ORDINANCE 8119

AN ORDINANCE AMENDING TITLE 4 "LICENSES AND PERMITS" BY ADDING A NEW SECTION 4-20-69 "COOPERATIVE HOUSING LICENSE FEE"; AMENDING TITLE 9 "LAND USE CODE" BY AMENDING TABLE 6-1 TO MAKE COOPERATIVE HOUSING AN ALLOWED USE IN CERTAIN ZONE DISTRICTS; BY AMENDING SECTION 9-6-3, ELIMINATING THE REQUIREMENT OF A SPECIAL USE PERMIT FOR COOPERATIVE HOUSING; BY AMENDING SECTION 9-8-5 TO PROVIDE FOR SPECIFIC OCCUPANCY LIMITATION FOR COOPERATIVE HOUSING UNITS; BY AMENDING SECTION 9-16-1 TO ADD NEW DEFINITIONS; BY AMENDING TITLE 10 "STRUCTURES" BY ADDING A NEW CHAPTER 11 "COOPERATIVE HOUSING" ESTABLISHING REQUIREMENTS FOR LICENSING HOUSING COOPERATIVES AND SETTING FORTH RELATED DETAILS.

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

Section 1. A new Section 4-20-69 is added as follows:

4-20-69. - Cooperative Housing License Fee.

The following fees shall be paid before the city manager issues, renews or recertifies a cooperative housing license or renew a rental license:

(a) $645 per license or renewal.

(b) To cover the cost of investigative inspections, the city manager will assess to licensees a $250 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of Chapter 10-11 "Cooperative Housing," B.R.C. 1981.

Section 2. Section 4-23-2 is amended as follows:

4-23-2. - Permit Issuance.

(a) Upon designation of a neighborhood permit parking zone pursuant to section 2-2-15, "Neighborhood Permit Parking Zones," B.R.C. 1981, the city manager shall issue parking...
permits for vehicles owned by or in the custody of and regularly used by residents of such zone, 
by persons employed by a business located within such zone, and, if provided in the zone, by 
individual nonresidents upon receipt of a completed application therefor and payment of the fees 

(b) A vehicle displaying a valid permit issued pursuant to this section may be parked 
in the zone specified in the permit without regard to the time limits prescribed for the zone.

(c) No more than two resident permits shall be in effect at any time for any person. 
No person shall be deemed a resident of more than one zone, and no more than one permit may 
be issued for any one vehicle even if persons residing in different zones share ownership or use. 
Provided, however, that no more than a total of three resident permits may be issued for any 
dwelling unit housing a group of persons or organization licensed pursuant to Section 10-11-3, 

(d) Resident permits issued under this section shall be specific for a single vehicle, 
shall not be transferred, and shall be displayed thereon only as the manager by regulation may 
prescribe. The permittee shall remove the permit from the vehicle if the vehicle is sold, leased or 
no longer in the custody of the permittee.

(e) Business, for the purpose of this chapter, includes nonresidential institutions, but 
does not include home occupations. Three business employee permits may be in effect at any 
time for any business without regard to number of employees or off-street parking. In the 
alternative, upon application by the manager of the business, the city manager may issue 
employee permits to a business according to the following formula: half of the number of full-
time equivalent employees minus the number of off-street parking spaces under the control of the 
business at that location equals the maximum number of employee permits for the business. Full-
time equivalent employees of the business are calculated based upon one such employee for
every full forty hours worked at that location by employees of the business within the periods of
time in a week during which the neighborhood permit parking restrictions are in effect. On its
application, the employer shall designate the employee vehicles, not to exceed the number
allowed, for which each permit is valid. A business permit is valid only for the vehicles listed
thereon, and shall be displayed on the vehicle for which the permit is being used only as the
manager by regulation may prescribe.

(f) The manager shall by regulation declare when the permit year shall begin for each
neighborhood parking permit zone. Permits issued based on new applications submitted during
the last month of a permit year shall also be valid for the succeeding permit year. Otherwise there
shall be no proration of the fee.

