Municipal Resources

BY MICHAEL WHITLOW

ith all due respect to the legal education institutions where we matriculated and earned our juris doctors, most lawyers would agree that upon graduation we had learned to "think like lawyers" but not necessarily about the inner workings of the legal system. We learned a great deal about constructing arguments from case law and how to research annotations on state statutes. How many of us, though, have been caught unawares when trying to navigate the byzantine structure of local government? For many of our clients, municipal law is probably one of their biggest day-to-day concerns. Areas it impacts include:

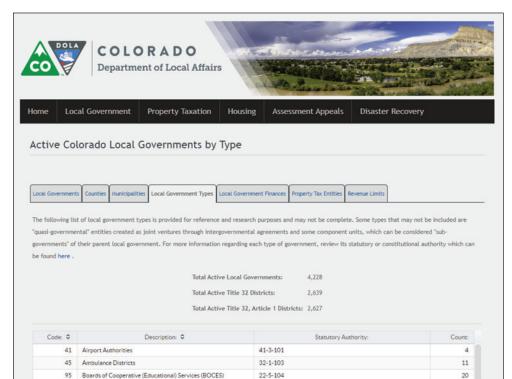
- property—building codes, zoning, land use plans, and property records;
- taxes—sales and property;
- criminal—municipalities set their own ordinances, such as traffic laws;
- education—school districts are often arms of the local government; and
- trials—municipal courts exist to adjudicate violations of local ordinances.

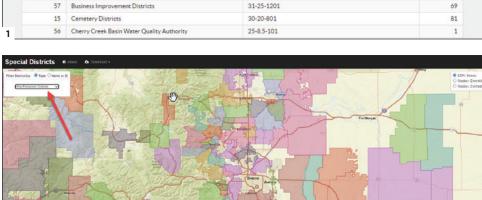
This list is far from exhaustive. Municipal law touches on so many areas that it's not possible to provide a crash course on it here. Instead, this article highlights some of the more useful resources for learning about your local jurisdiction's codes and operations.

Sources of Authority

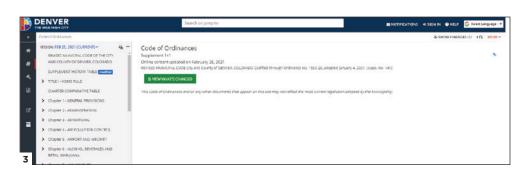
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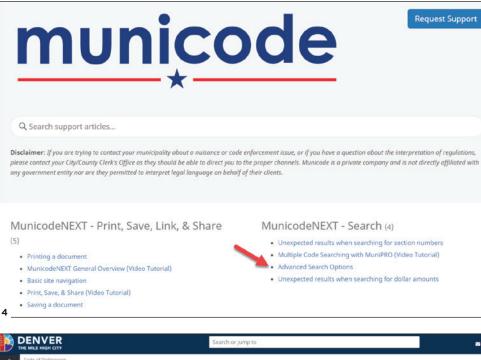
Article XIV of the Colorado Constitution governs counties, and Article XX of the Colorado Constitution governs home rule cities and towns. For example, Colo. Const. art. XX provides that the City and County of Denver operates as a combined county-city government with a municipal structure. More specific restrictions





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3	12/15/2020 SUPPLEMENT 141 UPDATE 1		
-	11/05/2020 SUPPLEMENT 141 UPDATE 1		
6	10/14/2020 SUPPLEMENT 141 UPDATE 5		

and grants of authority are codified in Titles 29 through 32 of the Colorado Revised Statutes.

A list of current local governments, organized alphabetically and by type, is available from the Colorado Department of Local Affairs.¹ You can also use this resource to discover how many of each government type exists in-state, as well as the specific constitutional and statutory authority for each type.

If you're unsure about the boundaries of a particular special district, the State Demography Office puts out a map of all the special districts in the state,² though you'll need to use its drop-down menu to select the type of district you're searching for. **2**

Municipal Ordinances

Municode³ has one of the largest online repositories of municipal codes. At top left is a screen shot of the Denver Revised Municipal Code in Municode.

Municode defaults to keyword searching, but advanced operator and Boolean searches are also available search options. The syntax for these searches differs from what you might be used to in Westlaw or Lexis, but Municode provides an FAQ that lists its proper syntax.⁴ To find this FAQ, click on Help in the top-right corner, and then select Advanced Search Options from the Help page.

