

DRAFT

**TOWN OF ARRIBA
BOARD OF TRUSTEES PUBLIC HEARING
Monday, September 14, 2015
Arriba Town Hall, 711 Front Street, Arriba, CO 80804**

Call to Order Mayor Alex Flores called the hearing to order at 7:30pm. Roll call for the Arriba Town Board was read and those answering were Jody Schiffers, Caleb Brent and Marcella Flores. Will Rowe and Karen Kovar were absent.

Public Audience included Curt Price, Sandra Borden, Jeff Fike, Gerald & Carolyn Steinsiek, Ted Grundmeier, Michael Shirley, Maria Root, Lindsey Michal, Jay Spurling, Jerry Norris, Bob Schooner, Ed E. Schiffers, LaRita Sawyer, Sandy Borden, Pat Price, Rod & Dianne Child, Marilyn Lightsey, Louise Skipper, Beverley Langley, Jake Michal, Tom & Deanette Knight, and Dave Churchwell.

Proposed Mobile Home Ordinance #140 Trustee Caleb Brent read the proposed Mobile Home Ordinance #140 out loud.

Ted Grundmeier said that he had 3 items of concern, the first being if this ordinance was intended to include storage structures, not homes or any domicile, but just any storage building. Mayor Flores said no it was not. Ted Grundmeier said in that case on the page of definitions, page #6 reads: “non-conforming structure-any house or structure moved by any method.” Ted Grundmeier said he thought you would have add to it “any structure intended for human residence”, because the term is used all the way through the ordinance, it needs to be defined “a structure intended for human residence” so that it does not include storage structures.

Josie Hart said that that was a good point, and wanted to point out that the original Mobile Home Ordinance #131 has the same definition for non-conforming structures.

Ted Grundmeier said on page 2, Section 2, item f, it says: “production of a site plan including timelines for completion of all improvements and an accurate as-built septic system drawing;” Ted Grundmeier said that septic systems are not allowed in the Town of Arriba. He recommended that “as-built septic system” be taken out and replaced with “sewer system hookup”.

Ted Grundmeier said that on the 3rd page Section 10, after it says “180 days”, “per annum” needed to be added otherwise its 180 day period, and not 180 days per year.

Jay Spurling asked if this ordinance was replacing an ordinance or an addendum to an ordinance. Josie Hart said that it was replacing an ordinance. Jay Spurling said that in a few paragraphs it says “with this ordinance #131”. Josie Hart said that the “#131” needs to be removed wherever it says that in the ordinance.

Jay Spurling said that Mobile homes, modular homes and RVs were in separate classes according to state regulations and state UBC codes. He said that if the Town wants to adopt a UBC code for the Town you first have to have a building department.

With a UBC code you must have a building department with an inspector, who can actually produce and regulate the regulations on the state code.

Jay Spurling suggested breaking the Modular home, mobile home and RVs into sections within the ordinance and not tying them all together.

He said that there was no fee schedule in the ordinance, he said fee schedules should be part of the ordinance and should be announced before the ordinance is made a law.

He asked what does a non-conforming structure mean. He said that the ordinance does not fit who the Town is.

Josie Hart said that really there were 3 things that made this ordinance different than the original, the 20 year limit on mobile homes, the section regulating RVs, and more definition and clarification concerning the application process.

Jay Spurling said that things should not be Board discretion, rules should be written out in detail.

Jeff Fike said that in Section 14 it says: "in its discretion, the Town Board may-" but it doesn't say what the standard is or isn't. Jeff Fike said that it also says that in Section 15.

Mayor Flores commented how close the mobile homes are in Deer Trail.

Jay Spurling said that there was a blank page 5 in his copy of the ordinance. Josie Hart explained that half of the copies have a blank page 5 and half of them don't. She said that when she was making changes it didn't save and she printed some off, then it did save the changes and printed the rest. She said that was the only difference between the copies, they were the same word for word. Jay Spurling said that his concern was that a blank page in any ordinance was license to install anything that the Town would want to say.

Josie Hart said that she understood and that it was circulated before she could change it.

Bob Schoonover said that if people would voluntarily comply with the ordinances that would go a long way.

Adjournment Mayor Flores adjourned the hearing at 7:41pm.

TOWN OF ARRIBA
PROPOSED Ordinance #140

AN ORDINANCE REPLACING ORDINANCE 131- PERTAINING TO BRINGING MOBILE HOMES, MANUFACTURED HOMES, MODULAR HOMES, AND NON-CONFORMING STRUCTURES INTO THE TOWN OF ARRIBA, LINCOLN COUNTY, COLORADO.

