

**CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER DOZEMAN  
COUNCIL BILL NO. 19  
ORDINANCE NO. 1631  
Series 2017**

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS REGARDING SMALL CELL CMRS FACILITIES**

**WHEREAS**, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

**WHEREAS**, in the exercise of this authority the Council has previously adopted Section 26-215 of the Wheat Ridge Code of Laws ("Code") concerning commercial mobile radio service; and

**WHEREAS**, the Council recently amended Section 26-615 of the Code to address changes in law regarding telecommunication facilities and to make conforming amendments in connection therewith; and

**WHEREAS**, the Council finds that a minor amendment to Section 26-615 of the Code is necessary to properly limit the definition of "small cell" wireless facility.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Section 26-615(l) of the Code is hereby amended as follows:

*Small Cell CMRS Facility means either:*

- ~~1. A personal wireless service facility as defined by the Federal Telecommunications Act of 1996, as amended as of August 6, 2014; or~~
- 2. A wireless service facility that meets both of the following qualifications:**
  - ~~a. 1.~~ **1.** Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
  - ~~b. 2.~~ **2.** Primary equipment enclosures are not larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up

power systems, grounding equipment, power transfer switch, and cut-off switch.

**Section 2.** Section 26-615.H.b is amended to read:

*Height.* All small cell facilities shall not exceed THREE ~~two~~ feet above the light pole, traffic signal or other facility or structure to which they are attached, or the maximum height in the relevant zone district, whichever is less. When new utility poles are proposed as an alternative tower, their height shall be similar to existing utility/light poles in the vicinity.

**Section 3. Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 4. Effective Date.** This Ordinance shall take effect upon adoption and signature by the Mayor and City Clerk, as permitted by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 13th day of November, 2017, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for December 11, 2017 at 7:00 p.m. in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 6 to 1, this 11th day of December, 2017.

SIGNED by the Mayor on this 11th day of December, 2017.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney



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