Other online sources for municipal codes include:

- Code Publishing Co.⁵—Frederick, Glendale, Granby, Grand Junction, Gunnison, Ouray, Parachute, and Telluride; and
- American Legal Publishing Co.'s Code Library⁶—Akron, Breckenridge, Colorado Springs, Creede, La Jara, Littleton, Morrison, Simla, Vail, Winter Park, and Yuma.

While these websites do not host as many jurisdictions as Municode, their search pages and filters are more advanced and intuitive than the coding syntax from Municode's FAQ.

You can set up notifications to receive alerts when new ordinances are enacted or codes are updated for your local jurisdiction. Municode also includes archived code versions that go back to 2012 for most jurisdictions. To look at older code versions, click on the Version drop-down on the left side of your screen.

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	(2) The officer attempts to assertain whether the person is in need of medical or human services assistance, including, but no	stimuled, to mescal health treatment, drug or alcohol rehabilitation, or		
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RAILROADS AND BUS SYSTEMS	 "Camp" means to reside or dwell temporarily in a place, with shelter. The term "shelter" includes, without limitation, any te 	ent targoulin lean-to, sleeping bag, bedroll blankets, or any form of		
Sec. 38-191 Stepping on or off moving vehicles.	core or protection from the elements other than dufting. The term 'reside or dwell' includes, without limitation conduct possessions.			
Sec. 38-192 Placing obstructions or explosives on railroad tracks.	(2) "Designated human sense outreach worker: shall mean any perion designated in writing by the manager of the Deniver assist law enforcement afficers as provided in subsection (c) regardless of whether the perion is an employee of the depa	of the department of human services. .greenway, or any other structure or area encompassed within the public right of.		
Sec. 38-193 Interfering with rainoad trades.	(3) "Public property" means, by way of illustration, any street alley, sidewalk, pedettrian or transit mail, blie park, greenway, way any adv, parkway, mounten park, or other receiption footing or any other grounds outlong, or other footines own where such safe covership waters in concerned and advance water any public purpose.			
Sec. 38-191 Interfering with railroad	(Ord. No. 255-12, 51, 5-14-12; Ord. No. 47-20, 559, 5-16-20)			
or bus system equipment.	Sec. 38-86.5 Unlawful to trespass on athletic playing seld at Denver Mile High Stadium.	5 A B R 0		
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ARTICLE IL - OBSTRUCTION OF JUSTICE		(b) It shall be uslawful for any person to camp upon any private property without the express written consent of the property owner or the owner's agent, and only in site conducted in accordance with any other applicable only law.	uch locations where ca	maing	timay
ARTICLE III OFFENSES AGAINST PROPERTY		(b) It shall be unlawful for any person to camp upon any public property except in any location where camping has been expressly allowed by the officer or agency have supervision of the public property in question.	ng the co ntrol manage	iment	and
ARTICLE IV OFFENSES AGAINST PUBLIC		(c) No law enforcement officer shall issue a cliation, make an arrest or otherwise enforce this section against any person unless.			
ORDER AND SAFETY		(1) The officer or ally requests or orders the person to refrain from the alleged violation of this section and, if the person fails to comply after receiving the or al request or ord written request or order to the person warring that if the person fails to comply the person may be ottad or arrested for a violation of this section; and			ers a
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9 ARTICLEV OFTENSES RELATING TO	treatment, drug or alconol rehabilitation, or homeless sentices assistance. If the officer determines that the persu human services assistance, the officer shall make reasonable efforts to contact and obtain the assistance of a de	



This will give you a list of every archived version of the code. You may need to scroll down to find the version you need.

Let's say you want to track the history of changes to Denver's "camping ban," CRS § 38-86.2. First you would pull up the section itself and look at its historical notes. 7

Here you see that the section was added by Ordinance Number 255-12 on May 14, 2012, and it was amended by Ordinance Number 47-20 on March 16, 2020. You could use the Version drop-down to go back and look for a version prior to March 16, 2020 and compare the two versions, or use Municode's Show Changes function.

Clicking this will open a side panel showing all changes from the previous version to the current version.