(g) In considering applications for resident permits, the manager may require proof
that the applicant has a legal right to possession of the premises claimed as a residence. If the
manager has probable cause to believe that the occupancy limitations of Subsection 9-8-5(a),
B.R.C. 1981, are being violated, no further permits shall be issued under this section for the
residence in question until the occupancy thereof is brought into compliance.

(h) If the permit or the portion of the vehicle to which a resident permit has been
affixed is damaged such that it must be replaced, the permittee, upon application therefor, shall
be issued a replacement at a prorated cost. The manager may require display of the damaged
permit before a new permit is issued.

(i) No person shall use or display any permit issued under this section in violation of
any provision of this code.
(j) The maximum number of nonresident permits issued on any given block face within a zone shall be four. In addition, if the manager determines that the average daily percentage of unoccupied neighborhood parking spaces, on block faces where commuter permits have been allocated, drops below twenty-five percent for four consecutive hours between the hours of 9:00 a.m. and 5:00 p.m. of any given weekday, then the manager shall reduce the number of commuter permits by a number estimated to maintain an average daily percentage of unoccupied neighborhood parking spaces of twenty-five percent. But for any part of Goss Street or Circle, Grove Street or Circle or the portions of 16th Street through 23rd Street between Arapahoe Avenue and Canyon Boulevard, included within any neighborhood parking permit zone, the average daily percentage of unoccupied neighborhood parking spaces which must be maintained without reduction in commuter permits shall be fifteen percent. The manager may also, for this Goss-Grove zone, allocate commuter permits initially to educational institutions and organizations representing postal workers in rough proportion to the needs of these groups. Such groups may renew such permits. Distribution of such permits by such groups to their clientele shall be at a price not to exceed the cost of the permit.

Section 3. Section 4-23-3 is amended as follows:

4-23-3. - Guest Permits.

Residents issued a permit pursuant to this chapter may obtain two two-week permits per year for use by houseguests of the permittee. The permit shall be indelibly marked in the space provided thereon with the date of its first use. The permit shall thereafter be valid only for the succeeding thirteen consecutive days. The manager may by regulation define the circumstances under which additional guest permits may be issued in cases of reasonable need consistent with residential use of the dwelling. Provided, however, that no more than a total of six two-week
guest permits per year may be issued for any dwelling unit licensed pursuant to Section 10-11-3,


Section 2. Table 9-6-1 is amended as set forth in an attachment A: to strike the line
reading "Cooperative Housing Units."

Section 3. Section 9-6-3(b) is repealed and subsequent sections are renumbered.

Section 4. Section 9-8-5 is amended as follows:

9-8-5. - Occupancy of Dwelling Units.

(a) General Occupancy Restrictions: Subject to the provisions of Chapter 10-2,
"Property Maintenance Code," B.R.C. 1981, no persons except the following persons shall
occupy a dwelling unit:

(1) Members of a family plus one or two roomers. The quarters that the roomers use
shall not exceed one-third of the total floor area of the dwelling unit and shall not be a separate
dwelling unit;

(2) Up to three persons in P, A, RR, RE, and RL zones;

(3) Up to four persons in MU, RM, RMX, RH, BT, BC, BMS, BR, DT, IS, IG, IM,
and IMS zones; or

(4) Two persons and any of their children by blood, marriage, guardianship, including
foster children, or adoption.

(b) Accessory Dwelling Unit, Owner's Accessory Unit, or Limited Accessory
Dwelling Unit: The occupancy of an accessory dwelling unit, owner's accessory unit, or limited
accessory dwelling unit must meet the requirements of Subsection 9-6-3(a), B.R.C. 1981.
(c) Nonconformity: A dwelling unit that has a legally established occupancy higher than the occupancy level allowed by Subsection (a) of this section may maintain such occupancy of the dwelling unit as a nonconforming use, subject to the following:

(1) The higher occupancy level was established because of a rezoning of the property, an ordinance change affecting the property, or other city approval;


(3) Units with an occupancy greater than four unrelated persons shall not exceed a total occupancy of the dwelling unit of one person per bedroom;


(5) If a property owner intends to sell a dwelling unit with a non-conforming occupancy that exceeds the occupancy limits in Subsection 9-8-5(a), B.R.C. 1981, every such contract for the purchase and sale of a dwelling unit shall contain a disclosure statement that indicates the allowable occupancy of the dwelling unit.

