

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 06-0173.01 John Hershey

HOUSE BILL 06-1039

HOUSE SPONSORSHIP

McFadyen, Larson, Pommer, and Ragsdale

SENATE SPONSORSHIP

Hagedorn, and May R.

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Allows an on-premise advertising device located within a comprehensive development to advertise any activity conducted in the comprehensive development. Defines "comprehensive development" to mean a group of 2 or more lots or parcels of land used primarily for commercial or industrial activities that:

Is located entirely on one side of a highway;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
January 23, 2006

Consists of contiguous lots or parcels;
Has local government approval as a development with a common identity and plan for public and private improvements;
Has common areas; and
Has a specified scheme of common ownership related to the common areas.

Specifies that 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.

Defines terms. Makes conforming amendments.

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

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

5 **43-1-403. Definitions.** As used in this part 4, unless the context
6 otherwise requires:

7 (1.5) (a) "COMPREHENSIVE DEVELOPMENT" MEANS A GROUP OF
8 TWO OR MORE LOTS OR PARCELS OF LAND USED PRIMARILY FOR MULTIPLE
9 SEPARATE COMMERCIAL OR INDUSTRIAL ACTIVITIES THAT:

10 (I) (A) Is located entirely on one side of a highway; OR

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

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

17 (III) HAS COMMON AREAS SUCH AS PARKING, AMENITIES, AND
18 LANDSCAPING; AND

19 (IV) HAS AN APPROVED PLAN OF COMMON OWNERSHIP IN WHICH

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

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

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

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

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

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

23 **43-1-404. Advertising devices allowed - exception.** (1) The
24 following advertising devices as defined in section 43-1-403 may be
25 erected and maintained when in compliance with all provisions of this
26 part 4 and the rules and regulations adopted by the department:

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

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

3 **43-1-406. Bonus areas.** (5) The following shall be exempt from
4 the provisions of this section but shall in all respects comply with
5 applicable rules and regulations issued by the department:

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

7

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

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