You'll then need to find the version after the change. Denver's codes have a version from March 20, 2020, but the changes had not yet been added to the archive. You'll need to keep going forward. The April 20, 2020 supplement, the next archived supplement, shows the codified changes of March 16, 2020. The Show Changes bar displays the sections that have changes. When you click on the section you want to see, Municode will direct you to that section and highlight the changes.

Legislative History and Historical Ordinance Research

Legislative history and historical ordinance research isn't just for state and federal statutes, but you may have to do some extra legwork when researching municipal ordinances. In addition to the online Municode archives, several libraries have extensive physical collections.

The Denver Public Library's main branch has a special collection for Genealogy, African American, and Western History Resources⁷ that includes physical copies of City Clerk and Recorder records as far back as 1858 and City Council minutes as far back as 1868. Currently, access is limited due to COVID-19, but the reference desk can be reached at (720) 865-1821.

The William A. Wise Law Library at the University of Colorado-Boulder holds municipal codes for another 31 municipalities.⁸

You can also check with the local City or County Clerk and Recorder's office for your desired jurisdiction. These offices can let you know how far back their archives stretch and whether they have partnered with a local library to store older materials.

To research the legislative history of a particular ordinance beyond just its historical changes, you'll need to first look at the source notes for a particular section and write down the ordinance numbers and dates of each change. Using those dates, you can then look for the minutes associated with meetings on those dates. You may want to look at minutes for preceding meetings to see if the measure was discussed before the final vote. These records should be held by your County or City Clerk and Recorder, or by a local library that archives such materials.

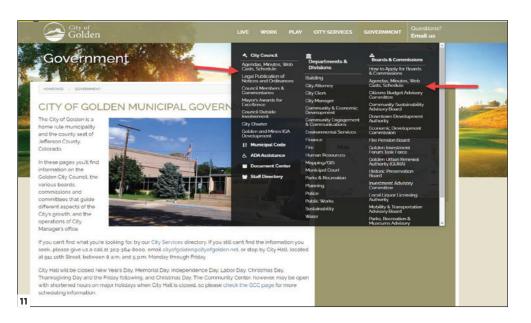
Tracking New State Legislation and Municipal Ordinances

The Colorado Municipal League (CML) compiles a list of enacted state laws that affect municipal governments, sorted by year.⁹ The CML also publishes a primer on its legislative advocacy priorities for the current session¹⁰ and its analysis and position on proposed legislation.¹¹ If you find yourself advising a local government entity as a client, or a client that does business with local government, CML is a great way to stay informed of any state code changes that could impact your clients.

If you're looking to stay abreast of changes to local jurisdiction codes, you'll need to monitor the city's or county's website for upcoming meetings, which should also give you access to minutes from previous meetings. For instance, the City of Golden website has a Government tab¹² where you can select agendas, meeting minutes, legal notices, and schedules. Some jurisdictions allow you to sign up for their newsletter, which should include notices of upcoming meetings and proposed ordinances as well.

Secondary Sources

Westlaw has an entry for Municipal Law under Practice Areas. From here, you can access Secondary Sources to find such resources



as American Law Reports—Municipal Law; Local Government Law; McQuillin's Municipal Law Report; Municipal Legal Forms; model municipal ordinances; and West's guide to State and Local Government Civil Rights Liability. You can also search the *Colorado Lawyer* archives on Westlaw for articles related to municipal or local government law.

If you have a Lexis subscription, instead of Municipal Law, you'll want to select Governments under Practice Areas. Here, you will find Antieau on Local Government Law, Second Edition; the City Manager's Desk Reference; Insurance and Risk Management for State and Local Governments; several entries on public procurement; and several municipal/local law handbooks for other states.

The Westminster Law Library at the University of Denver and the William A. Wise Law Library at the University of Colorado-Boulder have a print copy of *The Law of Municipal Corporations* by Eugene McQuillin, the preeminent treatise on local government law. They also have back issues of *Colorado Lawyer*. The Colorado Supreme Court Library also responds to reference requests.¹³

State Programs and Factual Research

If you need to go beyond codes, deeds, and licenses to support your arguments, there are several resources that have collected and made available various forms of statistical information.

