

CHAPTER 29

TRANSPORTATION

HOUSE BILL 06-1039

BY REPRESENTATIVE(S) McFadyen, Larson, Pommer, Ragsdale, Borodkin, Butcher, Coleman, Berens, Stengel, and Sullivan;
also SENATOR(S) Hagedorn, and May R.

AN ACT

CONCERNING THE PLACEMENT OF ON-PREMISE ADVERTISING DEVICES AT COMPREHENSIVE DEVELOPMENTS.

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

SECTION 1. 43-1-403 (14), Colorado Revised Statutes, is amended, and the said 43-1-403 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

43-1-403. Definitions. As used in this part 4, unless the context otherwise requires:

(1.5) (a) "COMPREHENSIVE DEVELOPMENT" MEANS A GROUP OF TWO OR MORE LOTS OR PARCELS OF LAND USED PRIMARILY FOR MULTIPLE SEPARATE COMMERCIAL OR INDUSTRIAL ACTIVITIES THAT:

(I) IS LOCATED ENTIRELY ON ONE SIDE OF A HIGHWAY;

(II) CONSISTS OF LOTS OR PARCELS THAT ARE CONTIGUOUS EXCEPT FOR PUBLIC OR PRIVATE ROADWAYS OR DRIVEWAYS THAT PROVIDE ACCESS TO THE DEVELOPMENT;

(III) HAS BEEN APPROVED BY THE RELEVANT LOCAL GOVERNMENT AS A DEVELOPMENT WITH A COMMON IDENTITY AND PLAN FOR PUBLIC AND PRIVATE IMPROVEMENTS;

(IV) HAS COMMON AREAS SUCH AS PARKING, AMENITIES, AND LANDSCAPING; AND

(V) HAS AN APPROVED PLAN OF COMMON OWNERSHIP IN WHICH THE OWNERS

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

HAVE RECORDED IRREVOCABLE RIGHTS TO USE COMMON AREAS AND THAT PROVIDES FOR THE MANAGEMENT AND MAINTENANCE OF COMMON AREAS.

(b) "COMPREHENSIVE DEVELOPMENT" INCLUDES ALL LAND USED OR TO BE USED OR OCCUPIED FOR THE ACTIVITIES OF THE DEVELOPMENT, INCLUDING BUILDINGS, PARKING, STORAGE AND SERVICE AREAS, STREETS, DRIVEWAYS, AND REASONABLY NECESSARY LANDSCAPED AREAS. A COMPREHENSIVE DEVELOPMENT INCLUDES ONLY LAND THAT IS USED FOR A PURPOSE REASONABLY RELATED TO THE ACTIVITIES OF THE DEVELOPMENT OTHER THAN AN ATTEMPT TO QUALIFY THE LAND FOR ON-PREMISE ADVERTISING.

(14) "On-premise advertising device" means:

(a) An advertising device advertising the sale or lease of the property on which it is located or advertising activities conducted on the property on which it is located; OR

(b) AN ADVERTISING DEVICE LOCATED WITHIN A COMPREHENSIVE DEVELOPMENT THAT ADVERTISES ANY ACTIVITY CONDUCTED IN THE COMPREHENSIVE DEVELOPMENT, SO LONG AS THE PLACEMENT OF THE ADVERTISING DEVICE DOES NOT CAUSE A REDUCTION OF FEDERAL AID HIGHWAY MONEYS PURSUANT TO 23 U.S.C. SEC. 131.

SECTION 2. 43-1-404 (1) (b), Colorado Revised Statutes, is amended to read:

43-1-404. Advertising devices allowed - exception. (1) The following advertising devices as defined in section 43-1-403 may be erected and maintained when in compliance with all provisions of this part 4 and the rules and regulations adopted by the department:

(b) ~~On-premises~~ ON-PREMISE advertising devices;

SECTION 3. 43-1-406 (5) (a), Colorado Revised Statutes, is amended to read:

43-1-406. Bonus areas. (5) The following shall be exempt from the provisions of this section but shall in all respects comply with applicable rules and regulations issued by the department:

(a) ~~On-premises~~ ON-PREMISE advertising devices;

SECTION 4. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then

the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to advertising devices placed on or after the applicable effective date of this act.

Approved: March 27, 2006