

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF HOTCHKISS, COLORADO, AMENDING CERTAIN SECTIONS OF CHAPTER 10, ARTICLE 7 OF THE TOWN CODE

RECITALS:

A. The Town of Hotchkiss, in the County of Delta and State of Colorado (the "Town"), is a statutory Town, duly organized and existing under the laws of the State of Colorado.

B. The Board of Trustees, under its police powers, is the authority under the statutory and common law rights vested to a statutory town to enact ordinances for the preservation of the public peace, safety, or welfare.

C. The Board of Trustees wishes to update its regulations regarding Mobile Homes and Travel Home Regulations, Chapter 10, Article 7 of the Town Code.

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

Section 1. Amendment of the Town Code.

Chapter 10, Article 7, of the Town Code is hereby amended, supplemented and replaced with the provisions as outlined on Exhibit A attached hereto and incorporated herein.

Section 2. Effect.

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed, and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded, and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 3. Publication of Notice.

The Town Clerk shall publish this Ordinance upon adoption by the Town Board of Trustees.

Section 4. Severability.

The provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 5. Effective Date.

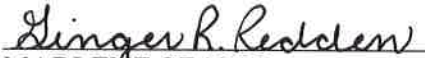
This Ordinance shall take effect on April 17, 2020.

INTRODUCED, READ, AND REFERRED to public hearing before the Board of Trustees of the Town of Hotchkiss, Colorado, this 12th day of February, 2020.

**TOWN OF HOTCHKISS, COLORADO,
MUNICIPAL CORPORATION**

By: 
LARRY WILKERING, Mayor

ATTEST:

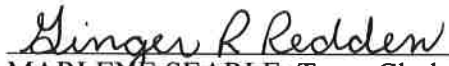

MARLENE SEARLE, Town Clerk (Deputy)
Ginger Redden

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Crawford, Colorado, this 12 day of March, 2020.

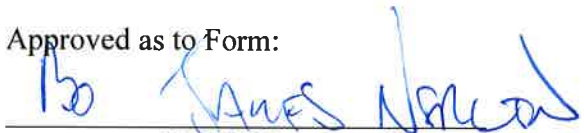
**TOWN OF HOTCHKISS, COLORADO,
MUNICIPAL CORPORATION**

By: 
LARRY WILKERING, Mayor

ATTEST:


MARLENE SEARLE, Town Clerk (Deputy)
Ginger Redden

Approved as to Form:


BO JAMES NERLIN, #40397 Town Attorney

Chapter 10-7

MOBILE HOME AND TRAVEL HOME REGULATIONS

SECTIONS:

10-7-1	Definitions.
10-7-2	Use and location of mobile homes.
10-7-3	Use and location of travel homes.
10-7-4	Permits for temporary location or occupancy of mobile homes or travel homes
10-7-5	Mobile home park development procedure.
10-7-6	Mobile home park design requirements.
10-7-7	Travel home park development procedure.
10-7-8	Travel home park design requirements.
10-7-9	Mobile home and travel home park licensing requirements.
10-7-10	Non-conforming mobile home and travel home parks.
10-7-11	Operation and maintenance of mobile home and travel home parks.
10-7-12	Administration and enforcement.

10-7-1 DEFINITIONS.

A. "MOBILE HOME" shall mean a movable or relocatable dwelling unit, transportable on its running gear but not required to be registered pursuant to Title 42, Article 3, C.R.S. 42-3, CRS, and installed either with or without a foundation designed for use as a residential dwelling; provided, however, that movable structures or prefabricated units which meet the minimum requirements of HUD Certification, shall not be defined as a mobile home for purposes of this Chapter.

