

**Town of Erie
Ordinance No. 030-2025**

An Ordinance of the Town Council of the Town of Erie Repealing and Reenacting Title 3 of the Erie Municipal Code Regarding Boards, Commissions and Committees and Making Corresponding Amendments to the Erie Municipal Code, Including Moving Historic Landmark Regulations to Title 9

Whereas, the Town Council finds it in the best interest of the public health, safety and welfare to streamline Title 3 Erie Municipal Code and align it with Home Rule Charter, regarding boards, commissions and committees, and to move historic structure regulations to Title 9 of the Erie Municipal Code.

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

Section 1. Section 1-5-2 of the Erie Municipal Code is hereby repealed in its entirety.

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 Title 3 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

Title 3 – Boards and Commissions

Chapter 1 – General Provisions

3-1-1 – Definitions.

For purposes of this Title 3, the following terms shall have the following meanings:

Member means an appointed member of any Town board, commission or committee established by the Home Rule Charter or Chapter 2 of this Title 3.

3-1-2 – Membership.

A. *Appointment.* All members shall be appointed by the Town Council. Appointments shall occur in April of odd-numbered years or as necessary to fill vacancies.

B. *Compensation.* All members shall serve without compensation.

C. *Eligibility.* Each member shall be a resident of the Town. If any member ceases to be a resident of the Town, their membership shall immediately terminate. No member shall hold another elective or appointive municipal office or be an employee of the Town. All members shall be at least twenty-one (21) years of age unless otherwise specified in Chapter 2 of this Title 3.

D. *Term.* Each member shall be appointed to serve a four (4) year term, provided that the terms of members shall be staggered, and further provided that the Town Council may prescribe a shorter term at any time if necessary to preserve the stagger in terms.

E. *Removal.* Pursuant to Section 10.01(5) of the Charter, following notice and an opportunity to be heard, the Town Council may remove any member for any of the following reasons, by a two-thirds (2/3) majority vote:

1. A conflict of interest;
2. A violation of law, regulation, or policy;
3. Nonattendance to duty, which shall include failure to attend three (3) consecutive regularly scheduled meetings without a leave of absence approved by the board, committee or commission; or
4. Being a plaintiff or complainant in a lawsuit or administrative action against the Town.

F. *Vacancies.* Vacancies shall be filled by the Town Council.

3-6-2 – Meetings.

A. *Open.* All meetings shall be open to the public and governed by the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*

B. *Quorum.* A quorum shall be one-half (½) of the total number of actual members of the board, commission or committee, rounded up to the nearest whole.

C. *Voting.* Except when expressly stated otherwise, all actions shall be approved by a majority of those members present.

D. *Minutes.* Each board, commission and committee shall keep minutes of its meetings and file such minutes with the Town Clerk.

3-5-3 - Officers.

A. *Election:* Each board, commission and committee shall elect a Chair, Vice Chair and Secretary from among its full membership.

B. *Term.* The term of each officer shall be one year.

C. *Vacancies.* A vacancy in the office of Chair shall be filled automatically by the Vice Chair. A vacancy in the office of Vice Chair or Secretary shall be filled at the next regular meeting from among the remaining members.

3-6-4 – Relationship to Town Council and Town staff.

A. *Staff.* Staff will be available to attend board, commission and committee meetings quarterly at the request of the Chair or at the direction of the Town Manager.

No Member of a board, commission, or committee shall dictate the appointment of, direct, or interfere with the work of any town employee.

B. *Liaison.* A member of the Town Council shall be appointed as the liaison to each board, commission and committee other than the Planning Commission and Board of Adjustment. The liaison will attend regular meetings and be the conduit of bidirectional information to and from the Town Council. The liaison is not a member of the board, commission or committee, nor is the liaison entitled to a vote.

C. *Ad hoc committees.* Only the Town Council may appoint *ad hoc* committees from among the members of any board, commission or committee.

D. *Reports.* Each board, commission and committee shall annually prepare a written report which shall then be presented orally to the Town Council at a public meeting, with the first report and presentation occurring after the first of the year and the second prior to the start of the Town's budget consideration for the following year, or at such other times as the Town Council may direct.

E. *Bylaws.* Each board, commission and committee shall adopt bylaws, which bylaws shall be first approved by the Town Council.

