

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER OHM
COUNCIL BILL NO. 28
ORDINANCE NO. 1780
Series 2023**

TITLE: AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING THE CITY'S BILLBOARD REGULATIONS, AND MAKING CONFORMING AMENDMENTS THEREWITH

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution;

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;

WHEREAS, in the exercise of this authority, the Council has previously adopted Section 26-712 of Article VII of Chapter 26 of the Code of Laws, concerning billboard requirements;

WHEREAS, the Council recognizes that from time to time the City's zoning code needs to be updated to establish standards not included in original regulations, to include modern terms and uses, and to provide clarity to City staff and the public; and

WHEREAS, the Council finds that the billboards requirements found at Section 26-712 of Article VII of Chapter 26 have not been comprehensively reviewed or updated since the amendment in in 2016 and require revision.

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

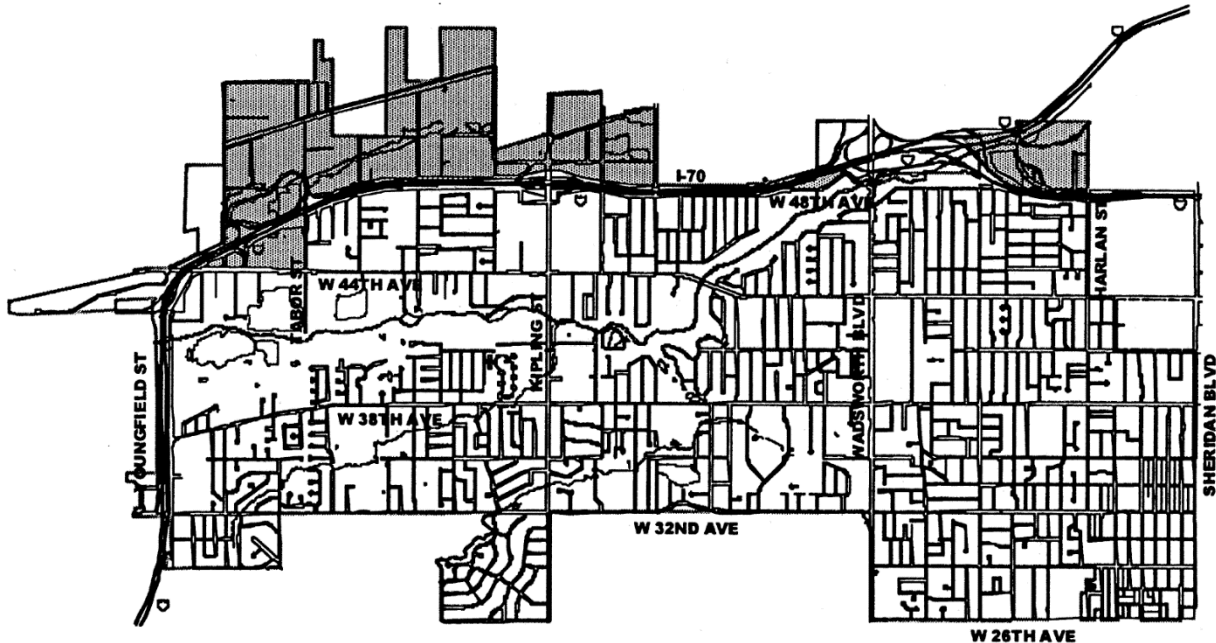
Section 1. Section 26-712 of the Wheat Ridge Code of Laws, concerning billboards, is hereby repealed, and reenacted as follows:

Sec. 26-712. Billboards; specifications and regulations.

A. *General provisions.*

1. Intent. The intent of this section is as follows:
 - a. To prohibit new billboards within the city;
 - b. To honor the rights of existing billboard owners;
 - c. To provide minimum standards and a process for maintenance and replacement; and
 - d. To provide a process for abandoning billboards.

2. Billboard District. For the purpose of this section, the city has one (1) billboard district, as shown on the official billboard zoning map of the city and incorporated herein, as shown below as the shaded area.



■ Billboard District

Figure 26-712.1

Official Billboard Zoning Map

3. State approval required. Billboard structures are allowed in the city as provided by this section; provided that any billboard proposed to be rebuilt or replaced within six hundred sixty (660) feet of the right-of-way line of any state or federal highway requires approval by the state in writing and that such written approval is made available to the department of community development.
 4. No existing billboard may be rebuilt or replaced except in conformance with these regulations.
- B. Maximum Number of Billboards Permitted.**
1. On and after [codifier to enter effective date of this ordinance], the maximum number of allowed billboards within the City is fifteen (15).
 2. When a billboard is fully abandoned, as described in subsection F., below, the maximum number of billboards within the City shall automatically be reduced accordingly.
- C. Design standards.**
1. Roof-mounted billboards are not allowed.