1. The mobile home structure shall comply with the following requirements:
 - a. Mobile homes manufactured after June 15, 1976, shall comply with the requirements of the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC 1501, et seq.) or
 - b. Mobile homes manufactured prior to June 15, 1976, and subsequent to the effective date of the Colorado Housing Act of 1970 (C.R.S. 24-32-701, et seq.) shall comply with the requirements of said Act and all rules and regulations promulgated thereunder.
2. No mobile home manufactured more than twenty (20) years prior to the date of its importation or proposed importation into the Town will be allowed to be sited within the Town of Hotchkiss effective as of June 1, 2020.
3. All Mobile Homes shall be in good condition, safe, habitable, fit for the intended use, and the utility connections as set up shall be safe and conform

to current plumbing and electrical code requirements as adopted by the Town, and pose no safety or fire hazard. The structure will be equipped with working smoke and CO (carbon monoxide) detectors at the time of occupation.

3. Mobile homes older than twenty (20) years sited before, June 1, 2020 shall be considered nonconforming mobile homes; however, they are grandfathered and allowed to remain in the Town of Hotchkiss for so long as they are occupied in accordance with the provisions of this Chapter 10-7. If the nonconforming mobile home is replaced, it shall be properly removed, and the replacement mobile home shall be a conforming mobile home.

B. "MOBILE HOME PARK" shall mean a single site, parcel or lot operated and used for the location of two (2) or more mobile homes intended for use as residences. Provided, however, a residential subdivision approved for and occupied by mobile homes on separately platted lots shall not be deemed a mobile home park for purposes of this Chapter.

C. "TRAVEL HOME" shall mean any movable or relocatable dwelling unit, other than a "mobile home" as defined above, commonly used for temporary dwelling, travel, recreation or other purposes, including but not limited to campers, motorhomes, pick-up truck campers, RVs, trailers and trailer coaches.

D. "TRAVEL HOME PARK" shall mean a park or campground for the use of travel homes, including but not limited to campers, motorhomes, pick-up truck campers, RVs, trailers and trailer coaches.

E. "MANUFACTURED STRUCTURE" shall mean a factory fabricated structure transportable to its place of use and placed on a code approved foundation system. Building permit required.

10-7-2 USE AND LOCATION OF MOBILE HOMES.

Mobile homes may be used, occupied or located only in the following places:

- A. Stored or displayed upon a lawful mobile home sales lot if unoccupied.
- B. Used as a single-family dwelling within an authorized space in a licensed mobile home park for which an occupancy permit has been issued or, if classified as a travel home, in a licensed travel home park upon a designated space.
- C. Used as a single-family dwelling on an individual lot or tract in a use district which allows such use.
- D. Located upon property for which a permit has been issued by the Town for the temporary use of a mobile home pursuant to Section 10-7-4.

E. Used at a location where a mobile home is lawfully located, occupied or used as of the effective date of this Chapter or date of annexation to the Town, and continuously located, occupied or used thereafter, subject to the non-conforming use regulations of the Town's Land Use Code.

F. If any existing non-conforming mobile home is not occupied for a continuous one (1) year period, it may not thereafter be occupied and must be removed from the Town within ninety (90) days of due written notice from the Town, subject to appeal to the Town Council for good cause shown.

10-7-3 USE AND LOCATION OF TRAVEL HOMES.

A. Travel homes may be occupied as temporary dwellings only in the following circumstances:

1. Within a licensed travel home park upon a designated space.
2. Upon private property for temporary occupancy by out-of-town guests, for a period not to exceed thirty (30) days in any calendar year for any tract of property. Any travel home used in this manner must be located within the minimum setback requirements for the district in which it is placed. Use beyond thirty (30) days is allowed only by application and permit issued by the Town for a limited predetermined period of time, subject to Town Council approval.
3. Upon property for which a permit has been issued by the Town, pursuant to Section 10-7-4.
4. Town of Hotchkiss water may be used for not more than thirty (30) days in any calendar year. In no instance shall a travel trailer be allowed to use a Town sewer collection system.

B. Travel homes may be parked, if unoccupied, upon private property within the setbacks, or temporarily upon public streets, if registered under State law and lawfully parked; provided, however, they may not be parked to create a traffic hazard or parked on public property in substantially the same location for more than thirty-six (36) hours.

