



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: February 19, 2019**

**AGENDA TITLE**

Introduction, first reading and consideration of a motion to order published by title only and adopt Emergency Ordinance 8315 adopting Supplement 138, which codifies previously adopted Ordinances 8256, 8270, 8271, 8272, 8273, 8274, 8291, 8295 and 8296 as an amendment to the Boulder Revised Code, 1981.

**PRESENTER:**

Office of the City Attorney  
Thomas A. Carr, City Attorney

**EXECUTIVE SUMMARY:**

The Boulder Revised Code (“B.R.C. 1981”) is the official book of laws of the City of Boulder. Four times a year (quarterly), the City Council is asked to adopt supplements to the B.R.C. 1981. An ordinance format is used to bring ordinances that the City Council adopted in the prior quarter, or effective prior to the upcoming supplement, into the B.R.C. 1981, and to ensure that there is no question regarding what constitutes the official laws of the City of Boulder. These supplement ordinances are approved as a matter of routine by the City Council.

In order to generate the printed supplements to the B.R.C. as soon as possible, council is asked to adopt the proposed ordinance at first reading as an emergency measure.

The text of Supplement 138 has been previously adopted by the following ordinances:

Ord #8256      AN ORDINANCE AMENDING STANDARDS FOR ACCESSORY DWELLING UNITS AND OWNER ACCESSORY UNITS INCLUDING SECTION 4-20-43, “DEVELOPMENT APPLICATION FEES,” TITLE 9, “LAND USE CODE,” AND SECTION 10-3-19, “SHORT-TERM RENTALS,” B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

Ord #8270      AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING SECTION 78 OF THE BOULDER CITY CHARTER TO CHANGE THE TIME FOR THE PLANNING DEPARTMENT TO SUBMIT ITS RECOMMENDATIONS FOR PUBLIC IMPROVEMENTS FROM SIXTY DAYS TO THIRTY DAYS BEFORE THE SUBMISSION OF THE BUDGET TO BE CONSISTENT WITH THE CITY’S BUDGETING PROCESS; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

- Ord #8271 AN EMERGENCY ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING SECTION 130 OF THE BOULDER CITY CHARTER TO ALLOW COUNCIL TO SET THE NUMBER OF ANY NEW ADVISORY COMMISSION AS FIVE OR SEVEN WHEN FORMING THE COMMISSION, TO PERMIT A BOARD ESTABLISHED IN 2018 TO CONSIST OF SEVEN MEMBERS, CHANGE THE REFERENCE OF “SEX” TO “GENDER IDENTITY,” AND CHANGING THE REQUIREMENT FOR A MAJORITY; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.
- Ord #8272 AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING THE BOULDER CITY CHARTER SECTIONS 29, 38A, 38B, 39, 40, 44, 48, 54, 56, AND 177 REGARDING THE CITY’S INITIATIVE, REFERENDUM AND RECALL PROCESSES; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.
- Ord #8273 AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING SECTIONS 39, 46, AND 57 OF THE BOULDER CITY CHARTER TO REQUIRE THE CITY CLERK, TO THE EXTENT REASONABLY POSSIBLE AND SO AS TO ENSURE AUTHENTICITY, COMPARE THE SIGNATURES ON A PETITION TO SIGNATURES WITH THE ELECTION RECORDS OF THE BOULDER COUNTY CLERK OR THE SECRETARY OF STATE; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.
- Ord #8274 AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING SECTIONS 38, 45, AND 56 OF THE BOULDER CITY CHARTER TO PERMIT USE OF ELECTRONIC PETITIONS AND TO PERMIT ON-LINE ELECTRONIC SIGNING OR ENDORSEMENT OF INITIATIVE, REFERENDUM, AND RECALL PETITIONS; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.
- Ord #8291 AN ORDINANCE AMENDING CHAPTER 4-20 AND SECTIONS 3-8-3 AND 8-6-6, B.R.C. 1981, CHANGING CERTAIN FEES AND SETTING FORTH RELATED DETAILS.
- Ord #8295 AN ORDINANCE AMENDING CHAPTER 7-7, “TOWING AND IMPOUNDMENT,” B.R.C. 1981, TO ADOPT ADDITIONAL REGULATIONS ON NONCONSENSUAL TOWING AND SETTING FORTH RELATED DETAILS.

Ord #8296 AN EMERGENCY ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO PRESERVE COMMERCIAL RETAIL USES BY RESTRICTING OTHER GROUND FLOOR USES IN THE BUSINESS-COMMUNITY 1 (BC-1) AND BUSINESS-COMMUNITY 2 (BC-2) ZONING DISTRICTS AND SETTING FORTH RELATED DETAILS.