Chapter 2 – Specific Boards, Commissions and Committees

3-2-1 – Planning Commission.

A. *Composition.* The Planning Commission shall consist of seven (7) members.

B. *Duties.* The Planning Commission shall have the powers, duties and responsibilities set forth Title 10 of this Code. While the Town Council shall be responsible for the creation and adoption of the Town's comprehensive plan, the Planning Commission shall advise the Town Council on the comprehensive plan as outlined in Title 10 of this Code.

3-2-2 – Airport Economic Development Advisory Board (AEDAB).

A. *Composition.* The AEDAB shall consist of seven (7) members. At least three (3) members shall have specific professional experience in economic development and at least three (3) members shall have specific aviation experience; if someone has both economic development and aviation experience they can satisfy both requirements.

B. *Duties.* The duties of the AEDAB are as follows:

1. To advise the Town Council, by written report, in connection with matters relating to the economic development, financial vitality and economic impact of the Erie Municipal Airport and related activities;
2. With the support of the airport manager and Town staff, to review and, as necessary, propose amendments to the Erie Municipal Airport Master Plan, and annual and long-range capital plans;
3. To occasionally survey the community to understand local perspectives on the progress of economic development and other issues associated with the Erie Municipal Airport;
4. To promote and encourage the economic development, public awareness and beneficial use of the airport and within that goal minimize any adverse impacts associated with the Erie Municipal Airport;
5. To assess economic and capital improvement provisions of the Town's plans related to the Erie Municipal Airport, and if determined to be necessary, recommend, by written report, amendments to the Town Council;
6. To recommend, by written report, grants or other sources of funding airport activities;
7. To promote airport awareness at Town events or at the request of interested individuals or groups;
8. To biannually prepare a written report, which shall then be presented orally to the Town Council at a public meeting, with the first report and presentation occurring after the first of the year and the second prior to the start of the Town's budget consideration for the following year; and
9. To perform such other functions and duties associated with the Erie Municipal Airport as the Town Council may direct.

3-2-3 – Historic Preservation Advisory Board (HPAB).

A. *Composition.* HPAB shall consist of seven (7) members. The Town shall make a good faith effort to recruit and appoint, and, if possible, shall actually recruit and appoint, at least three (3) HPAB members who are professionals in preservation related disciplines, such as architecture, landscape architecture, architectural history, archaeology, history, planning, American studies, American civilization, cultural geography or cultural anthropology.

B. *Duties.* The duties of HPAB shall be to implement Chapter 4 of Title 9 of this Code.

3-2-4 – Open Space and Trails Advisory Board (OSTAB).

A. *Composition.* OSTAB shall consist of seven (7) members.

B. *Duties.* The duties of OSTAB are:

1. To advise the Town Council, by written report, in connection with matters relating to the planning, acquisition, development, maintenance and management of open space and trails throughout the Town;

2. To promote and encourage the development, public awareness and proper use of open space and trails throughout the Erie planning area;

3. To coordinate with Boulder and Weld Counties and neighboring jurisdictions in the identification and acquisition of open space and trails;

4. To assess open space and trail related provisions of the Town's plans and ordinances, and if determined to be necessary, recommend, by written report, amendments to the Town Council;

5. To recommend, by written report, grants or other sources of funding for open space acquisition and trail development;

6. To promote open space and trails awareness at Town events or at the request of interested individuals or groups;

7. To perform such other functions associated with open space and trails as the Town Council may from time to time direct;

8. To perform such other duties as may be directed by the Town Council from time to time; and

9. To make recommendations, by written report, to the Town Council on the expenditure of the receipts from the trails, natural areas and open space tax created by Ordinance 02-2004.

3-2-5 – Sustainability Advisory Board (SAB).

A. *Composition.* The SAB shall consist of seven (7) members, one of whom may be an individual between sixteen (16) and twenty-one (21) years of age.