10-7-4 PERMITS FOR TEMPORARY LOCATION OR OCCUPANCY OF MOBILE HOMES OR TRAVEL HOMES.

A. An application for a permit for the temporary location and use of a mobile home or travel home upon private property shall be made in the form of a written request and an appearance before the Board of Trustees.

B. A permit for a period of up to six (6) months may be issued only under the following circumstances by the Town Council:

1. For fire protection or security purposes.
2. At a construction site during the construction period for construction related purposes.
3. For temporary dwelling purposes at carnivals, circuses, festivals or other civic events.
4. For a temporary sales office for subdivision lot or unit sales purposes during the initial subdivision development and sales period.
5. For temporary occupancy by out-of-town guests for a limited predetermined period of time.

C. The Town shall not issue any temporary permit, except for a use or location which complies with the criteria of this Section. Such permit may be revoked by the Town Council after a hearing upon reasonable notice to the applicant for a violation of any of the provisions of this Section or any other applicable ordinances or regulations of the Town or State.

10-7-5 MOBILE HOME PARK DEVELOPMENT PROCEDURE.

A. It shall be unlawful to commence the construction of any mobile home park or the enlargement of an existing mobile home park until a mobile home park construction permit has been approved by the Town Council as meeting the criteria and requirements of this Chapter and other applicable Town and State regulations.

B. Application for a mobile home park construction permit shall be made by submitting an application on forms supplied by the Town, accompanied by a site plan of the proposed mobile home park and any supporting documents, plans or drawings necessary to show that the design requirements are in compliance with Section 10-7-6.

C. The application, appropriate filing fees, site plan, and all supporting plans, calculations and reports must be submitted to the Town for review by the Town staff and the Town Planning Commission. After the receipt of the application and supporting information, the Town has thirty (30) days to prepare a report for Town Council. The Council will then review the

application at the next regularly scheduled Council meeting. The Council may approve the application, conditionally approve it, or disapprove the application if it finds that the requirements of these regulations have not been met.

D. It shall be unlawful to locate any mobile home within any mobile home park prior to the time that a license for the mobile home park, or applicable portion thereof, has been issued by the Town Council following an inspection to determine if the mobile home park, or the applicable portion thereof, has been developed in substantial conformity with the construction permit, plans and other documents as approved by the Town Council.

E. An application fee as set by the Town Council shall accompany the application for a mobile home park construction permit.

10-7-6 MOBILE HOME PARK DESIGN REQUIREMENTS.

A. Size and Location: Mobile home parks may be located only where allowed by the Town and shall be a minimum of five (5) acres in area, unless adjacent to an existing mobile home park with the aggregate area being over 5 acres. Mobile home parks containing 25 or more spaces shall abut a major or minor arterial street as designated in the Town's Major Street Plan. Mobile home parks containing less than 25 spaces shall abut a collector street or larger street as designated in the Town's Major Street Plan.

B. All mobile home parks shall, as a minimum, comply with the Regulations for mobile home parks issued by the State of Colorado, the requirements of this Chapter, and the applicable provisions of the Town Code. In the event of any conflict between the State regulations and the requirements of this Chapter or other ordinances and regulations of the Town, those regulations which are more stringent shall apply.

C. Dimensional Requirements:

1. Each mobile home space shall be shown on the site plan and may have only one mobile home located on it.
2. Each space shall have a minimum area of four thousand five hundred (4,500) square feet.
3. Mobile home park internal setbacks for individual spaces shall be as follows:
 - a. Front setback shall be a minimum of twenty-five feet (25');
 - b. Rear setbacks shall be a minimum of fifteen feet (15');
 - c. Side setbacks shall be a minimum of five feet (5').
4. Mobile home park external boundary setbacks shall be as follows:

