

ORDINANCE NO. 8043

AN EMERGENCY ORDINANCE AMENDING CHAPTER 10-12 "MOBILE HOMES" ADDING A NEW SECTION 10-12-25 "LIMITATION ON THE PROHIBITION OF SALES," ADDING A SECTION 10-12-26 "LIMITATION ON REQUIRED UPGRADES TO EXISTING MOBILE HOMES," AMENDING SECTION 10-12-2 TO ADD DEFINITIONS, AMENDING SECTION 10-12-3 TO MAKE SECTION 10-12-25 APPLICABLE TO ALL MOBILE HOME PARKS, AMENDING SECTION 10-12-4 TO PROVIDE FOR ADMINISTRATIVE REMEDIES AND SETTING FORTH RELATED DETAILS.

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

Section 1. A new Section 10-12-25 is added as follows:

10-12-25. – Limitation on the Prohibition Sales of Mobile Homes

- (a) No person, including without limitation a park owner, shall prohibit the sale of a mobile home or require an owner of a mobile home within a mobile home park to remove a mobile home from the park at the time such mobile home is sold provided that the purchaser shall enter into and be bound by the rental agreement of the park owner.
- (b) All mobile homes not constructed in compliance with United States Department of Housing and Urban Development regulations shall be inspected no more than six months prior to the proposed sale, which inspection shall be conducted by an appropriately licensed inspector using the City of Boulder Baseline Inspection Checklist (as modified). The city manager shall publish a modified City of Boulder Baseline Checklist suitable for mobile home inspection, which shall include a review of the installation and placement of the home. The seller of any such mobile home shall provide a copy of the inspection report to the buyer of the home, before a sale is completed.
- (c) Any purchaser of a mobile home sold by a resident may become a resident of the mobile home park provided the purchaser meets the entry requirements for the mobile home park that are applied by the park owner equally to all purchasers and prospective residents so long as such requirements are not in violation of federal or state law and have previously been provided to the resident. If the park owner denies approval to a purchaser, the park owner shall, in writing, state the reason for such disapproval. Such statement shall be delivered to the resident and the purchaser within ten days after the park owner receives the completed application of the purchaser or prospective resident. Failure to deliver such notification within ten days shall be deemed to be approval.

Section 2. A new Section 10-12-26 is added as follows:

10-12-26. Limitation on Required Upgrades to Existing Mobile Homes

1 No person, including without limitation a park owner, shall require a resident to make
2 improvements to a mobile home provided, however, that the term "improvement" does not
3 include maintenance, repair and upkeep associated with ensuring that the mobile home's exterior
4 condition complies with the park's rules and regulations, if the home owner agreed to abide by
such rules and regulations as part of a rental agreement, and the rental agreement and rules and
regulations are not in conflict with Federal or State law.

5 Section 3. Section 10-12-2 B.R.C. 1981 is amended to read as follows:

6 **10-12-2. - Definitions.**

7 The following words used in this chapter have the following meanings unless the context clearly
8 indicates otherwise:

9 Accessory structure means any structural addition to a mobile home or a mobile home space,
including without limitation, awnings, carports, porches, storage cabinets and similar appurtenant
structures.

10 Camper means a unit containing cooking or sleeping facilities that is designed to be loaded onto
11 or affixed to the bed or chassis of a truck to provide temporary living quarters for recreational
camping or travel use.

12 Mobile home means a transportable, single-family dwelling unit, suitable for year-round
13 occupancy that contains the same water supply, waste disposal and electrical conveniences as
14 immobile housing, that has no foundation other than wheels or removable jacks for conveyance
15 on highways, and that may be transported to a site as one or more modules, but the term does not
include "travel trailers," "campers," "camper buses," or "motor homes," or modular homes
designed to be placed on a foundation.

16 Mobile home park means any lot or tract of land designed, used, or intended to provide a
17 location or accommodation for one or more mobile homes and upon which any mobile home or
18 homes are parked or located, whether or not the lot or tract or any part thereof is held or operated
for profit, but the term excludes automobile or mobile homes sales lots on which mobile homes
are parked only for inspection and sale.

