

CHAPTER 25

GOVERNMENT - MUNICIPAL

HOUSE BILL 99-1122

BY REPRESENTATIVES Webster, Alexander, Decker, Hefley, Kester, King, Larson, Lee, McKay, Paschall, and T. Williams;
also SENATORS Chlouber, Hernandez, and Nichol.

AN ACT

CONCERNING THE IMPOSITION OF LIMITATIONS ON THE AUTHORITY OF GOVERNING BODIES OF MUNICIPALITIES TO REGULATE AGRICULTURAL BUSINESSES.

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

SECTION 1. 31-15-501 (1) (a) and (1) (d), Colorado Revised Statutes, are amended to read:

31-15-501. Powers to regulate businesses. (1) The governing bodies of municipalities have the following powers to regulate businesses:

(a) To prohibit within ~~or within one mile beyond~~ the ~~outer~~ limits of the municipality any offensive or unwholesome business or establishment and also to prohibit the carrying on of any business or establishment in an offensive and unwholesome manner within ~~or within one mile beyond~~ the ~~outer~~ limits of the municipality.

(d) To direct the location and regulate the management and construction of slaughterhouses, packing houses, renderies, tallow candleries, bone factories, soap factories, tanneries, and dairies within the limits of the municipality; ~~or within one mile beyond the municipal limits;~~

SECTION 2. Part 1 of article 28 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

30-28-138. Referral to municipality. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE BOARD OF COUNTY COMMISSIONERS SHALL REFER ANY PROPOSED LAND USE DECISION THAT INVOLVES A BUSINESS OR AGRICULTURAL ACTIVITY IDENTIFIED IN SECTION

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

31-15-501 (1) (a) AND (1) (d), C.R.S., TO THE GOVERNING BODY OF A MUNICIPALITY FOR REVIEW AND COMMENT IF SUCH BUSINESS OR AGRICULTURAL ACTIVITY LIES WHOLLY OR PARTIALLY WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE MUNICIPALITY.

SECTION 3. Effective date. This act shall take effect July 1, 1999.

SECTION 4. 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: March 17, 1999