B. *Duties.* The duties of the SAB are:

1. To advise the Town Council, by written report, in connection with matters relating to the planning, development, maintenance and management of sustainability activities throughout the Town;

2. To create a sustainability master plan with the support of the Town staff to be reviewed and approved by the Town Council, updating it every five (5) years, or sooner if needed;

3. To occasionally survey the community to understand local perspectives on the progress of sustainable activities and the desires for additional sustainable activities;

4. To promote and encourage the development, public awareness and proper use of sustainability activities throughout the Town;

5. To coordinate with Boulder and Weld Counties and neighboring jurisdictions, Town staff and other Town boards and commissions/committees in the identification and promotion of sustainability activities;

6. To assess sustainability related provisions of the Town's plans and ordinances, and if determined to be necessary, recommend, by written report, amendments to the Town Council;

7. To recommend, by written report, grants or other sources of funding sustainability activities;

8. To promote sustainability awareness at Town events or at the request of interested individuals or groups; and

9. To perform such other functions associated with sustainability as the Town Council may direct.

3-2-6 – Tree Board.

A. *Composition.* The Tree Board shall consist of seven (7) members, one of whom may be an individual between sixteen (16) and twenty-one (21) years of age.

B. *Duties.* The duties of the Tree Board are:

1. To investigate available grants, loans or contributions from other governmental agencies, public or private corporations, or individuals and recommend the expenditure of any proceeds toward the accomplishment of the Tree Board's purpose;

2. To organize and conduct the annual Arbor Day celebration;

3. To arrange, advertise and conduct any educational programs which are a part of the annual work plan approved by the Town Council; and

4. To submit an annual report of its activities and recommendations to the Town Council and shall submit copies of its minutes and proceedings of its regular and special meetings.

3-2-7 – Board of Adjustment (BOA).

A. *Composition.*

1. The BOA shall consist of five (5) members. Each member shall be qualified by experience and training to pass on matters pertaining to building and construction.
2. In addition to the regular members, the town council may appoint two alternate members. In the event that any regular member is temporarily unable to act owing to absence from the town, illness, interest in a case before the BOA or any other cause, their place may be taken during such temporary disability by an alternate member who shall then enjoy full voting privileges.

B. *Duties.* The BOA shall have the review and decision-making responsibilities as set forth in Titles 9 and 10 of this Code.

C. *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.

Section 3. Section 7-3-3 of the Erie Municipal Code is hereby repealed in its entirety.

Section 4. Title 9 of the Erie Municipal Code is hereby amended by the addition of the following new Chapter 4:

Chapter 4 – Historic Landmarks

9-4-1 – Purpose and applicability.

A. *Purpose.* The purpose of this Chapter is to establish standards for designation of historic landmarks, revocation and amendment of such designation, and certificates of appropriateness for historic landmarks.

B. *Applicability.* This Chapter shall apply to all historic landmarks in the Town.

9-4-2 - Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Alteration: Any act or process that changes either one or more of the exterior architectural features of a structure or one or more of the physical features of a site.

Certificate of appropriateness: A certificate issued by the Town showing approval of plans for construction, alteration, demolition, or relocation of structures that would affect a designated historic landmark.

Director: The Director of Planning and Development or designee.

Exterior architectural features. The exterior architectural features of a structure, including without limitation the color, kind and texture of building materials, and the type, design and character of windows, doors and appurtenances.

Owner. The person or persons listed in the records of the Boulder or Weld County Clerk and Recorder as having legal title to real property.

9-4-3 – Historic landmarks.

A. *Authorization.*

1. The Town Council may designate as a historic landmark an individual structure or an integrated group of structures and features on a single site having a special historic or architectural value.

2. Each such designation shall include a description of the historic landmark that justified designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the property.

B. *Procedure.*

1. A nomination for designation may be made only by the owner by filing an application with the Director on forms provided by the Director. In the case of multiple owners of the same structure or property, all such persons must consent to the nomination.

2. Not more than forty-five (45) days after the filing of the application, HPAB shall review the application for conformance with the criteria for designation and with the purposes of this Chapter. Within fifteen (15) days after the conclusion of its review, HPAB shall adopt written findings and conclusions and recommend that the Town Council approve, approve with conditions, or deny the application.

3. Not more than forty-five (45) days after HPAB makes a recommendation to the Town Council, the Town Council shall hold a public hearing on the application.

4. The Director shall mail written notice of the Town Council public hearing to the owner no later than ten (10) days prior to the public hearing.

5. At the public hearing, the Town Council shall consider the criteria set forth in subsection C hereof.

6. Following the public hearing, the Town Council shall adopt written findings and conclusions and either approve, approve with conditions, or deny the application.