19 Mobile home space means a plot of ground within a mobile home park designed for the
20 accommodation of one mobile home and its accessory structures.

21 Motor home means a motor vehicle containing cooking or sleeping facilities and designed as
22 temporary living quarters for recreational camping or travel use and includes, without limitation,
vehicles designated as "camper buses" and those that may have been originally designed for use
as vans or buses but that have been converted to use as living quarters.

23 Park owner means the owner of a mobile home park, or any agent, representative or employee of
24 an owner of a mobile home park.

25 Resident means the owner of a mobile home located in a mobile home park with a valid lease
agreement.

1 Section 3. Section 10-12-3 B.R.C. 1981 is amended to read:

2 **10-12-3. - Application of Chapter to Existing Mobile Homes and Mobile Home Parks.**

- 3 (a) Any mobile home park in existence in the city on July 5, 1973, or annexed to the city after
4 such date that complies with all applicable legal requirements then in effect is deemed to be
5 legally nonconforming and is not subject to the provisions of this chapter except those
6 concerning blocking and tying down of mobile homes (Section 10-12-8, "Blocking and
7 Tie-Down Required," B.R.C. 1981), use of gas fuel, and fire protection (paragraphs 10-12-
8 21(a)(7), (a)(8) and (a)(10), B.R.C. 1981), limitation on park owner's right to prohibit sales
9 (Section 10-12-25) and limitation on required upgrades to existing mobile homes (Section
10 10-12-26). But any person who alters or extends such a legally nonconforming mobile
11 home park shall conform to all applicable provisions of this chapter for such alterations and
12 extensions.
13 (b) An individual mobile home may be replaced or relocated within a legally nonconforming
14 mobile home park if such mobile home is blocked and tied down in compliance with the
15 requirements of Section 10-12-8, "Blocking and Tie-Down Required," B.R.C. 1981, and if
16 gas connections are made in compliance with the requirements of paragraphs 10-12-
17 21(a)(7) and (a)(8), B.R.C. 1981.
18 (c) Any mobile home in existence in the city on July 5, 1973 or annexed to the city after such
19 date that complied with all applicable legal requirements then in effect is considered to be
20 legally nonconforming and is not subject to the provisions of this chapter except the
21 requirements relating to blocking and tying down of mobile homes (Section 10-12-8,
22 "Blocking and Tie-Down Required," B.R.C. 1981).
23 (d) If any such legally nonconforming mobile home is removed from its location, whether
24 within a mobile home park or elsewhere, the mobile home may not be replaced or relocated
25 except in conformity with all applicable requirements of this chapter. If the use of such a
26 legally nonconforming mobile home is discontinued for a period of twelve consecutive
27 months or more, no person shall occupy the mobile home until it conforms with all
28 requirements of this chapter.
29 (e) No person may replace an existing mobile home located on a mobile home space that is not
30 large enough to provide the minimum requirements of Section 9-7-13, "Mobile Home Park
31 Form and Bulk Standards," B.R.C. 1981, by a larger mobile home, but such person may
32 replace such existing mobile home with a mobile home of the same or smaller length and
33 width dimensions.
34 (f) No person shall replace an existing mobile home located on a lot outside a mobile home
35 park with a larger mobile home, but such person may replace such mobile home with a
36 mobile home of the same or smaller length and width, if the replacement is made within
37 thirty days after the removal of the existing mobile home.

38 Section 4. Section 10-12-4 B.R.C. 1981 is amended to read:

1 **10-12-4. - Enforcement.**

2 (a) The city manager may enter any mobile home park in the city to inspect and investigate
3 conditions relating to the enforcement of this chapter at all reasonable times.