**FISCAL IMPACTS:**

Budgetary: None

Staff Time: None beyond the time always allocated to code maintenance in the City Attorney's overall work plan.

Economic: None

**COUNCIL FILTER IMPACTS:**

Ongoing code maintenance is an essential and largely administrative obligation of the city.

**STAFF RECOMMENDATION:**

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to order published by title only and adopt Emergency Ordinance 8315 regarding Supplement 138.

**FORMAT NOTES:**

Code amendments (if any) may be reflected in strike out and double underline format along with a "Reason for Change" as part of this agenda item. Such amendments are intended to correct non-substantive errors discovered through review of these ordinances and/or which may have occurred in previously adopted ordinances already in the B.R.C. 1981. Major and/or substantive corrections or revisions are brought forward as a separate ordinance to City Council during the normal course of future City Council business.

**DISCUSSION:**

This supplement includes ordinances that were adopted by the City Council in the last supplement quarter, or are effective prior to the upcoming supplement. They are added to the official version of the B.R.C. 1981 by way of the attached supplement ordinance. The City Council adopts a quarterly supplement ordinance to ensure that a clearly identifiable version of the Boulder Revised Code is legislatively adopted.

The printed supplements to the B.R.C. may not be distributed until the proposed adopting ordinance is effective. The laws of the city should be current and available to the residents of the City of Boulder as soon as possible, therefore, council is asked to adopt the proposed ordinance at first reading as an emergency measure.

**ATTACHMENT:**

A - Proposed Emergency Ordinance 8315

ORDINANCE 8315

AN EMERGENCY ORDINANCE ADOPTING SUPPLEMENT 138, WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCES 8256, 8270, 8271, 8272, 8273, 8274, 8291, 8295 AND 8296, AS AN AMENDMENT TO THE BOULDER REVISED CODE, 1981, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Legislative Findings.

A. Supplement 138 amending the Boulder Revised Code 1981 (“B.R.C.”) has been printed.

B. The City Council intends that this supplement be codified and published as a part of the B.R.C.

C. Supplement 138 to the B.R.C. is a part of this ordinance and contains all of the amendments to the B.R.C. enacted by the City Council in Ordinances 8256, 8270, 8271, 8272, 8273, 8274, 8291, 8295 and 8296. The City Council intends to adopt this supplement as an amendment to the B.R.C.

D. The ordinances contained in Supplement 138 are available in printed copy to each member of the City Council of the City of Boulder, Colorado, and the published text of the supplement, along with the text of those ordinances, is available for public inspection and acquisition in the office of the city clerk of the City of Boulder, in the Municipal Building, 1777 Broadway, Boulder, Colorado.

Section 2. The City Council adopts Supplement 138 by this reference.

Section 3. The City Council orders that a copy of Supplement 138 as proposed for adoption by reference herein be on file in the office of the city clerk of the City of Boulder, Colorado, Municipal Building, 1777 Broadway, City of Boulder, Boulder County, Colorado, and may be inspected by any person at any time during regular business hours pending of the adoption of this ordinance.

Section 4. The annotations, source notes, codifier’s notes, and other editorial matter included in the printed B.R.C. are not part of the legislative text. These editorial provisions are provided to give the public additional information for added convenience. No implication or presumption of a legislative construction is to be drawn from these materials.

1        Section 5. The B.R.C., or any chapter or section of it, may be proved by a copy certified by the  
2 city clerk of the City of Boulder, under seal of the city; or, when printed in book or pamphlet form and  
3 purporting to be printed by authority of the city. It shall be received in evidence in all courts without  
4 further proof of the existence and regularity of the enactment of any particular ordinance of the B.R.C.

5        Section 6. These provisions of the B.R.C. shall be given effect and interpreted as though a  
6 continuation of prior laws and not as new enactments.

7        Section 7. Unless expressly provided otherwise, any violation of the provisions of the B.R.C., as  
8 supplemented herein, shall be punishable by a fine of not more than one thousand dollars or  
9 incarceration for not more than ninety days in jail, or by both such fine and incarceration, as provided in  
10 section 5-2-4, "General Penalties," B.R.C. 1981.

11        Section 8. This ordinance is necessary to protect the public health, safety, and welfare of the  
12 residents of the city, and covers matters of local concern.

13        Section 9. The printed supplements cannot be distributed until the adopting ordinance is  
14 effective. The laws of the city should be current and available to the residents of the City of Boulder as  
15 soon as possible. On that basis, this ordinance is declared to be an emergency measure and shall be in  
16 full force and effect upon its final passage.

17        READ ON FIRST READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY  
18 TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY  
19 this 19th day of February 2019.

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22        \_\_\_\_\_  
Suzanne Jones, Mayor

23        Attest:

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Lynnette Beck, City Clerk