(d) A dwelling unit licensed as a Cooperative Housing Unit pursuant to Section 10-11-3 "Cooperative Housing Licenses," B.R.C. 1981, shall not be subject to the occupancy limits or any exceptions as set forth in this section. All such dwelling units shall be limited to no fewer than four occupants with the maximum number of occupants, without regard to whether the occupants are related or not, as follows:

(1) In the Rural Residential, Residential Estate and Residential Low Density zone districts to no more than 12 occupants, provided, however that occupancy shall not exceed more than one person per 200 square feet of habitable space;
(2) In all other zone districts to no more than 15 occupants provided, however that occupancy shall not exceed more than one person per 200 square feet of habitable space:

(3) The city manager may authorize a greater number of occupants in any Cooperative Housing Unit that is deed restricted as permanently affordable if the planning board after a public hearing recommends a greater number. Before making any such recommendation, the planning board shall consider the potential impacts on the surrounding community, the number of residents proposed, the proposed habitable square feet per person, the available off-street parking, and the mission of the cooperative.

(ed) Prohibition: No person shall occupy a dwelling unit in violation of this section or intentionally or negligently misrepresent the permitted occupancy of a dwelling unit in violation of this section.

Section 5. Section 9-16-1 is amended by amending the definition of “Cooperative Housing Unit” as follows:

Cooperative Housing Unit has the same meaning as set forth in Section 10-1-1, “Definitions,” B.R.C. 1981, means an individual building for cooperative living that meets the criteria for such units set forth in Subsection 9-6-3(b), B.R.C. 1981.

Section 6. The following new definitions are added to Section 10-1-1:

Area Median Income shall have the same meaning as set forth in Section 9-16-1, “General Definitions,” B.R.C. 1981

Block Face includes all dwelling units with addresses on either side of a street bounded by street perpendicular to the street on which the houses have addresses.

Cooperative means a housing arrangement in which residents share expenses, ownership or labor.
Cooperative Housing Unit means a dwelling unit in a Private Equity, Not-for-Profit, Permanently Affordable Cooperative or Rental Cooperative.

Expert Cooperative Housing Organization means an organization recognized by the city manager as having experience and expertise in the formation, operation and organization of cooperative housing units.

Not-for-Profit Permanently Affordable Cooperative means a cooperative that is owned by a not-for-profit organization with a housing focused mission, which is tax exempt under Section 501(c)(3) of the Internal Revenue Code.

Private Equity Cooperative means a cooperative in which at least two-thirds of the adult non-dependent residents own an interest in the property or of the organization that owns the property, at least two-thirds of the individuals who own an interest in the property or the organization that owns the property are also residents of the property, and the owner-residents hold a controlling ownership interest in the property or the organization that owns the property.

A organization recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code may own a minority interest in the property.

Rental Cooperative means a cooperative in which more than one-third of the residents do not have a direct or indirect ownership interest in the property in which the cooperative operates.

Section 7. Title 10 is amended to add a new Chapter 11 as follows:

Chapter 11 Cooperative Housing

10-11-1. - Legislative Intent.

(a) The City Council intends to facilitate cooperative living arrangements. The Council finds that cooperative living arrangements can provide an affordable alternative for living in Boulder. In addition, cooperative arrangements can provide supportive and fulfilling community
for their residents. The City Council seeks to balance the benefits of cooperative living against
the impacts from the increased density that comes along with cooperative living. The City
Council also is concerned about cooperatives competing in a tight housing market with families
seeking single family homes. The City Council intends to monitor the implementation and
effects of this ordinance.

(b) The City Council intends that all licensed cooperatives be legitimate cooperatives. A
legitimate cooperative is a group living arrangement in which the residents have a high degree of
social cohesion and teamwork. The residents typically govern through consensus and share
responsibilities and resources. New members are typically selected by the community's existing
membership, rather than by real estate agents, property managers or non-resident landowners.

10-11-2. - Cooperative License Required Before Occupancy.

