range financing plans for open space acquisition;

(b) The Commission shall meet in accordance with the provisions of this Code to provide recommendations to the City Council on:

(1) To review and make comments and recommendations on preliminary plat subdivision development applications concerning the dedication of land, in accordance with Chapter 17 of this Code; and

(2) To act in accordance with any other duties as required by other provisions of this Code as enacted by the City Council from time to time.

(c) In addition, the Parks, Trails and Recreation Commission shall have such other duties as assigned by the City Council, by motion, from time to time, except that nothing herein shall permit the Parks, Trails and Recreation Commission to assume powers expressly reserved for the City Council. (Ord. 02 §1, 2006)

### **Sec. 2-8-20. Members; appointment.**

The Parks, Trails and Recreation Commission shall consist of seven (7) members: one (1) from each Council district; and one (1) member appointed by the City Council on an at-large basis; provided, however, that if the City Council is not reasonably able to appoint one (1) member from each Council district, the City Council may appoint one (1) or more members of the Commission on an at-large basis. Each member shall have one (1) vote. (Ord. 02 §1, 2006; Ord. 10 §1, 2008)

### **Sec. 2-8-30. Terms of office; organization.**

(a) District Members: On the date of appointment, each member shall be a registered elector of the City for at least three (3) years immediately preceding the date of appointment. Each member shall be a resident of the district on the date of appointment and throughout his or her term of office. Each member shall be appointed by the City Council. The term of each member shall be three (3) years, and the terms shall be staggered. Initial appointments shall be as follows:

(1) Districts 1 and 2 shall be appointed for one-year terms.

(2) Districts 3 and 4 shall be appointed for two-year terms.

(3) Districts 5 and 6 shall be appointed for three-year terms.

(b) Terms: Terms of office shall expire on the third Tuesday of May in each respective year.

(c) Rules of Procedure: The Commission shall operate in accordance with Rules of Procedure adopted by the City Council. (Ord. 02 §1, 2006; Ord. 10 §2, 2008)

## Cherry Hills Village Municipal Code

### **Sec. 2-8-40. Meetings.**

Meetings shall be held at the direction of the City Council or in accordance with provisions of this Code. The City Council shall provide in the Commission's Rules of Procedure for the time and place of its regular meetings. (Ord. 02 §1, 2006)

## **ARTICLE IX**

### **Code of Ethics**

### **Sec. 2-9-10. Applicability.**

This Article shall constitute the code of ethics for City personnel. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation or other instrumentality appointed or created by the City. The word *City* in this Article shall include these separate entities. (Ord. 02 §1, 2007)

### **Sec. 2-9-20. Definition of personal interest.**

For the purposes of Sections 2-9-30 and 2-9-40 below, *personal interest* means a direct financial interest of the official or employee, or a direct financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised or otherwise acted upon in an official capacity. *Personal interest* shall not include proposing or voting on matters affecting one (1) or more residential districts, or on other ordinances, regulations or policies of general applicability. (Ord. 03 §1, 2009)

### **Sec. 2-9-30. Disclosure of personal interest by official with vote.**

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official shall recuse himself from voting on the measure and refrain from influencing other members, except if necessary for a quorum and as permitted by law. (Ord. 02 §1, 2007)

### **Sec. 2-9-40. Disclosure of personal interest in nonvoting matters.**

An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the City Clerk. In addition, the official or employee may, to the extent allowed by law, charter, ordinance or policy, recuse himself from the exercise of discretion in the matter. (Ord. 02 §1, 2007)

### **Sec. 2-9-50. Acceptance of gratuities, etc.**

An official or employee may not accept, directly or indirectly, any money, gift, gratuity or other consideration or favor of any kind from anyone other than the City:

## Cherry Hills Village Municipal Code

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing City business. (Ord. 02 §1, 2007)

### **Sec. 2-9-60. Use of information.**

(a) An official or employee may not disclose, except as authorized by law, any information obtained in his official capacity or position of employment that is made confidential by the City code, state or federal law.

(b) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. 02 §1, 2007)

### **Sec. 2-9-70. Use of City time, facilities, etc.**

(a) An official or employee may not use or authorize the use of City time, facilities, equipment or supplies for private gain or advantage to himself.

(b) An official or employee may not use or authorize the use of City time, facilities, equipment or supplies for private gain or advantage to any private person or entity, except as authorized by a legitimate contract or lease that is determined by the governing body to be in the best interests of the City. (Ord. 02 §1, 2007)

### **Sec. 2-9-80. Use of position or authority.**

(a) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the City.

(b) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the Charter, general law, ordinance or City policy. (Ord. 02 §1, 2007)

### **Sec. 2-9-90. Outside employment.**

A compensated official or compensated employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the City position or conflicts with any provision of the City's Charter, Code, ordinance or policy. (Ord. 02 §1, 2007)

### **Sec. 2-9-100. Ethics complaints.**

(a) The City Attorney is designated as the ethics officer of the City. Upon the written request of an official or employee potentially affected by a provision of this Article, the City Attorney may render an oral or written advisory ethics opinion based upon this Article and other applicable law.

## Cherry Hills Village Municipal Code

(b)(1) Except as otherwise provided in this Subsection, the City Attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this Article, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the City Attorney's judgment, constitutes a violation of this code of ethics. The City Attorney may request that the City Council hire another attorney, individual or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(2) When a complaint of a violation of any provision of this Article is lodged against a member of the City Council, the City Council shall either determine that the complaint has merit, determine that the complaint does not have merit or determine that the complaint has sufficient merit to warrant further investigation. If the City Council determines that a complaint warrants further investigation, it shall authorize an investigation by the City Attorney or another individual or entity chosen by the City Council.

(c) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(d) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule or regulation, the violation shall be dealt with as a violation of only the personnel provisions and not as a violation of this Article. (Ord. 02 §1, 2007)

### **Sec. 2-9-110. Violations.**

An elected official or appointed member of a separate City board, commission, committee, authority, corporation or other instrumentality who violates any provision of this Article is subject to punishment as provided by the City Charter, Code or other applicable law and, in addition, is subject to censure by City Council. An appointed official or an employee who violates any provision of this Article is subject to disciplinary action. (Ord. 02 §1, 2007)