

CHAPTER 95

TRANSPORTATION

HOUSE BILL 95-1103

BY REPRESENTATIVES Hagedorn and Armstrong;
also SENATORS Martinez, Weddig, and Casey.

AN ACT

CONCERNING AUTHORIZATION OF AWNINGS ON BUILDINGS ADJACENT TO STATE HIGHWAYS IN BUSINESS AREAS OF CERTAIN MUNICIPALITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 4 of article 1 of title 43, Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

43-1-421. Awnings authorized. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, AWNINGS SHALL BE ALLOWED TO EXTEND OVER EXISTING RIGHTS-OF-WAY AND FUTURE RIGHTS-OF-WAY AS DESCRIBED IN SECTION 43-1-210 (3) OF ANY STATE HIGHWAY IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

(a) THE AWNING IS ATTACHED TO AND EXTENDED FROM A BUILDING AND ONLY ADVERTISES ACTIVITIES OR SERVICES OFFERED IN THAT BUILDING;

(b) THE BUILDING AND ATTACHED AWNING IS ADJACENT TO THE STATE HIGHWAY WITHIN A CITY, CITY AND COUNTY, OR INCORPORATED TOWN;

(c) THE AWNING DOES NOT RESTRICT PEDESTRIAN TRAFFIC AND IS NOT A SAFETY HAZARD TO THE MOTORING PUBLIC; AND

(d) BEFORE ERECTING THE AWNING, THE OWNER OF THE AWNING OBTAINS WRITTEN PERMISSION FROM THE CITY, CITY AND COUNTY, OR INCORPORATED TOWN.

(2) THIS SECTION SHALL NOT APPLY IF THE DEPARTMENT DETERMINES THAT COMPLIANCE WITH THIS SECTION WILL CAUSE DENIAL OF FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE OR WOULD OTHERWISE BE INCONSISTENT WITH

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FEDERAL LAW, BUT ONLY TO THE EXTENT NECESSARY TO PREVENT DENIAL OF THE MONEYS OR TO ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW. THE DEPARTMENT SHALL PURSUE EVERY LAWFUL REMEDY AVAILABLE TO OBTAIN PERMISSION OR AUTHORITY, IF REQUIRED BY FEDERAL LAW, TO APPLY THIS SECTION IN ANY SUCH CASE.

SECTION 2. 43-1-417 (3) (a), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

43-1-417. Violation and penalty. (3) (a) EXCEPT AS PROVIDED IN SECTION 43-1-421, no person other than the department without written approval of the department shall erect or maintain any advertising device located either wholly or partly within the right-of-way of any state highway that is a part of the state highway system, including streets within cities, cities and counties, and incorporated towns. All advertising devices so located are hereby declared to be public nuisances, and any law enforcement officer or peace officer in the state of Colorado or employee of the department is hereby authorized and directed to remove the same without notice.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 20, 1995