- a. Minimum park front setback shall be twenty-five feet (25'), except when the mobile home park fronts on a State Highway; then the minimum shall be fifty feet (50');
 - b. Minimum park side setback shall be fifteen feet (15');
 - c. Minimum park rear setback shall be fifteen feet (15').
- 5. A minimum of two (2) off-street parking spaces per mobile home space shall be provided.
 - 6. All mobile home spaces shall have access only to park internal streets.
 - 7. Ten percent (10%) of the gross area of the mobile home park shall be developed and maintained as a park or playground.
- D. The mobile home park developer shall provide the following improvements:
- 1. Water systems, including fire hydrants and adequately sized mains;
 - 2. City sanitary sewer collection system;
 - 3. Paved street with a minimum paved width of thirty-six feet (36'), including the width of valley pans;
 - 4. Storm drainage system;
 - 5. Street signs, streetlights;
 - 6. Concrete valley pans three feet (3') in width and five foot (5') wide sidewalks shall be installed, as a minimum, on each side of each street;
 - 7. All mobile home spaces shall be clearly marked and numbered and shall contain, at a minimum, a level graveled, paved or concrete area on which to place the mobile home which is designed to drain away from the mobile home and contains the necessary anchors and tie-downs to secure the stability of the mobile home. Utility risers for each utility service and a yard hydrant are required for all mobile home spaces;
 - 8. Storage facilities: Conveniently located storage buildings equal to at least sixty (60) square feet per unit shall be provided to house additional personal possessions of park residents. This may be accomplished by provision of a centrally located storage building, or individual storage units on each mobile home space;

Storing areas for boats, travel trailers, campers and similar items shall be provided within the park. The minimum storage area shall equal one hundred

(100) square feet per mobile home space and shall be separated from view by fencing or landscaping.

E. Arrangements to provide public utilities including, if available, gas, electricity, telephone and cable television shall be made with the utility companies.

F. Plans for all improvements shall be submitted with the site plan. All required improvements shall comply with Town design and construction standards and specifications. Complete water distribution, sewer collection, and storm drainage systems shall be designed by a professional engineer licensed in the State of Colorado and qualified to perform such work. All drawings, calculations, and reports the Town deems necessary shall be submitted to the Town for review and approval as part of the application.

G. Easements: The Town may require reasonable utility easements to be dedicated to the public for the purpose of public and Town utilities. The Town may require the oversizing of any water and sewer lines, in which event the developer shall pay for the cost of oversizing.

H. Screening: Fencing or vegetative screening may be required if the Town Council determines a visual buffer is needed to provide separation from surrounding uses and help protect the property value of the existing neighborhood, or to improve the quality of the mobile home park.

I. Landscaping: A landscape plan shall be submitted which, at minimum, provides for the use of appropriate ground cover and vegetation to prevent erosion and reduce the creation of dust and mud, and shall include the use of other landscape materials to enhance the quality of life in the mobile home park.

J. No mobile home without a toilet, lavatory, and shower or bathing facilities shall be allowed in any mobile home park.

K. All mobile homes must be skirted with fire resistant materials except when displayed or stored upon a lawful mobile home sales lot.

10-7-7 TRAVEL HOME PARK DEVELOPMENT PROCEDURE.

A. It shall be unlawful to commence construction of any travel home park or the enlargement of an existing travel home park until a travel home park construction permit has been approved by the Town Council as meeting the criteria and requirements of this Chapter and other applicable Town and State regulations.

B. Application for a travel home park construction permit shall be made on forms supplied by the Town, accompanied by a site plan of the travel home park and any supporting documents, plans or drawings as necessary to show that the design requirements of Section 10-7-8 will be met.

C. The application, appropriate filing fees, site plan, all supporting plans, calculations and reports must be submitted to the Town for review by the Town staff, Development Review Committee and/or the Planning Commission. After the receipt of the application and supporting information, the Town has thirty (30) days to prepare a report for Town Council. The Council will then review the application at the next regularly scheduled Council meeting. The Council may approve the application, conditionally approve it, or disapprove the application if it finds that the requirements of these regulations have not been met.

