

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: 14

ORDINANCE NUMBER: 2016-14

**TITLE: AN ORDINANCE AMENDING ARTICLE XVIII OF CHAPTER 16 OF THE BLACK HAWK MUNICIPAL CODE REGARDING HEIGHT LIMITS FOR COMMERCIAL MOBILE RADIO SERVICE FACILITIES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 16- of the Black Hawk Municipal Code is hereby amended by the addition of the following new definition:

*Public right-of-way* means all roads, streets and alleys and all other dedicated rights-of-way, access and utility easements of the City, the state, or any district, utility or railroad.

Section 2. Article XVIII of Chapter 16 of the Black Hawk Municipal Code is hereby amended by the addition of the following new section 16-402:

**Sec. 16-402. Height limit.**

In no case shall a CMRS facility located on property owned by the City or in any public right-of-way exceed forty (40) feet in height.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

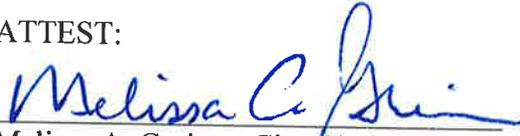
Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 13<sup>th</sup> day of July, 2016.

  
David D. Spellman, Mayor

ATTEST:

  
Melissa A. Greiner, City Clerk