C. *Criteria.* Historic landmarks must be at least fifty (50) years old, but may be exempt from the age standard if it is found to be exceptionally

important in other significant criteria. Historic landmarks must also meet at least one of the following criteria:

1. Architectural criteria.
 - a. Exemplifies specific elements of an architectural style or period;
 - b. Example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally;
 - c. Demonstrates superior craftsmanship or high artistic value;
 - d. Represents an innovation in construction materials or design;
 - e. Style is particularly associated with the Town or one of its neighborhoods;
 - f. Represents a built environment of a group of people in an era of history;
 - g. Pattern or grouping of elements representing at least one of the above criteria; or
 - h. Significant historic remodel.
2. Social/historic criteria:
 - a. Site of a historic event that had an effect on society or the community;
 - b. Exemplifies cultural, political, economic, or social heritage of the community;
 - c. An association with a notable person or the work of a notable person;
 - d. A typical example/association with a particular ethnic group; or
 - e. A unique example of an event in the Town's history.
3. Geographic/environmental criteria.
 - a. Enhances sense of identity of the community; or
 - b. An established and familiar natural setting or visual feature of the community.

C. *Notice.* When a historic landmark has been designated, the Director shall properly notify the owner and cause a copy of the designation as described above to be recorded with the Boulder or Weld County Clerk and Recorder, as appropriate.

9-4-4 - Revocation of designation.

A. *Application.* If a structure or physical feature on a designated historic landmark has been lawfully removed or demolished, the owner may apply to HPAB for revocation of designation. HPAB shall recommend revoking a historic landmark designation if HPAB determines that without the demolished structure or physical feature, the historic landmark as a whole no longer meets the purposes of this Chapter and the criteria for designation.

B. *Town Council action.* The Town Council shall revoke a historic landmark designation if it determines that without the demolished structure or physical feature, the historic landmark as a whole no longer meets the purposes of this Chapter and the criteria for designation.

C. *Notice.* When a designation has been revoked, the Director shall properly notify the owner and shall cause a copy of the revocation to be recorded with the Boulder or Weld County Clerk and Recorder, as appropriate.

9-4-5 - Amendment of designation.

Designation of a historic landmark may be amended to add or remove physical features, structures or sites to the landmark under the procedures prescribed by Section 9-4-1. When a designation has been amended, the Director shall notify the owner and shall cause a copy of the amended designation to be recorded with the Boulder or Weld County Clerk and Recorder, as appropriate.

9-4-6 – Register.

The Director shall maintain a current register of all designated historic landmarks and pending designations.

9-4-7 - Construction.

A. No person shall carry out or permit to be carried out on a designated historic landmark any new construction, alteration, removal, or demolition of a building or other physical feature without first obtaining a certificate of appropriateness for the proposed work under this Chapter.

B. No person shall apply for a building permit to construct, alter, remove or demolish any structure or other physical feature on a pending historic landmark after the date an application has been filed to designate of such historic landmark.

9-4-8 - Certificate of appropriateness.

A. *Application.* An owner of property designated as a historic landmark may apply for a certificate of appropriateness for new construction, removal or demolition of a designated historic landmark by filing an application with the Director on forms provided by the Director, including plans and

specifications showing the proposed exterior appearance, with texture, materials and architectural design and detail.

B. *HPAB procedure.*

1. HPAB shall review the application at a public meeting within forty-five (45) days after the filing of the application.

2. Within thirty (30) days after HPAB's review, unless otherwise mutually agreed upon by HPAB and the applicant, HPAB shall adopt written findings and conclusions and recommend that the Town Council approve, modify and approve, or deny the application.

3. When reviewing a certificate of appropriateness involving moving or demolition of a structure or other physical feature, HPAB may extend the review period up to ninety (90) additional days sed to encourage both the applicant and HPAB to explore acceptable alternative solutions to the original submission.

C. *Town Council procedure.*

1. The Town Council shall review an application for a certificate of appropriateness for new construction, alteration, removal or demolition of a designated historic landmark structure within forty-five (45) days after receipt of a decision of HPAB.

2. If the Town Council approves the application, the Director shall issue a certificate of appropriateness.

3. If the Town Council denies the application, no person may submit a subsequent application for the same or substantially the same construction, alteration, removal or demolition within one year from the date of the final action upon the original application.