It shall be unlawful to occupy any travel home within a travel home park prior to the time that a license for the travel home park, or applicable portion thereof, has been issued by the Town Council following an inspection to determine if the travel home park, or the applicable portion thereof, has been developed in substantially conformity with the site plan as approved by the Town Council. A travel home may only be occupied in an approved space.

D. An application fee as set by the Town Council shall accompany the application for a travel home park development permit.

10-7-8 TRAVEL HOME PARK DESIGN REQUIREMENTS.

A. Site and Location: Travel home parks may be located only where allowed by the Town and shall be a minimum of two (2) acres in area.

B. All travel home parks shall, as a minimum, comply with applicable State of Colorado regulations for campgrounds and recreation areas, and the requirements of this Chapter. In the event of any conflict between State regulations and the requirements of this Chapter or other Town ordinances or regulations, those regulations which are more stringent shall apply.

C. Dimensional Requirements:

1. All travel homes and any accessory structures must be kept at least fifteen feet (15') from any other travel home and accessory structure.
2. Travel home park external boundary setbacks shall be as follows:
 - a. Minimum park front setback shall be twenty-five feet (25'), except when the travel home park fronts on a State Highway; then the minimum shall be fifty feet (50');
 - b. Minimum park side setback shall be fifteen feet (15');
 - c. Minimum park rear setback shall be fifteen feet (15').
3. The number of travel homes in the travel home park shall not exceed twenty (20) travel homes per acre.
4. All travel home spaces shall be clearly marked and numbered and shall contain a minimum of one thousand five hundred (1,500) square feet.

D. Ten percent (10%) of the gross area of the travel home park shall be developed and maintained as a park or playground.

E. The travel home park developer shall provide the following improvements:

1. A water system, including fire hydrants and adequate distribution mains;
2. A Town approved sanitary sewer collection system. Town sewer system cannot be used;
3. Paved streets with a minimum width as follows:
 - a. One way/parking on one side – twenty feet (20’);
 - b. Two way/no parking – twenty-four feet (24’);
 - c. Two way/parking on one side – thirty feet (30’); and
 - d. Two way/parking on both sides – thirty-six feet (36’).
4. A Town approved storm drainage system;
5. Street signs and security lights;
6. A service building meeting the requirements of applicable State and Town regulations.

F. Plans for all improvements shall be submitted with the site plan. All required improvements shall comply with standard Town design and construction standards and specifications. Complete water distribution, sewer collection, and storm drainage systems shall be designed by a professional engineer licensed in the State of Colorado and qualified to perform such work. All drawings, calculations, and reports the Town deems necessary shall be submitted to the Town for review and approval as part of the application.

G. Easements: The Town may require reasonable utility easements to be dedicated to the public for the purpose of public and Town utilities. The Town may require the oversizing of water and sewer lines in which event the developer shall pay the cost for oversizing.

H. Screening: Fencing or vegetative screening may be required if the Town Council determines a visual buffer is needed to provide separation from surrounding uses, help protect the property values of the existing neighborhood and improve the quality of the travel home park.

I. Landscaping: A landscape plan shall be submitted which, at a minimum, provides for the use of appropriate ground cover and vegetation to prevent erosion and reduce the creation of dust and mud, and includes the use of other landscape materials to enhance the quality of life in the travel home park.

10-7-10 MOBILE HOME AND TRAVEL HOME PARK LICENSING REQUIREMENTS.

A. It is unlawful to maintain or operate any mobile home park or travel home park within the Town limits unless a license has been issued in accordance with this Section.

B. All existing mobile home parks or travel home parks shall have ninety (90) days to obtain a license following the effective date of this Section. As part of the initial license, an occupancy permit shall be issued for each mobile home lawfully located within a mobile home park at the effective date of this Section.

C. An application for a license shall be made on forms provided by the Town and shall include a scale map of the park showing all existing spaces, structures, streets, utilities and all other facilities. Physical characteristics of the site including topography, floodplain and other significant site features should be shown. Said map shall be on a scale of not less than one inch (1") equals forty feet (40').