WHEREAS, regulations concerning bringing mobile homes, manufactured homes, modular home and non-conforming homes into the Town of Arriba were adopted with the Town of Arriba Ordinance No. 131; and

WHEREAS, many counties, cities and towns in the state of Colorado have outlawed any mobile homes prior to 1976 manufacture in their jurisdiction and, in an effort to accommodate public sentiment that has been made clear against unsightly and dangerous mobile homes; and

WHEREAS, the modernization of, and an improved appearance and conditions within the Town of Arriba, including for parcels with mobile homes, manufactured homes, modular homes non-conforming structures, and recreational vehicles is in the best interest of the health, safety, and welfare of the citizens of the Town of Arriba, Colorado; and

WHEREAS, the health, safety and welfare of the citizens of the Town of Arriba requires that the Town Board adequately oversee and govern the placement of any mobile home, manufactured home, modular home, home on wheels, house or non-conforming structure brought into the town of Arriba and the proper use of recreational vehicles within the Town of Arriba,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO:

Section 1. Adoption

1. Application must be received, reviewed, and approved by the Town Board of Trustees of Arriba, and a valid Arriba Permit issued before any mobile home, manufactured home, modular home or non-conforming structure, can be brought in or erected in the Town of Arriba.
2. Recreational vehicles may not be used for permanent residential occupancy within the Town of Arriba.

Section 2. Application, requirements and compliance

For each mobile home, space or parcel, there shall be provided:

1. A permit obtained through the clerk of the Town of Arriba after approval of an Application by the Town Board.

2. No mobile home, manufactured home, modular home, house or non-conforming structure shall be brought into the town of Arriba, or placed upon any parcel within the town of Arriba without first obtaining the following:
 - a) A completed application for a permit from the town Clerk and payment of the requisite permit fee as set by the Town Board;
 - b) Provision and deposits made for hookup of water;
 - c) Provision and deposit made for .hookup of sewer;
 - d) Provision for natural gas, electric or propane;
 - e) Provision made for tie down of the structure according to state guidelines;
 - f) Production of a site plan including timelines for completion of all improvements and an accurate as-built septic system drawing;
 - g) Approval of the application by the Town Board; and, Posting of a valid Arriba town permit on the site of the property.
3. After obtaining all permits, a maximum of one mobile home, manufactured home, modular home, house or non-conforming structure is permitted per each parcel. No other residential, commercial or industrial structure may be located on the parcel to be occupied by the aforementioned structure, without prior written expressed consent of the Town Board. If the applicant is applying for multiple mobile homes, they must obtain a permit for each additional unit, with a site plan and provision for all services.
4. Prior to receiving applicable permit(s), Applicant must submit a site plan which shall show the structure placement, with a setback of at least 10 feet from the front property line and at least 15 feet from the side and back of any property line, building or structures, must be submitted to the Town Clerk, and approved by the Board of Trustees of the Town of Arriba.
5. The site plan shall include provision for landings at exit doors a minimum of 36 inches by 36 inches and shall in all other respects comply with and be in accordance with the uniform building code in effect at the time of application. In the case of conflict between the uniform building code and this Ordinance #131, the uniform building code shall apply.
6. The site plan shall show an address that conforms to the town's addressing policy and shall be displayed on the front of the structure, facing and visible from the street.
7. Any improvements described on the application and the site plan shall comply with all other applicable town, county, state, and federal regulations.

8. The site plan shall not place any mobile home, manufactured home, modular home or non-conforming structure over any public or private right of ways or easements.
9. Completion of work of the site plan checklist shall be completed within ninety days of Arriba Town Board approval. One extension may be granted by The Board of Trustees of the Town of Arriba beyond the Ninety day limit.
10. No recreational vehicle, or other motor vehicle, may be used on a parcel in the Town of Arriba for occupancy by persons for residential except on a temporary basis not to exceed one hundred eighty (180) days, which need not be consecutive, from the date it is first used for residential purposes. This does not restrict or prohibit the parking or storage of a recreational vehicle or other motor vehicle on a parcel so long as the recreational vehicle or other motor vehicle is properly licensed and registered and would otherwise be permitted on the parcel pursuant to applicable Town, local, county, state or federal law. If a recreational vehicle or other motor vehicle is used for occupancy by persons for residential purposes longer than one hundred eighty (180) days, a citation may be issued and after Notice and Hearing before the Town Judge, the offending recreational vehicle may be required to be vacated and/or removed from the Town of Arriba at the parcel owners' expense, which cost may be collected by the Town of Arriba through direct action or filed as a lien against the parcel. Failure to comply may also subject the parcel owner to a fine of up to \$50 per day, which fine may be collected by the Town of Arriba through direct action or filed as a lien against the parcel. This Provision shall not restrict a parcel owner's ability to seek a permit pursuant to the Town of Arriba "Permit Resolution Guidelines for 3 RV Units or Less".
11. If any mobile home, manufactured home, manufactured home, modular home, or any house on wheels is brought into the Town of Arriba or placed upon any parcel within the Town of Arriba without first obtaining required permit a citation may be issued and after Notice and Hearing before the Town Judge, the offending item may be required to be vacated or removed from the Town of Arriba at the parcel owners' expense, which cost may be collected by the Town of Arriba through direct action or filed as a lien against the parcel. Failure to comply may also subject the parcel owner to a fine of up to \$50 per day which fine may be collected by the Town of Arriba through direct action or filed as a lien against the parcel.
12. No mobile home, manufactured home, or modular home brought into the Town of Arriba or placed in the Town of Arriba may be older than twenty years past the date of manufacture. Any manufactured home shall bear an insignia of approval from the U.S. Department of Housing and Urban Development, and be constructed to state and federal requirements after June 15, 1976.

