

**Town of Erie
Ordinance No. 043-2024**

**An Ordinance of the Town Council of the Town of Erie Amending
Chapter 7 of Title 3 of the Erie Municipal Code, Expanding the
Duties of the Board of Adjustment**

Whereas, the Town Council desires to expand the duties of the Board of Adjustment, to include duties exercised by the Board of Appeals.

Now Therefore be it Ordained by the Town Council of the Town of Erie, Colorado, as follows:

Section 1. Section 3-7-2 of the Erie Municipal Code is repealed in its entirety and reenacted as follows:

3-7-2 – Purpose and duties.

The purpose of the BOA is to fulfill the responsibilities set forth in C.R.S. § 31-23-307 as well as Titles 9 and 10 of this Code. The BOA shall have the review and decision-making responsibilities as set forth in Titles 9 and 10 of this Code.

Section 2. Section 3-7-3.A.1. of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

3-7-3 – Appointment, compensation, terms and renewal.

A. *Appointment:*

1. The BOA shall consist of five (5) members. Each member shall be a resident of the Town. Each member shall be an architect, engineer, a master electrician, a licensed building contractor, or otherwise qualified by experience or training to determine the suitability of alternative materials and methods of construction and to consider requests for interpretation of the Town's building and other technical codes.

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Section 3. Section 3-7-6.E. of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

3-7-6 – Meetings.

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E. *Voting:* The concurring vote of four (4) members of the BOA shall be required to approve variances and to decide appeals of decisions made

by any Town official. Action by the BOA on any other matters shall require a favorable majority vote of the members present at the time of the vote.

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Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 5. Safety. The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 6. Effective Date. This Ordinance shall take effect 10 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this 10th day of December 2024.

Justin Brooks, Mayor

Attest:

Debbie Stamp, Town Clerk