

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER WOODEN**  
**Council Bill No. 05**  
**Ordinance No. 1595**  
Series 2016

**TITLE: AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE  
SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF  
APPLICATIONS AND REQUESTS FOR A PERMIT, LICENSE, LAND USE  
APPROVAL OR OTHER APPROVAL FOR A FREESTANDING EMERGENCY  
ROOM FACILITY**

**WHEREAS**, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to enact laws to govern and regulate the use of land within its territory; and

**WHEREAS**, pursuant to this authority, the Wheat Ridge City Council ("Council") previously adopted local land use regulations, codified as Chapter 26 of the Wheat Ridge Code of Laws ("Code"); and

**WHEREAS**, the City's zoning regulations currently permit freestanding emergency room facilities to locate within the Mixed Use-Commercial and Planned Hospital Development zone districts; and

**WHEREAS**, the Council finds that freestanding emergency room facilities may cause land use impacts that are different than those caused by other detached health care facilities due to the extended hours that emergency facilities may be open; and

**WHEREAS**, in response to the increase in the number and popularity of freestanding emergency room facilities over the past several years, the Council finds and determines that it is necessary and desirable to examine the City's zoning laws and business licensing regulations governing freestanding emergency room facilities to ensure that they are appropriately located; and

**WHEREAS**, to prevent the further location of freestanding emergency room facilities in potentially inappropriate locations while the Council studies the issue, the Council desires to impose a moratorium on the submission, acceptance, processing, and approval of all applications and requests for a permit, license, land use approval or other approval for any freestanding emergency room facility, commencing upon the effective date of this Ordinance and expiring 365 days thereafter; and

**WHEREAS**, the imposition of a moratorium on the submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval is reasonable in time and scope and would not cause an unnecessary hardship upon or unreasonably prejudice any party.

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

Section 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

Section 2. Temporary Moratorium. A temporary moratorium is hereby imposed on the submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval for any freestanding emergency room facility. The City staff is directed to refuse to accept for filing, and not to further process or review any pending applications or requests for such facilities during the moratorium period.

Section 3. Definition of freestanding emergency room facility. For purposes of this Ordinance, a "freestanding emergency room facility" is and means a medical facility that is not physically attached to a hospital facility that has the capability of providing medical care and services to patients with emergency medical conditions in a manner similar to emergency rooms located within hospitals. Features of a freestanding emergency room facility may include, but are not limited to, expanded hours of operation, drive-lanes or vehicle bays to accommodate ambulance arrivals and departures, board-certified emergency physicians, board-certified emergency nurses, on-site lab and imaging capabilities and similar equipment, services and treatments not commonly available in urgent-care facilities.

Section 4. Duration. The moratorium imposed by this Ordinance shall commence on the effective date of this Ordinance and shall expire on the 365<sup>th</sup> day thereafter.

Section 5. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium imposed by this Ordinance, City staff shall review and analyze the City's existing regulations governing freestanding emergency room facilities, as directed by the Council, and present any proposed amendments thereto to the Council. The Council declares that it will give due and timely consideration to recommended changes to the Code.

Section 6. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 28th day of March, 2016, 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 April 11th, 2016, at 7:00 o'clock 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 8 to 0, this 11th day of April, 2016.

SIGNED by the Mayor on this 11th day of April, 2016.



  
\_\_\_\_\_  
Joyce Jay, Mayor

ATTEST:

  
\_\_\_\_\_  
Janelle Shaver, City Clerk

Approved As To Form

  
\_\_\_\_\_  
Gerald E. Dahl, City Attorney

First Publication: March 31, 2016  
Second Publication: April 14, 2016  
Wheat Ridge Transcript  
Effective Date: April 29, 2016