

BOULDER ORDINANCE CODIFICATION BY AMERICAN LEGAL

<https://codelibrary.amlegal.com/codes/boulderut/latest/overview>

1. What is codification and why did the Town undertake it 18 months ago?
The Boulder ordinances span a period of almost 50 years. They are unwieldy. It is hard to determine the current status of the law with amendments. New amendments are simply listed in order by date, but not integrated. American Legal (AL) downloaded all of our ordinances and reformatted them, a service they currently provide to over 2,000 U.S. municipalities.

2. How is it accomplished?

It is basically a cut and paste procedure with regard to the actual text of the Town ordinances. However, AL reformats all of the ordinances in a logical fashion. Our's would now consist of Titles 1 to 15, leaving all the even numbered Titles blank for future expansion. As AL editors go through each ordinance, approximately 65 currently in effect, they categorize each under standard Titles such as Administration, Public Works, General, Business and Land Usage (this last under Title 15, which includes the subdivision and zoning ordinances, comprises about 80% of the total.)

3. Once adopted, what are the primary benefits?

- a. To get them all organized in one place and eliminate having a zoning ordinance or subdivision ordinance posted as the 2008 version without knowing if it is current or if there are amendments in a separate place
- b. To be able to see everything, all of the titles, indexed, as a comprehensive list
- c. To allow keyword/phrase searches for ease of locating any topic of interest
- d. To allow all future amendments to be incorporated by AL seamlessly into the body of the ordinances in the correct place, while removing any repealed language.

4. Are there any changes or deviations in the codified version from the current ordinances?

Yes. A couple were requested by AL, the others were typos or edits that our readers found. Otherwise, the codified version is an accurate representation of Boulder's ordinances. (Readers consisted of the Mayor, Curtis and Michala, Peg and Josey. Everyone should feel free to do their own comparisons. Michala spent the time do a line-by-line comparison of the entire Subdivision and Zoning ordinances.)

Here are the edits found that the Mayor approved, and at the end of this, the two sections AL wanted or needed changed:

§ 30.01 MEETINGS. (TC) (A). . a regular meeting at the Town Hall on the first Thursday of each month at 7:00 p.m. (cut – “during Mountain Standard Time and at 8:00 p.m. during Mountain Daylight Time”).

§ 31.01 ELECTIONS; PRIMARY ELECTION. (§B) A primary election will be held only when the number of candidates filing for an office exceeds twice the number to “se” - correction “be” - elected.

§33.10 and 11. Chain of Command & Evacuation Areas - Remove individual names, which change regularly, use the official positions and/or locations only. (Recommended by AL and Town attorney.)

§32.39 (B) (2) first sentence, typo **therefor** - correct to **“therefore”**

§130.01 (E) **addition to Fire Restrictions:** at present no ag burning would be allowed, so the town attorney drafted this addition at Josey and the Mayor’s request:

(E) The restrictions listed in this section are in effect each year from June 1st to Oct 31st. The Boulder Town Council may, however, make these and/or other restrictions effective at other times during any year by passing an appropriate ordinance or resolution. Such should not be construed as a permanent amendment to this section unless the same is clearly set forth by ordinance.

§ 153.011 **DEFINITIONS.** Amer. Legal moved the **location** of the definitions from the end of our current ZO, Chapter 20, to this location in General Provisions near the beginning of the reformatted Zoning Ordinance.

§ 153.170 Title incorrect – should be **TEMPORARY “USES” (not DWELLINGS)**

CHANGES REQUESTED BY AMERICAN LEGAL

Title 1: General Provisions.

Some of this Title is new, much of it already exists in Chapter 1 of the current Zoning Ordinance in some form. It is procedural and sets forth the ground rules and nomenclature for the rest of the Code. This is what is often referred to as “boiler plate”, but it is nonetheless essential to clarity and enforcement. It is also the “repeal and replace” section mandating that all existing ordinances are hereby replaced and reformatted into the new template. (It is recommended by AL as the standard format for their clients.)

Chapter 111: ALCOHOLIC BEVERAGES

§111.02 Retail Licenses - AL had to deconstruct Ordinances 29A, B, C and D, which were adopted between 1995 and 2014. 29D repealed 29C and retained portions of 29A and 29B. AL found conflicting provisions and could not unscramble it to set forth what beer and liquor licenses are authorized. They requested help and we restated the licenses currently issued by the state Alcohol and Beverage Control board and authorized by the Town, including the new liquor store license at Hills and Hollows. Also, changed alcohol content in retail beer from 3.2 to 4.0% by volume (§111.11.D.1) to comply with state law update because 3.2 is no longer available from most breweries.