4 (b) For alleged violations of the provisions of this chapter, other than Section 10-12-25,
5 "Limitation on Prohibition of Sales," B.R.C. 1981 and Section 10-12-26 "Limitation on
6 Required Upgrades to Existing Mobile Homes", Whenever, after inspection of any
7 mobile home or mobile home park, the city manager finds any violation of this chapter, the
8 manager shall give to the owner of the mobile home or the mobile home park a notice that
9 specifies:

10 (1) The provisions of this chapter that are alleged to be violated;

11 (2) A reasonable period of time in which to correct the alleged violation; and

12 (3) The right to appeal the violation notice within thirty days from the date of its
13 issuance to the board of zoning adjustment or board of building appeals under
14 the procedures prescribed by Section 10-12-24, "Appeals and Variances," and
15 Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.

16 (c) The city manager shall reinspect the mobile home or the mobile home park for which a
17 notice of violation was issued upon expiration of the period of time stated in the violation
18 notice for correction of the alleged violation.

19 (d) For alleged violations of Section 10-12-25 B.R.C. 1981("Limitation on Park Owner's Right
20 to Prohibit Sales")-and Section 10-12-26 B.R.C. 1981 ("Limitations on Required Upgrades
21 to Mobile Homes"):

22 (1) If the city manager finds that a violation of any provision of Section 10-12-25 or
23 Section 10-12-26, the manager, shall issue a notice of violation and provide an
24 opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-
25 Judicial Hearings," B.R.C. 1981,

(2) If after hearing all of the evidence, the city manager finds a violation, the city
manager may take any one or more of the following action to remedy the
violation:

(A) Impose a civil penalty of not more than \$2000 per violation; or

(B) Issue an order reasonably calculated to ensure compliance with the
provisions of Section 10-12-25 or Section 10-12-26.

(3) No person shall fail to comply with any action taken by the manager under this
section.

1 (4) The city attorney is authorized to bring a civil action to enforce any order issued
2 by the city manager under this section. If the city is the prevailing party in such
3 civil action, the defendant shall be responsible for the city's costs and attorneys'
4 fees.

5 (5) Criminal Penalties. Violations Section 10-12-25 or Section 10-12-26 also are
6 punishable as provided in Section 5-2-4, "General Penalties," B.R.C. 1981.

7 (6) Any person injured by a violation of any provision of Section 10-12-25 or
8 section 10-12-26 may maintain an action for damages, declaratory relief,
9 specific performance, injunction or any other appropriate relief in the District
10 Court in and for the County of Boulder against the person causing the violation.
11 If a plaintiff, who was a resident at the time of the cause of action arose,
12 prevails, plaintiff shall be entitled to an award of attorney's fees. Upon filing
13 such an action, plaintiff shall send notice thereof to the city, but nothing in this
14 title authorizes the city or its employees or agents to be named as a defendant in
15 such litigation.

16 Section 5. A new Section 10-12-27 is added as follows:

17 **10-12-27. Trees.**

18 Trees in mobile home parks are the responsibility of park owners. No park owner shall
19 require a resident to bear the expense of maintenance of trees in a mobile home park.

20 Section 6. This ordinance is necessary to protect the public health, safety, and welfare of
21 the residents of the city, and covers matters of local concern.

22 Section 7. The City Council deems it appropriate that this ordinance be published by title
23 only and orders that copies of this ordinance be made available in the office of the city clerk for
24 public inspection and acquisition.

25 Section 8. The City Council finds this ordinance is necessary to protect mobile home
owners in the city of Boulder for the immediate preservation of public peace, health, safety, and
property justifying the adoption of this ordinance as an emergency measure. This ordinance
shall become effective immediately.

1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 21st day of April, 2015.

3
4 
Mayor

5 Attest:

6 
7 City Clerk

8 READ ON SECOND READING, PASSED, AMENDED, AND ORDERED
9 PUBLISHED BY TITLE ONLY this 16th day of June, 2015.

10
11 
Mayor

12 Attest:

13 
14 City Clerk

15 READ ON THIRD READING, AMENDED, PASSED BY A TWO-THIRDS VOTE OF
16 COUNCIL MEMBERS PRESENT, ADOPTED AS AN EMERGENCY MEASURE, AND
17 ORDERED BY TITLE ONLY this 28th day of July, 2015.

18
19 
20 Mayor

21 Attest:

22 
23 City Clerk