D. No license shall be issued until an inspection is made by the Town and it is determined that the applicable requirements of this Section and other Town and State regulations are met.

E. Following a hearing, preceded by reasonable notice to licensee, any license issued pursuant to this Section may be revoked if the Town Council determines that a violation of this Chapter or other applicable Town regulations exists.

F. The license fee for each mobile home or travel home space shall be set by the Town Council.

G. Licenses obtained under this Chapter shall not be transferable to any new park owner.

10-7-10 NON-CONFORMING MOBILE HOME AND TRAVEL HOME PARKS.

A. All mobile home parks and travel home parks shall be maintained in accordance with the requirements of this Chapter, applicable State of Colorado Department of Health regulations and other applicable regulations of the Town of Hotchkiss, Colorado.

B. Any mobile home park or travel home park that, on February 13, 2020, or at the time of annexation if annexed subsequently thereto, was lawfully existing and maintained in accordance with previously applicable State, County or Town regulations and ordinances, but which does not conform or comply with all of the regulations provided for in this Chapter, may be continued to be maintained or used, but shall not be enlarged, modified or repaired except in conformity with this Section. Provided further, spaces in an existing mobile home park lawfully used or designated for travel homes on the effective date of this Chapter, may continue to be so used, and spaces in an existing travel home park lawfully used or designated for mobile homes on the effective date of this Chapter may continue to be so used. Any mobile home park or travel

home park which was previously unlawful or illegal under previously applicable regulations shall remain unlawful or illegal and subject to abatement or other enforcement action.

C. If the park is not operated for any one (1) year period, it may not thereafter be operated until it is brought into conformity with this Section.

D. No mobile home or travel home may be placed onto any space which will create or increase any non-conformity with this Chapter.

E. For lawful, non-conforming mobile home or travel home parks existing as of the effective date of this Chapter the Town Council may allow deviations from the design standards of Subsection 10-7-6 (C)(2) and (7), (D)(3), (6) and (8) or 10-7- 8 (D) and (E)(3) if it determines that the following criteria are met:

1. The deviations are compatible and consistent with the existing park, and
2. The deviation will not be inconsistent with the public health, safety and welfare, and
3. The deviation will not adversely affect the health, safety and welfare of the park customers.

All other requirements of this Chapter shall be met.

10-7-11 OPERATION AND MAINTENANCE OF MOBILE HOME AND TRAVEL HOME PARKS.

A. The park owner shall provide adequate and competent supervision and management to ensure that the park is maintained and operated in conformance with this Chapter, State regulations and other ordinances and regulations of the Town of Hotchkiss.

B. The park owner of every mobile home or travel home park shall be responsible for maintaining all facilities of the park in good repair and in safe, clean and sanitary condition.

10-7-12 ADMINISTRATION AND ENFORCEMENT.

A. The Town Council or designated representative shall have the right to enter upon any mobile home park or travel home park at any reasonable time for the purpose of inspecting the premises to determine compliance with this Chapter or other applicable ordinances and Town and State regulations.

B. It shall be unlawful for any person to violate any provision of this Chapter.

C. Any person convicted of a violation of any of the provisions of this Chapter may be sentenced to a fine of not more than three hundred dollars (\$300.00), or by a term of imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment; provided, however, no person under the age of eighteen (18) years may be sentenced to any term of imprisonment. Each day during which any violation is committed or permitted to continue shall be considered to constitute a separate offense.

D. Any violation of the provisions of this Chapter is hereby declared to be a nuisance and may be abated in accordance with law.

E. In addition to any other remedies the Town may have, it may maintain an action in a court of competent jurisdiction to enjoin any violation of or compel compliance with any provision of this Chapter.

F. The Town may refuse to issue any permits required by Town ordinance or grant water or sewer taps if the applicant is in violation of any of the provisions of this Chapter.