13. Any mobile home, manufactured home, modular home, home on wheels, house of non-conforming structure proposed to be brought into the town of Arriba must be in good repair and structurally safe.
14. The Town Board, in its discretion may, after prior public notice and publication, the cost of which shall be paid by Applicant in advance, upon good cause shown, grant a variance allowing variation from strict compliance with the specific requirements of this Ordinance #131. Any such variance shall be granted on a case-specific basis only for good cause shown and shall have no precedential or controlling effect on any other Application for any other mobile home, manufactured home, modular home, house, or non-conforming structure, brought into or erected in the Town of Arriba.
15. In its discretion, the Town Board may request additional reasonable information or evidence to be provided from the Applicant in support of the Application which may include, without limitation, photographs, inspection reports, receipts, title records and other information which the Town Board deems reasonable and convenient to aid in its determination and decision regarding the Application. In such a case, the Applicant shall provide all requested information or evidence within sixty days of the request or a response showing just cause why such information or evidence will not or cannot be provided; failure to comply within 60 days of the request shall effect a denial of the Application without prejudice.
16. The Town Board will review and assess all applications under this Ordinance within 90 days of the date of submission of a complete application. Applications shall only be approved by a majority vote of the Town Board.

Section 3. Definitions.

1. Applicant-Any property owner desiring to erect any structure, bring a mobile home, manufactured home, modular home, or any house on wheels into Arriba.
2. Town Board-Town Board shall mean the Board of Trustees for the Town of Arriba.
3. Mobile home- means a single-family dwelling built on a permanent chassis designed for long-term residential occupancy and containing complete electrical, plumbing, and sanitary facilities and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation, which is capable of being drawn over public highways as a unit, or in sections by special permit, including a factory built home on permanent chassis constructed prior to the enactment of the HUD code (ANSI A1 19.1) on June 1st, 1976, sometimes called a "trailer house" or "trailer home." Any mobile home must be designed to be used with or without a permanent foundation when connected to the required facilities water, power and sewer facilities; must have sleeping, cooking, and plumbing facilities, or any combination thereof; and must be intended for permanent human occupancy or be used for residential purposes.
4. Manufactured Home- means any pre-constructed building unit or combination of pre-constructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle, including a factory built home manufactured under the federal manufactured home construction and safety standards act. The act commonly called the HUD code (ANSI A1 19.1) went into effect June 1st, 1976. Any manufactured home brought into the Town of Arriba must be designed to be used with or without a permanent foundation when connected to the required facilities water, power and sewer facilities; must have sleeping, cooking, and plumbing facilities, or any combination thereof; and must be intended for permanent human occupancy or be used for residential purposes.
5. Modular Home-A factory built home constructed in compliance with the standards of the regional state or local building codes used by Colorado, commonly the UBC or IRC code.
6. Non-Conforming Structure-Any house or structure moved by any method.

7. Recreational vehicle means any vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel, seasonal use or in temporary locations that either 1) has its own motor power or 2) is without independent motive power and designed to be is mounted on or towed by another vehicle and that may occasionally be drawn over the public highways by a motor vehicle, and is licensed or required to be licensed as a motor vehicle by the State of Colorado. This definition includes, without limitation, camping trailers, fifth wheel trailers, motor homes, travel trailers and truck campers.

Immediately upon its passage, this Ordinance shall be recorded in the Town of Arriba Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Clerk, and shall be published as required by law.

Adopted and Approved this _____ Day of _____, 2015.

Signed _____

Attest _____

SEAL