Denver-Aurora-Lakewood, CO Metropolitan Area Unemployment Rate Trends (% change)

The unemployment rate in the Denver-Aurora-Lakewood, CO
 Metropolitan Area, metro area was 2.4%
 In November 2019, 0.1%

 higher than last month, and lower by 1.2% from
 a year ago.

 Compared to national and state unemployment rates, the Denver-Aurora-Lakewood, CO Metropolitan Area, Emetro area unemployment rate in November 2019 was lower by 1.1% than the U.S. Erate of 3.5%, and lower by 0% than the Colorado state unemployment rate Eof 2.4%.

 Total employment in the Denver-Aurora-Lakewood, CO Metropolitan Area, metro area increased by 2.6% [](113 less persons employed) over the past quarter, and increased by 3.6% (1347306 less) over the past year.

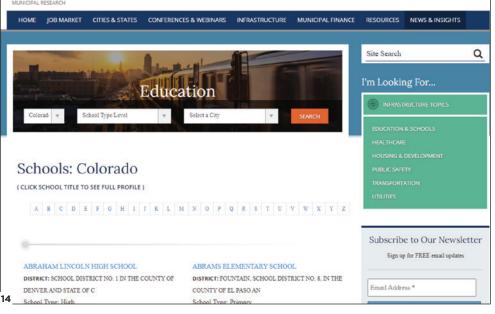
 The Denver-Aurora-Lakewood, CO Metropolitan Area, metro area has an employable civilian labor force
 [employed + unemployed persons age 16 and older) of 1,688,087 persons.

 The Denver-Aurora-Lakewood, CO Metropolitan Area, metro area labor force shrunk by 1.3% (32533 [persons) over the past quarter, and shrunk by 2.7% (35477 persons) over [] the past year.



DEPARTMENTS | LEGAL RESEARCH CORNER





The Department of Local Affairs (DOLA) is the home of the Division of Local Government.¹⁴ In addition to serving as a point of contact for local leaders to work with the state government, it provides a host of information on its website, including demographic data, land use surveys, model codes, budgets, sample sustainability plans, training resources, and most recently the 2020 Prison Use Study commissioned by the General Assembly.

MuniNet Guide¹⁵ is an online publication provided by MuniNet LLC, a private organiza-

tion, that provides the following information for free for a range of jurisdictions:

- employment data¹⁶ 12
- demographics¹⁷ 13
- education, healthcare, housing, public safety, transportation, and utilities data.¹⁸

Conclusion

When researching local government issues, it's best to just dive in and explore the resources described above, bookmarking those that seem to have bearing on your practice area so that the next time a question arises, you'll already know where to look. If you're still in doubt, contact a reference librarian at the William A. Wise Law Library (lawref@colorado.edu) or the Westminster Law Library (help@law-du. libanswers.com), and we'll be happy to suggest new search strategies and resources.



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DePaul University College of Law and a Master's in Library and Information Science from the University of Illinois School of Information Sciences. Before becoming a law librarian, Whitlow worked as a prosecutor for the City of Chicago and as a staff attorney for the Illinois General Assembly's Legislative Reference Bureau.

Coordinating Editor: Robert Linz, robert. linz@colorado.edu

NOTES

- 1. https://dola.colorado.gov/lgis.
- 2. https://demography.dola.colorado.gov/ CO_SpecialDistrict.
- 3. https://library.municode.com/co.
- 4. https://librarysupport.municode.com/
- articles/32271-advanced-search-options.
- 5. https://www.codebook.com/listing/#CO.
- 6. https://codelibrary.amlegal.com/regions/co.
- 7. https://history.denverlibrary.org.
- 8. https://lawcollections.colorado.edu/ colorado-municipal-codes.

9. https://www.cml.org/home/advocacy-legal/ Colorado-Laws-Enacted.

 https://www.cml.org/home/advocacy-legal.
 https://www.cml.org/home/advocacy-legal/ statehouse-report/cml-bill-list.

 https://www.cityofgolden.net/government.
 https://cscl.colibraries.org/colorado-judicialbranch.

14. https://cdola.colorado.gov/localgovernment.

15. https://muninetguide.com.

16. https://muninetguide.com/job-market/ employment-data.

17. https://muninetguide.com/demographic/ colorado.

18. https://muninetguide.com/infrastructure.