No person shall occupy, allow, or offer to allow through advertisement or otherwise, any
person to occupy any cooperative housing unit unless the cooperative housing unit has been
issued a valid cooperative housing license by the city manager. Nothing in this chapter shall
relieve any person of the obligation to comply with any other requirement of this code,
including, but not limited to the requirements of Chapter 10-3 “Rental Licenses,” B.R.C. 1981,
the requirements of Chapter 10-2, "Property Maintenance Code," Appendix C - "Energy
Efficiency Requirements," B.R.C. 1981 and the requirements of Section 10-2-2 “Adoption of

10-11-3. - Cooperative Housing Licenses.

(a) License terms shall be as follows:

(1) Licenses shall expire four years from issuance or when ownership of the licensed
property is transferred.
(A) In addition to any other applicable requirements, new licenses and renewals shall require that the licensee submit to the city manager a completed current baseline (for a new license) or renewal inspection report, on forms provided by the City. The report shall satisfy the following requirements:


(ii) The section of the report concerning smoke and carbon monoxide alarms must be executed by the operator certifying that the operator inspected the smoke and carbon monoxide alarms in the licensed property and that they complied with the requirements of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

(iii) The section of the report concerning trash removal must be executed by the operator certifying that the operator has a current valid contract with a commercial trash hauler for removal of accumulated trash from the licensed property in accordance with Subsection 6-3-3(b), B.R.C. 1981.

(b) Whenever an existing license is renewed, the renewal license shall be effective from the date of expiration of the last license if the applicant submits a complete renewal application by or within ninety days from the expiration date. Licenses not renewed within ninety days will be considered expired, requiring a new baseline inspection report.

(c) The city manager shall issue no more than ten new cooperative housing licenses in any calendar year. Provided, however, if in any calendar year, after the city manager issued ten licenses, there are fewer than two licenses issued to not-for-profit permanently affordable
cooperatives, private equity cooperatives or rental cooperatives, the city manager may issue
sufficient additional license so that there are at least two licensees issued in each category up to a
total of no more than fourteen licenses for all categories in any calendar year.

If an application for a cooperative housing unit exceeds the limits set forth in this
subparagraph (c), the city manager will place the applicant on a waiting list. Applicants on the
waiting list shall be given priority for consideration of applications in the next calendar year.

(d) The boundary of a property on which a cooperative housing unit is located shall
not be within five hundred feet from the boundary of the property on which another cooperative
housing unit is located, but the city manager may permit two cooperative housing units to be
located closer than five hundred feet apart if they are separated by a physical barrier, including,
without limitation, an arterial, a collector, a commercial district or a topographic feature that
avoids the need for dispersal. The planning department shall maintain a map showing the
locations of all cooperative housing units in the city.

(e) Any Not-for-Profit Permanently Affordable Cooperative shall be permanently
affordable. Affordability shall be measured by individual households. That is, a household
consisting either of an individual or a family. Rents charged must be affordable to households
earning no more than sixty percent of the area median income.

(f) A cooperative license may be issued to any group of natural persons or organization
formed under Colorado law. If the applicant is an organization, all owners must be natural
persons.

(g) No rental cooperative shall be located in a dwelling unit with less than 2,000 square
feet of habitable space nor in any dwelling unit that within five years prior to the application was
modified to have 2,000 square feet or more of habitable space.

(h) No cooperative shall be
located in an agricultural, industrial or public zone. Cooperatives shall be permitted in all other zone districts.

   (i) No person under 21 years of age may own an interest in a cooperative, in real property on which a cooperative is located or in an organization owning real property on which a cooperative is located.

   (j) Any cooperative in which any person resides in return for valuable compensation shall be subject to the rental licensing provisions included in Section 10-3-2, “Rental License Required Before Occupancy and License Exemptions,” B.R.C. 1981. The exceptions to the rental licensing requirements that are set forth in section 10-3-2(b) shall not apply to any dwelling unit licensed pursuant to this Chapter.

   (k) No dwelling unit licensed pursuant to this Chapter shall be licensed as or used as a short term rental.

10-11-4. - License Application Procedure for Cooperative Housing Licenses.

   (a) Only a Legitimate Cooperative may be an applicant for a cooperative housing license. A licensed cooperative may operate only with the written consent of the property owner, unless the cooperative is the owner.

