

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER MATHEWS
COUNCIL BILL NO. 16-2018
ORDINANCE NO. 1648
Series 2018

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING ELECTRICALLY CHARGED FENCES

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

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; and

WHEREAS, in the exercise of this authority, the City Council has previously adopted Chapter 26 of the Wheat Ridge Code of Laws (the "Code") entitled zoning and development; and

WHEREAS, the City Council wishes to amend said Chapter 26 to provide for the regulation of electrically charged fences as a special use in certain zone districts and under specific conditions to ensure the safety and security of property owners and the general public.

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

Section 1. Section 26-123 of the Code is amended by the addition of the following definition to be placed in the appropriate alphabetical order:

Electrically charged fence. A fence not exceeding 9 feet in height which is constructed for the purpose of carrying and supporting wires which are electrically charged so as to deter unauthorized persons from climbing on or over such fence, which fence shall be erected in association with other perimeter fencing, and which may be permitted only as a special use under section 26-114 where necessitated by a demonstrated need for heightened security due to the nature of the use surrounded by the fence, based upon such circumstances as excessive criminal or theft activity and the like.

Section 2. Section 26-114 (special uses) of the Code, subsection B (Applicability) is amended to read as follows:

B. Applicability. The requirements of this subsection shall apply to all uses listed as "special uses" within the provisions set forth for any particular zone district. REVIEW OF A SPECIAL USE APPLICATION FOR AN ELECTRICALLY CHARGED FENCE IS PERMITTED IN THE ZONE DISTRICTS LISTED IN ARTICLE 2 OF THIS CHAPTER, AND IN ADDITION THERETO, THE PLANNED

COMMERCIAL DISTRICT (PCD) AND THE PLANNED INDUSTRIAL DISTRICT (PID).

Section 3. Section 26–204 of the Code is amended by including "electrically charged fence" within the Table of Uses-Commercial and Industrial Districts, to permit such use as a special use (S) in the C-1, C-2 and I-E zone districts.

Section 4. Section 26–313 of the Code, concerning Planned Commercial Development (PCD) district regulations, is amended by the addition of a new subsection J, to read as follows:

J. "In addition to other uses permitted in the PCD district, electrically charged fences are permitted as special uses upon approval of a special use permit under Section 26–114."

Section 5. Section 26–314 of the Code, Planned Industrial Development (PID), is amended by the addition of a new subsection I to read as follows:

I. "In addition to other uses permitted in the PID district, electrically charged fences are permitted as special uses upon approval of a special use permit under Section 26–114."

Section 6. Section 26-603 of the Code is amended by the addition of a new subsection J, to read:

J. "Notwithstanding this section, an electrically charged fence, if approved as a special use pursuant to section 26–114, may be constructed to a maximum height of 9 feet."

Section 7. 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 8. Effective Date. This Ordinance shall take effect upon adoption, as permitted by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 5 to 1 on this 11th day of June, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for June 25, 2018 at 7:00 p.m., 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 1, this 25th day of June, 2018.

SIGNED by the Mayor on this 25th day of June, 2018.



Bud Starker, Mayor

ATTEST:



Janelle Shaver, City Clerk
Robin Eaton, Deputy City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney

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