2. Changeable copy billboard signs are not allowed.
3. Billboards shall be located within two hundred and fifty (250) feet of a highway, excluding on- and off-ramps, as measured radially from the leading edge of the billboard to the closest edge of the highway right-of-way line.
4. Structure setbacks shall be as required for a principal structure in the zoning district where the billboard is located and shall be measured perpendicularly from the property line to the leading edge of the billboard or structure, whichever is closest.
5. All replacement billboards shall be of the pedestal type, unless prohibited by soil conditions as certified by a professional engineer. As used herein, "pedestal" type signs are freestanding signs supported by one or more columns, poles, or support structures.
6. The maximum sign face size for a single-sided, two-sided, or V-shaped sign with an angle of less than sixty (60) degrees shall not exceed seven hundred fifty (750) square feet per sign face. For V-shaped signs with greater than a 60-degree angle, the combined size of both sign faces shall not exceed 750 square feet, and the total length of both sign faces shall not exceed six (6) times the height of the sign face.
7. The maximum height to the highest point of the billboard shall not exceed thirty-two (32) feet.

D. *Maintenance.*

1. Billboards shall be maintained in a neat and safe condition.
2. When, in the opinion of the chief building official, the safety of an existing billboard is questionable, the billboard owner shall, within thirty (30) days of notification of the same from the chief building official, either remove the billboard or furnish a certificate from a Colorado-registered professional engineer with a specialization in civil, structural, or mechanical engineering certifying to its safety.
3. In the event the requested certificate is provided and approved by the chief building official, no further action is necessary.
4. In the event the certificate is not provided, or if provided, is deemed by the chief building official to be insufficient, the billboard owner shall have an additional thirty (30) days to provide a revised certificate or remove the billboard.
5. In the event the certificate is not amended to the satisfaction of the chief building official, or the billboard is not removed, the billboard shall be deemed abandoned, and the City may proceed with administrative enforcement under Article V of Chapter 2 of the Code of Laws and/or prosecution in the municipal court under Sections 1-5 and 1-6 of the Code of Laws.

E. Temporary removal and replacement.

1. A billboard may be temporarily removed and replaced under the following conditions:
 - a. The owner of the billboard or the property upon which it is located has filed written notice of its intent to temporarily remove the billboard with the community development director, which notice shall include the purpose for the temporary removal and a projected timeline to replace the billboard;
 - b. The billboard is proposed to be removed to perform structural upgrades or modifications or for a similar purpose approved by the community development director;
 - c. The billboard will be relocated on the same property in substantially the same location, as determined by the community development director in their sole discretion;
 - d. The time the billboard is removed shall not exceed one hundred eighty (180) days;
 - e. The community development director has issued written approval of the temporary removal; and
 - f. All required building permits, licenses, or other approvals necessary to lawfully remove the billboard have been obtained prior to removal.
2. Failure to comply with any of the conditions under which temporary removal is permitted under subsection E.1., above, shall be considered abandonment.

F. Abandonment.

1. A billboard may be deemed fully abandoned if one (1) of the following occurs:
 - a. The owner of the billboard or the property owner upon which the sign is located files written notice of its intent to abandon the billboard with the community development director. It shall be unlawful for an owner to fail to remove a billboard as specified in a notice of intent to abandon filed hereunder. A billboard existing after the date of its abandonment shall be and is hereby declared a nuisance, as defined by Section 15-4 of this Code, and shall be subject to the abatement and other enforcement remedies and penalties set forth under Article II of Chapter 15 of this Code;
 - b. Following notice from the city based on failure of the billboard owner to adequately maintain the sign pursuant to subsection D., above; or
 - c. Removal without following the temporary removal and replacement process outlined in subsection E., above.

Section 2. 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 2. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided 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 2023, ordered published by title and in full on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on final passage set for November 27, 2023, at 6:30 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 6 to 2, this 27th day of November 2023.

SIGNED by the Mayor on this 28th day of November 2023.



Bud Starker, Mayor

ATTEST:



Stephen Kirkpatrick, City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney

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