

ORDINANCE NO. 4 SERIES 1995

AN ORDINANCE CONCERNING THE USE OF MOBILE HOMES FOR TEMPORARY OR PERMANENT LIVING PURPOSES WITHIN THE TOWN OF JAMESTOWN, DECLARING AN EMERGENCY, AND REPEALING ORDINANCE NO. 3, SERIES 1971.

WHEREAS, the use of mobile homes, as defined herein, as temporary or permanent living quarters is regulated by ordinance No. 3; and

WHEREAS, said Ordinance No.3 has not been reviewed and updated since its adoption in 1971; and

WHEREAS, based upon changed circumstances and development since 1971, the Board of Trustees desire to adopt new regulations applicable to the use of mobile homes for temporary or permanent living quarters; and

WHEREAS, an emergency exists because of the urgent need to implement and revise procedures, standards and requirements for the issuance of water permits and the use of water within the Town relative to structures and mobile homes used for temporary and permanent living quarters.

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

Section 1. Definitions. (a) "Mobile home" means any of the following:

(1) Camper coach: an item of mounted equipment which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping quarters.

(2) Camper trailer: a wheeled vehicle without motive power which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping quarters.

(3) Motor home: a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.

(4) Recreational vehicle: a truck operated singly or in combination with a trailer, or motor home, which is used exclusively for pleasure, enjoyment or other recreational purposes, or family transportation of the owner, lessee or occupant.

(5) Trailer coach: any wheeled vehicle without motive power, which is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and which may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.

(b) The term "mobile home" shall not include a "manufactured home" as that term is defined in C.R.S. §31-23-303, as amended from time to time, nor shall it include 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 temporary or permanent locations, and which unit or units are not licensed as a vehicle, and which are listed on the general property assessment roles of Boulder County.

Section 2. Mobile Home Use for Temporary Living Purposes - When Allowed. A mobile home may be parked, placed and used on private property within the Town for the purpose of providing temporary living quarters subject to the following conditions:

(a) The use of a mobile home for temporary living quarters shall not exceed thirty (30) consecutive days or a total of sixty (60) days in any calendar year, provided, however, that the use of a mobile home for temporary living purposes in excess of 15 days shall require the owner, lessee or occupant thereof to provide the Town Clerk with written notice thereof prior to the commencement of such use.

(b) The Board of Trustees may, in its sole discretion, grant approval for the use of a mobile home for temporary emergency living quarters only for periods exceeding thirty (30) consecutive days or exceeding sixty (60) days in any calendar year.

(c) No mobile home may be occupied for temporary living quarters unless an adequate water supply and adequate sanitation facilities are furnished and available at all times to the occupants.

Section 3. Use of Mobile Home for Living Purposes - When Disallowed. No new use of a mobile home for permanent living purposes shall be established after the effective date of this ordinance.

(a) Any legally existing mobile home used for permanent living quarters which does not conform to the requirements of this ordinance, but which was lawfully placed, parked, constructed, maintained and used under the regulations and requirements in force at the time it was so placed or used, shall be deemed a nonconforming use. A nonconforming use may be continued except as otherwise provided in this section.

(b) The right to use a mobile home for permanent living quarters terminates if the nonconforming use is abandoned, discontinued, remains vacant, or the mobile home is not otherwise actively used and occupied as a permanent residence for six (6) months or more.

(c) A nonconforming use terminates when it is changed to a conforming use.

(d) A nonconforming use terminates when the mobile home used for permanent living quarters is destroyed by the intentional act of the owner or the owner's agent. A nonconforming use which has been damaged by fire or other cause, and not by the intentional act of the owner or the

owner's agent, may be restored to its original condition, provided such work is started within six (6) months of such calamity and completed within one (1) year of the time the restoration is commenced.

Section 4. Penalty. Any person who violates any provision of this ordinance shall be punished by a fine of not more than \$1,000. or by imprisonment not to exceed one year, or both such fine and imprisonment. Each day during any portion of which any violation of any provision of this Ordinance is committed, continued, or permitted by any such person shall be a separate offense.

Section 5. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion thereof are hereby repealed to the extent of such inconsistency or conflict, and specifically Ordinance No. 3, Series 1971 is hereby repealed in its entirety.

Section 6. Severability. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 7. Savings Clause. The repeal or modification of any provision of the ordinances of the Town of Jamestown by this ordinance shall not release, extinguish, alter, modify or change in whole or part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 8. Emergency Declared. The Board of Trustees finds, determines and declares that this ordinance is necessary for the immediate preservation of the public health and safety in order to allow for the timely adoption of procedures, standards and requirements for the issuance of permits for the connection and the use of water from the Jamestown waterworks system relative to structures and mobile homes within the Town and this ordinance shall take effect upon the adoption and signing by the Mayor if approved by a majority of the members of the Board of Trustees.

**INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED
PUBLISHED IN FULL THIS 1st DAY OF MAY 1995.**

Approved
Richard Minton, Mayor

ATTEST
Patsy Taylor, Town Clerk