   (b) Every applicant for cooperative housing license shall submit the following:

      (1) A written application for a license to the city, on official city forms provided for that purpose including:

         (A) A housing inspector's certification of baseline inspection dated within twelve months before the application. Each licensee shall submit evidence of a renewal inspection every two years. The applicant shall make a copy of the inspection form available to city staff and residents of inspected units within fourteen days of a request;
B. A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, made and verified by the applicant; Each applicant shall submit a verification under this subsection every two years;

C. A trash removal plan meeting the requirements of Subsection 6-3-3(b), B.R.C. 1981, made and verified by the applicant;

D. A parking management plan meeting the requirements of Subsection 10-11-11, B.R.C. 1981, made and verified by the applicant;

E. Evidence establishing compliance with Section 10-11-14 “Legitimate Cooperatives,” B.R.C. 1981. The city manager shall not issue a cooperative housing license unless the applicant can be certified as meeting the criteria set forth in Section 10-11-14. Each licensee shall submit evidence of compliance with Section 10-11-14 every two years; and

F. A list of all persons who have any ownership interest in any entity to be licensed.

2. All applications shall be submitted at least thirty days prior to occupancy, provided, however, that any applicant that can demonstrate operation in the same dwelling unit as a legitimate cooperative on December 6, 2016 may submit an application while in occupation of that dwelling unit.

(c) Pay all license fees prescribed by Section 4-20-69, "Cooperative Housing Fee," B.R.C. 1981, at the time of submitting the license application.

(d) Any licensee shall provide the city manager with a report of any changes in the information required by Subsection (1)(b) above within thirty days of such change.

(e) The city manager may issue a conditional approval for any group that has met the requirements of Subsections (a), (b)(1)(E), (b)(1)(F).
(f) Within thirty days after initial occupancy, the licensee shall provide to the city manager a certification that the applicant has provided to a resident of each dwelling on the block face contact information for the applicant and the organization responsible for certifying the applicant. Provided, however, that no notice shall be required to any dwelling unit more than 600 feet from the licensed cooperative.

(g) A plan showing legal bedroom spaces sufficient to accommodate the number of residents requested in the license application.

10-11-5. - License Renewal Procedure for Cooperative Housing Units.

Every licensee of a cooperative housing unit shall follow the procedures in this section when renewing an unexpired license:

(a) Pay all license fees prescribed by Section 4-20-69, "Cooperative Housing Fee," B.R.C. 1981, before the expiration of the existing license.

(b) Submit to the city manager, on forms provided by the manager:

(1) A housing inspector's certification of renewal inspection within twelve months before application. The applicant shall make a copy of the inspection form available to city staff and residents of inspected units within fourteen days of a request;

(2) A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, made and verified by the operator; and

(3) A trash removal plan meeting the requirements of Subsection 6-3-3(b), B.R.C. 1981, made and verified by the operator.

(4) A parking management plan meeting the requirements of Subsection 10-11-11, B.R.C. 1981, made and verified by the applicant.
(c) Take all reasonable steps to notify in advance all residents of the property of the date and time of the inspection. The operator shall be present and accompany the inspector throughout the inspection, unlocking and opening doors as required.

10-11-6. - Temporary License.

If the inspection shows that there are violations of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, in the building, and the applicant cannot correct the deficiencies before the housing is to be occupied (in the case of a new cooperative housing unit) or the existing license expires (in the case of a renewal), the applicant may apply, on forms specified by the city manager, for a temporary license. If the manager finds, based on the number and severity of violations, that such a temporary license would not create or continue an imminent health or safety hazard to the public or the occupants, the manager may issue a temporary license. The manager shall specify the duration of the temporary license, for a period reasonably necessary to make the needed repairs and changes. Upon receipt of an additional certificate of inspection showing correction of the deficiencies, and an additional housing license fee, the manager shall issue the cooperative housing license.

10-11-7. - License Appeals.