D. *Criteria.*

1. HPAB shall recommend and the Town Council shall approve a certificate of appropriateness only if the proposed work would not detrimentally alter, destroy or affect any architectural or landscape feature that contributes to the original designation, and if that the proposed work is visually compatible with other historic structures located on the property in terms of design, finish, material, scale, mass and height.

2. In determining compatibility, HPAB and the Town Council shall consider the following criteria:

a. The effect on the general historic and architectural character of the structure and property;

b. The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation to and compatibility with other structures;

- c. The size of the structure, its setbacks, location, and the appropriateness thereof when compared to existing structures and the site;
- d. The compatibility of accessory structures and fences with the main structure on the site, and other structures;
- e. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
- f. The condition of existing improvements and whether they are a hazard to public health and safety;
- g. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property; and
- h. Compliance with the United States Secretary of the Interior's "Standards For Rehabilitation".

9-4-9 - Property maintenance.

An owner of a designated historic landmark shall prevent significant deterioration of the exterior of the structure or physical feature beyond the condition of the structure or physical feature on the effective date of the designation.

9-4-10 - Relocation.

A. *Criteria.* The Town Council consider the following criteria, as applicable, regarding a certificate of appropriateness for relocation of a structure that is part of a designated historic landmark:

- 1. Whether the structure can be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;
- 2. The contribution the structure makes to its present setting;
- 3. If the structure can be moved and re-sited without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure;
- 4. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation;
- 5. Whether the structure is compatible with its proposed site and adjacent properties; and if the receiving site is compatible in nature with the structure or structures proposed to be moved;
- 6. The structure's architectural integrity and its consistency with the character of the neighborhood; and

7. Whether the relocation of the structure would diminish the integrity or character of the neighborhood of the receiving site.

B. *Bond.* When a structure is to be relocated, the Town may require the owner of the property to post a performance bond in an appropriate amount to ensure that the structure is reestablished in the new location according to applicable law.

9-4-11 - Demolition.

A. *Total demolition.* An applicant requesting a certificate of appropriateness for total demolition of a structure that is a designated historic landmark shall provide data clearly to demonstrate that the situation meets all of the following criteria:

1. The structure is not structurally sound despite evidence of the owner's efforts to properly maintain the structure;

2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property;

3. The structure cannot be practically moved to another site in the Town; and

4. The proposal mitigates to the greatest extent possible any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur and the historic importance and architectural integrity of other structures located on the property and adjacent properties.

B. *Partial demolition.* An applicant requesting a certificate of appropriateness for partial demolition shall provide data clearly to demonstrate that the situation meets all of the following criteria:

1. The partial demolition is required for the renovation, restoration or rehabilitation of the structure; and

2. The applicant has mitigated, to the greatest extent possible, impacts on the historic importance and architectural integrity of the structure or other structures located on the property and adjacent properties.

C. *Replacement/reuse plan.* If demolition approval is granted on any basis other than that of an imminent hazard or economic hardship, a certificate of appropriateness will not be issued until a replacement/reuse plan for the property has been approved by the Director.

9-4-12 - Exemptions.

A. *General.* If an application for a certificate of appropriateness is denied, an applicant may request an exemption based on either of the following:

1. An economic hardship exemption may be granted if the applicant demonstrates that they are unable to obtain a reasonable return on their investment.

2. A health or safety hardship exemption may be granted if the applicant shows that the application of the criteria creates a situation substantially inadequate to meet the applicant's needs because of specific health or safety issues, but not if the health or safety issues were created by the action or inaction of the applicant.

B. *Review.* The Town Council shall review an application for an exemption at a public hearing within forty-five (45) days after receipt of the application.

C. *Decision.* Within thirty (30) days after the conclusion of the public hearing, the Town Council shall adopt written findings and conclusions.

9-4-13 - Violation and penalty.

It is unlawful to violate any provision of this Chapter. Violations of this Chapter shall be punished as provided in Title 1, Chapter 4 of this Code.

Section 5. 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 6. Safety. The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 7. Effective Date. This Ordinance shall take effect 10 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this ____ day of _____, 2025.

Andrew J. Moore, Mayor

Attest:

Debbie Stamp, Town Clerk