Any applicant denied a temporary license, or aggrieved by the period of time allowed for correction, may appeal the denial or the time for correction, or both, as provided in Section 10-2-2, Section 111 "Means of Appeal," B.R.C. 1981. As to an appeal of the time reasonably required to correct a violation, the board shall either affirm the city manager's originally prescribed time or grant a longer time to correct the alleged violation.

10-11-8. - Time of License Expiration.

Every rental license expires upon the earliest of the following dates:
(a) The expiration date on the license unless temporary authority is allowed under Section 10-11-6, "Temporary License," B.R.C. 1981, of this chapter;

(b) The effective date of any order or notice to vacate the property issued under any provision of law;

(c) The expiration of the temporary certificate of occupancy for the property if a permanent certificate of occupancy has not been issued; or

(d) The revocation of the certificate of occupancy for the property.


Applicants for any cooperative housing license, and applicants renewing an existing cooperative housing license, shall pay the license fees prescribed by Section 4-20-69, "Cooperative Housing Fee," B.R.C. 1981, upon submission of any license application.

10-11-10. - Availability of License.

No person who holds a cooperative housing license shall fail to make the license available to anyone within seventy-two hours of receiving a request. Posting of a cooperative housing license at the property is not required.


Each applicant for a cooperative housing license shall prepare a parking management plan. Approval of any such plan shall be a condition of issuance of any cooperative housing license. The plan shall limit the number of automobiles to be parked in the public right of way to three. If the cooperative housing unit is located in a Neighborhood EcoPass district, the plan shall include a requirement that each resident who licensed to drive, acquire an EcoPass.
10-11-12. - Compatibility with Neighborhoods.

Each cooperative shall at all times maintain compatibility with the neighborhood in which the cooperative is located. The licensee shall take all reasonable steps to reduce excessive parking on the public right of way and noise, trash and weeds on the property. A cooperative may be considered incompatible with the neighborhood if the city manager receives multiple complaints relating to parking on the public right of way, noise, trash or weeds in any twelve month period. Complaints from a single person shall not be sufficient to cause a property to be incompatible with the neighborhood. Prior to making any determination that a cooperative is not compatible with the neighborhood, the city manager shall provide written notice to the licensee and encourage the licensee to address the complaints with the residents of the neighborhood.

10-11-13. - Property Rights for Equity Cooperatives.

Cooperatives that are licensed pursuant to this chapter will have the following status under Title 9, “Land Use Code,” B.R.C. 1981:

(a) Equity Cooperatives. Any licensed not-for-profit permanently affordable cooperative or private equity cooperative is considered a use of land for the purposes of Chapter 9-6, “Uses of Land,” B.R.C. 1981. If the city changes its land use regulations, such cooperatives may continue as non-conforming uses under the requirements in Section 9-10-3, “Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses,” B.R.C. 1981, provided that all of the requirement of the Boulder Revised code continue to be met.

(b) Rental Cooperatives. Any licensed rental cooperative is considered a dwelling unit purposes of Chapter 9-6, “Uses of Land,” B.R.C. 1981 and not a use of land. Upon the abandonment, expiration, or revocation of such license, the property will continue to be considered a dwelling unit.

(a) All applicants for cooperative housing licenses shall demonstrate as part of the licensing process that the community to be formed will be a legitimate cooperative. A legitimate cooperative is a group of individuals or an organization formed under Colorado law that, in addition to any other criteria adopted by the city manager, has the following:

(1) a documented governance structure;
(2) a list of the number of adults and dependents;
(3) a dedicated bank account; and
(4) bylaws that provide for the following:
   (A) provisions prohibiting unlawful discrimination or harassment;
   (B) a provision requiring regular meetings of all members;
   (C) a decision-making structure;
   (D) provisions for discipline or discharge of members;
   (E) provisions for sharing of resources; and
   (F) provisions for selection of new members;
   (G) provisions for sharing information about the dedicated bank account.

(b) The city manager shall designate one or more Expert Cooperative Housing Organizations with 90 days after final adoption of this ordinance. An applicant shall seek training and certification by an Expert Cooperative Housing Organization. An applicant shall submit evidence of such training and certification as part of an application for a cooperative housing license.
10-11-15. - City Manager May Order Premises Vacated.

(a) Whenever the city manager determines that any cooperative housing unit is in violation of this chapter or of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, and has caused a summons and complaint requiring the licensee to appear in municipal court to answer the charge of violation to issue, and the summons cannot be served upon the licensee despite reasonable efforts to do so, or, having been served, the licensee has failed to appear in the municipal court to answer the charges or at any other stage in the proceedings, or, having been convicted or entered a plea of guilty or no contest, the licensee has failed to satisfy the judgment of the court or any condition of a deferred judgment, then the city manager may, after thirty days' notice and an opportunity for a hearing to the residents and the licensee, require that the premises be vacated and not be reoccupied until all of the requirements of the Property Maintenance Code and the cooperative housing code have been satisfied and a cooperative housing license is in effect. No person shall occupy any cooperative housing unit after receiving actual or constructive notice that the premises have been vacated under this section.

(b) Any notice required by this section to be given to a licensee is sufficient if sent by first class or certified mail to the address of the last known owner of the property as shown on the records of the Boulder County Assessor as of the date of mailing. Any notice to a resident required by this section is sufficient if sent by first class or certified mail to or delivered to any occupant at the address of the premises and directed to "All Residents."

(c) The remedy provided in this section is cumulative and is in addition to any other action the city manager is authorized to take.

(a) If the city manager finds that a violation of any provision of this chapter or Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to the operator and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:

(1) Impose a civil penalty according to the following schedule:

(A) For the first violation of the provision, $150.00

(B) For the second violation of the same provision, $300.00; and

(C) For the third violation of the same provision, $1,000.00;

(2) Revoke the cooperative housing license; and


(b) If notice is given to the city manager by the licensee at least forty-eight hours before the time and date set forth in the notice of hearing on any violation, other than a violation of Section 10-11-12 “Compatibility with Neighborhoods,” B.R.C. 1981, that the violation has been corrected, the manager will re-inspect the cooperative housing unit. If the manager finds that the violation has been corrected, the manager may cancel the hearing.

(c) If notice is given to the city manager by the licensee at least forty-eight hours before the time and date set forth in the notice of hearing on any violation of Section 10-11-12 “Compatibility with Neighborhoods,” B.R.C. 1981, that the licensee has scheduled a community mediation with concerned neighbors, the manager may continue the hearing until the manager receives a report regarding the conclusion of the mediation. If after reviewing a community mediation report the manager still determines a violation of the cooperative housing code, the manager may issue an order to require the licensee to correct the violation.
mediation report, if the city manager is satisfied that the cooperative housing unit meets the
requirements of Section 10-11-12 “Compatibility with Neighborhoods,” B.R.C. 1981, the city
manager may dismiss any pending complaint.

(d) The city manager’s authority under this section is in addition to any other
authority the manager has to enforce this chapter, and election of one remedy by the manager
shall not preclude resorting to any other remedy as well, provided however, the city manager
shall not seek criminal penalties for any violation of this chapter.

(e) The city manager may, in addition to taking other collection remedies, certify due
and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-
12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer for

(f) To cover the costs of investigative inspections, the city manager will assess
operators a $250.00 fee per inspection, where the city manager performs an investigative
inspection to ascertain compliance with or violations of this chapter.

10-11-17. - Authority to Issue Rules.

The city manager may adopt reasonable rules to implement this chapter.

10-11-18. - Reporting.

The city manager shall prepare an annual report to the city council regarding the
implementation and enforcement of this chapter. Council will consider the impacts of this
ordinance and make changes as necessary.

Section 8. This ordinance is necessary to protect the public health, safety, and welfare of
the residents of the city, and covers matters of local concern.
Section 9. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

Section 10. This ordinance shall be effective thirty days after final passage as provided in Charter section 18. The city manager shall be prepared to issue licenses no later than six months after final passage. The city manager shall not enforce any provision of this ordinance until applications for licenses are being accepted.

READ ON FIRST READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this 21st day of June 2016.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

READ ON SECOND READING, AMENDED AND PASSED this 4th day of October 2016.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk
READ ON THIRD READING AND PASSED this 3rd day of January 2017.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

READ ON FOURTH READING, ADOPTED AND PASSED this 17th day of January 2017.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk