



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: December 6, 2016**

**AGENDA TITLE:** Continued second reading and consideration of a motion to amend Ordinance 8119 intended to expand the availability of cooperative housing units by 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 9-6-1 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, amending Title 10 “Structures”, by adding a new Chapter 11 “Cooperative Housing,” establishing requirements for licensing housing cooperatives and setting forth related details.

**PRESENTERS**

Jane S. Brautigam, City Manager

Tom Carr, City Attorney

David Gehr, Deputy City Attorney

David Driskell, Executive Director, Planning, Housing and Sustainability

Susan Richstone, Deputy Director, Planning, Housing and Sustainability

Charles Ferro, Development Land Use Review Manager, Planning, Housing and Sustainability

**EXECUTIVE SUMMARY**

This is the continued second reading of Ordinance 8119. The city council held a public hearing on May 17, 2016. Public testimony concluded at approximately 11:00 p.m. Council members began a brief discussion, which concluded at 11:41 p.m. Council asked staff questions and directed staff to draft a series of amendments for consideration at a continued first reading on June 21, 2016. At the June 21, 2016 meeting, council members considered and adopted five amendments to the proposed ordinance. Council

passed the proposed ordinance, as amended, on first reading. On October 4, 2016, the city council held a second public hearing on the proposed ordinance. Again there was significant public interest. Council heard public testimony for almost three hours, concluding at 11:35 p.m. Council decided to continue its discussion of the ordinance on October 11, 2016. On October 11, 2016, council met for over four hours. Council agreed to several potential changes in the proposed ordinance. Council directed staff to revise the proposed ordinance and to return for a continued second reading. The continued second reading is scheduled for December 6, 2016.

Suggested Motion Language:

Continued second reading and consideration of a motion to amend Ordinance 8119 intended to expand the availability of cooperative housing units by 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 9-6-1 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, amending Title 10 “Structures”, by adding a new Chapter 11 “Cooperative Housing” establishing requirements for licensing housing cooperatives and setting forth related details.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic: Cooperative housing may have a positive economic impact by providing access to affordable housing. There is also the possibility that by competing for access to single family homes the existence of legal cooperatives could affect the market for such homes.
- Environmental: Cooperative housing could have a positive environmental impact by limiting the number of in-commuters and by the philosophy of shared resources.
- Social: Communal living can have social benefits. Higher density could have negative impacts on neighborhoods.

## **OTHER IMPACTS**

- Fiscal: The fiscal impact will depend upon the final version adopted. With a limited number of units permitted, any fiscal impact should be limited.
- Staff Time: Implementation will be accomplished with existing staff. The principal staff work necessary will be implementing a licensing system. The more complex the requirements included, the more staff time that will be required.

## **BOARD AND COMMISSION FEEDBACK**

The Planning Board considered the proposed ordinance on April 21, 2016. The

Planning Board gave careful consideration to the proposed ordinance. The board heard over three hours of public testimony and deliberated for an additional three hours. The board had a wide ranging discussion. Planning Board recommendations and minutes were included in the agenda memorandum for the May 17, 2016 council meeting.

### **Additional Public Feedback**

Staff posted a revised version of the proposed ordinance on the council hotline on November 17, 2016. Staff has scheduled a series of meetings with interested parties and a public meeting on November 30, 2016. This meeting will occur after this memorandum is due. Accordingly, staff will include a summary of that meeting during the staff presentation on December 6, 2016.

### **Proposed Amendments**

#### **1. Changes to the Neighborhood Parking Permit Program**

Staff recommended changes to the Neighborhood Parking Permit Program. The existing program allows for two resident permit per resident. § 4-23-2(c), "Permit Issuance," B.R.C. 1981. To assist with regulation of parking at cooperatives, the proposed ordinance would amend Section 4-23-2(c) to limit cooperatives to three permits per dwelling unit. The existing program also allows each resident to obtain two two-week guest permits. § 4-23-3, "Guest Permits," B.R.C. 1981. The proposed ordinance would amend Section 4-23-3 to limit cooperatives to no more than six two-week guest permits per dwelling unit.

#### **2. Eliminate Reference to Cooperatives in the Use Table**

The current code treats cooperatives as a conditional use. Council directed that cooperatives be regulated more like rentals than a change in use. The proposed ordinance would eliminate the reference to cooperatives in the use table. The extensive screening required by the proposed ordinance will result in a procedure not much different than the current conditional use review process.

#### **3. Occupancy Limits**

The proposed ordinance would add a new Subsection 9-8-5(d). This new subsection would impose a minimum occupancy of four residents. It would impose a maximum occupancy of 12 occupants in rural residential and residential low density districts and 15 in all other zone districts. This occupancy would apply to all occupants, including children, spouses and other dependents. It counts the total number of occupants, not the total unrelated individuals.

#### **4. Definition of Area Median Income**

The proposed ordinance would define area median income as having the same meaning as in Title 9.

#### **5. Definition of Expert Cooperative Housing Organization**

The proposed ordinance has a broad definition of Expert Cooperative Housing Organization. This is the outside organization that would be responsible for certifying legitimate cooperatives.

#### **6. New Cooperative Definitions**

The proposed ordinance includes revised definitions of Group Equity Cooperative, Private Equity Cooperative and Rental Cooperative.

A Group Equity Cooperative is a cooperative in which a majority interest is held by a housing focused 501(c)(3) organization.

A Private Equity Cooperative is a cooperative in which at least two-thirds of the adult non-dependent residents own an interest in the property, at least two-thirds of the owners are residents and the owner residents own a majority interest in the property.

A Rental Cooperative is a cooperative in which more than a third of the residents do not have an ownership interest in the property.

#### **7. Legislative Intent**

The proposed ordinance includes additional legislative intent in Section 10-11-1 stating council's intent to monitor the implementation of the ordinance. There is also a new subsection stating council's intent that cooperatives be true cooperatives.

#### **8. Number of Licenses**

Section 10-11-3(c) includes new language limiting the number of licenses to ten per year and eliminating language that previously would have allowed for 20 licenses per year divided into four categories. The new language would allow ten total licenses for all three categories. Council expressed a concern that all ten licenses might be used for rental cooperatives. There is therefore an additional provision allowing for up to two additional licenses per year in each category, if ten licenses have been issued and there are less than two licenses issued in a category. The maximum total number of licenses in any one year is fourteen.

## **9. Separation**

The proposed ordinance includes a new Subsection 10-11-3(d), which provides for separation of five hundred feet between the property boundaries of cooperative housing units. Staff recommends using the property boundary rather than the center point of the property, because this will be easier to track through the city's GIS system. At council's suggestion staff incorporated the following language allowing for the city manager to allow cooperatives closer than five hundred feet if there is a physical separation:

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 collector, a commercial district or a topographic feature that avoids the need for dispersal

## **10. Permanent Affordability**

The proposed ordinance includes a new Subsection 10-11-3(e), which requires that any group equity cooperative be permanently affordable. This provision presents some challenges. It is drafted to allow for both equity and rental cooperatives in this category. After consulting with Boulder Housing Partners and the city's housing division, as council directed, staff recommends that the level for affordability be set at for equity at the HUD low-income limit for the Boulder Primary Metropolitan Statistical Area and for rental at sixty percent of the annual median income. This provision will present significant enforcement challenges. Having a single standard will simplify the process. It will not prevent cooperatives from serving individuals or families with lower incomes.

## **11. Allowing a Group of Individuals to be Licensed**

Council directed that an unincorporated group of individuals be permitted to form a cooperative. The provision is in Subsection 10-11-3(f). The subsection also provides that if an applicant is an organization, all owners must be natural persons.

## **12. House Size Limitation**

Council directed that cooperatives be limited to dwelling units with at least 2000 square feet of habitable space. The provision is in Subsection 10-11-3(g).

## **13. Allowable Zone Districts**

Council decided that cooperatives should be permitted in all zone districts except agricultural, industrial and public zone districts. The provision is in Subsection 10-11-3(h).

## **14. Age Limitation**

Council discussed methods to prevent students from forming illegal cooperatives. One suggestion was that ownership be limited to individuals over 21 years of age. It was not clear if there was council consensus on this issue. The provision is in Subsection 10-11-3(i).

## **15. Remove the Requirement that Cooperatives get a Rental License**

Staff recommends removing the requirement in Section 10-11-4 for all cooperatives to have rental licenses. This would be duplicative of the cooperative license that has more stringent inspection and reporting requirements than a rental license.

## **16. Allowing Existing Cooperatives to Apply**

The second reading draft ordinance included a provision in Subsection 10-11-4(b)(1) requiring that an applicant apply at least thirty days prior to occupancy. Stakeholders pointed out that this would preclude existing cooperatives from complying. Accordingly, staff has proposed a provision in new Subsection 10-11-4(b) allowing any legitimate cooperative existing prior to December 6, 2016 to apply while already in existence.

## **17. Updates**

The proposed ordinance includes requirements that licensees be re-inspected every two years, re-certified every two years and provide notice of any changes within thirty days of licensing information within thirty days. These requirements are in Subsections 10-11-4(b)(1)(A) (re-inspection), 10-11-4(b)(1)(E) (recertification) and 10-11-4(d) (changes).

## **18. Notification**

The second reading ordinance included a provision in Subsection 10-11-4(b)(1)(F) requiring certification that prior to filing an application, the applicant has notified all residents on the block face notice. Council directed that notice be provided after licensing. This provision has been amended and moved to new Subsection 10-11-4(f). Stakeholders raised a question regarding very long block faces. The term “block face” is used in six other sections of the code:

- § 4-23-2 – Relating to Neighborhood Parking Permits
- § 4-27-4 – Relating to the location of news box banks
- § 4-27-5 – Relating to the installation of news box banks
- § 9-7-2 – Relating to setbacks
- § 9-8-2 – Relating to floor area requirements
- § 9-11-5 – Relating to notice of landmarks board hearings

None of the existing sections include a definition of block face. Staff has drafted a proposed new definition in Section 10-11-1. This definition would define block face for the purposes of this chapter as all dwelling units on either side of the same street boarded by on either side by streets perpendicular to the street on which the cooperative is located. The notification is limited to houses within 600 feet in the event that the block is extraordinarily long.

## **19. Conditional Licenses**

Council directed that groups have the ability to be partially licensed to allow the group to organize and then find a place to live. New Subsection 10-11-4(e) would authorize the city manager to issue a conditional license to a group that has provided a list of individuals with ownership interests and been certified as a legitimate cooperative.

## **20. Parking**

Council directed that cooperatives provide a parking management plan limiting the number of cars to be parked in the public right-of-way to three. This requirement is in Section 10-11-11. Council also directed that the plan include a list of all cars associated with the cooperative, including the name of the owner, the make, model and license plate number. This requirement is included in the proposed ordinance in Section 10-11-11. Staff recommends that this requirement be deleted. It adds significant overhead if cooperatives are required to update the list every time a new car is added or one is deleted. In addition, the list does not add significantly to the ability to enforce the parking limitations. It would be very difficult to prove that a car not on a list is associated with a cooperative.

## **21. Property Rights**

Stakeholders questioned the use of the word privilege in Section 10-11-13(a). Privileges are generally revocable. Use of that word could be viewed to undermine the intent of the section, which was to provide protection against changes in regulations for equity cooperatives. Staff has proposed new language to address this concern.

## **22. Certification of Legitimate Cooperatives**

Staff has proposed a separate section addressing legitimate cooperatives. Staff would like to express appreciation to the University of Colorado Law School Sustainable Community Development Clinic, including Director Deborah J. Cantrell and students Samuel Seligman and Riley Cutner for their extensive assistance with the ordinance as a whole, but with section in particular. Drawing the balance between supporting true cooperatives and limiting government intrusion is challenging. Their insistence was invaluable in this effort. The new section establishing requirements for a legitimate cooperative is in Section 10-11-14.

### **23. Eliminate Two Tier structure of Fines**

Council directed that staff eliminate the two-tier structure of fines and keep the lower of the two fine levels. The fines are in Section 10-11-16. There is an understanding that as an alternative remedy the city manager could revoke a license, including a license for an equity cooperative.

### **24. Reporting**

Council directed that the city manager be required to prepare an annual report regarding the implementation and enforcement of this ordinance. This requirement is in Section 10-11-18.

### **25. Fees**

Council directed staff to look at appropriate cost recovery through fees. Staff recommends that there be two different fees. One would be the same as the rental licensing fee of \$105. This would cover the paperwork sections that are identical to the rental licensing program. This would also be the renewal fee. There would be a second fee modeled after the conditional use fee. This fee is to cover the additional work necessary for evaluation of the parking plan, the certification and diverse ownership structures. The city's current fee structure is set forth in Section 4-20-43. This section includes the following fees that might approximate the work required on a cooperative license application:

- Conditional Use Review if not specified: \$1090 (§ 4-20-43(b)(10))
- Cooperative Housing Conditional Use Review: \$590 (§ 4-20-43(b)(18))
- Accessory Dwelling Unit Permit: \$420 (§ 4-20-43(b)(11))
- Owner's Accessory Unit: \$420 (§ 4-20-43(b)(13))

## **ATTACHMENT**

Attachment A - Proposed Ordinance



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~~18. - Cooperative Housing License Fee.**

The following fees shall be paid before the city manager may issue a rental license or renew a rental license:

(a) \$105 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 4-32-2 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

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1 permits for vehicles owned by or in the custody of and regularly used by residents of such zone,  
2 by persons employed by a business located within such zone, and, if provided in the zone, by  
3 individual nonresidents upon receipt of a completed application therefor and payment of the fees  
4 prescribed in Section 4-20-49, "Neighborhood Parking Permit Fee," B.R.C. 1981.

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

7 (c) No more than two resident permits shall be in effect at any time for any person.  
8 No person shall be deemed a resident of more than one zone, and no more than one permit may  
9 be issued for any one vehicle even if persons residing in different zones share ownership or use.  
10 Provided, however, that no more than a total of three resident permits may be issued for any  
11 dwelling unit housing a group of persons or organization licensed pursuant to Section 10-11-3,  
12 "Cooperative Housing Licenses," B.R.C. 1981.

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

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

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

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

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

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

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

18 **4-23-3. - Guest Permits.**

19 Residents issued a permit pursuant to this chapter may obtain two two-week permits per  
20 year for use by houseguests of the permittee. The permit shall be indelibly marked in the space  
21 provided thereon with the date of its first use. The permit shall thereafter be valid only for the  
22 succeeding thirteen consecutive days. The manager may by regulation define the circumstances  
23 under which additional guest permits may be issued in cases of reasonable need consistent with  
24 residential use of the dwelling. Provided, however, that no more than a total of six two-week  
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1 guest permits per year may be issued for any dwelling unit licensed pursuant to Section 10-11-3,  
2 “Cooperative Housing Licenses,” B.R.C. 1981.

3 **Section 2.** Table 9-6-1 is amended ~~as set forth in an attachment A~~ to strike the line  
4 reading “Cooperative Housing Units.”

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

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

7 **9-8-5. - Occupancy of Dwelling Units.**

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

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

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

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

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

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

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

6 (2) The rules for continuation, restoration, and change of a nonconforming use set  
7 forth in Chapter 9-10, "Nonconformance Standards," B.R.C. 1981, and Section 9-2-15, "Use  
8 Review," B.R.C. 1981;

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

11 (4) The provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and

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

16 (d) A dwelling unit licensed as a Cooperative Housing Unit pursuant to Section 10-  
17 11-3 "Cooperative Housing Licenses," B.R.C. 1981, shall not be subject to the occupancy limits  
18 set forth in this section. All such dwelling units shall be limited to no fewer than four occupants  
19 with the maximum number of occupants, without regard to whether the occupants are related or  
20 not, as follows:

21 (1) In the Rural Residential and Residential Low Density zone districts to no more than  
22 12 occupants;

23 (2) In all other zone districts to no more than 15 occupants;  
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1           (3) The city manager may authorize a greater number of occupants in any Cooperative  
2 Housing Unit that is deed restricted as permanently affordable if the planning board after a  
3 public hearing recommends a greater number. Before making any such recommendation, the  
4 planning board shall consider the potential impacts on the surrounding community, the number  
5 of residents proposed, the proposed habitable square feet per person, the available off-street  
6 parking, and the mission of the cooperative.

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

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

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

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

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

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

20           *Cooperative* means a housing arrangement in which residents share expenses, ownership  
21 or labor.

22           *Cooperative Housing Unit* means a dwelling unit in a Private Equity, Group Limited  
23 Equity or Rental Cooperative.  
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1           Expert Cooperative Housing Organization means an organization recognized by the city  
2 manager as having experience and expertise in the formation, operation and organization of  
3 cooperative housing units.

4           Group Equity Cooperative means a cooperative in which a majority ownership interest is  
5 held by a non-profit organization with a housing focused mission, which is tax exempt under  
6 Section 501(c)(3) of the Internal Revenue Code.

7           ~~Legitimate Cooperative Housing Organization~~ means an organization formed under  
8 Colorado law that, in addition to any other criteria adopted by the City Manager, has the  
9 following:

- 10           ~~———— (1) a documented governance structure;~~
- 11           ~~———— (2) a list of members; and~~
- 12           ~~———— (3) bylaws that provide for the following:~~
  - 13           ~~———— (a) provisions prohibiting discrimination or harassment;~~
  - 14           ~~———— (b) a provision requiring regular meetings of all members;~~
  - 15           ~~———— (c) a democratic decision-making structure;~~
  - 16           ~~———— (d) provisions for discipline or discharge of members; and~~
  - 17           ~~———— (d) provisions for sharing of resources.~~

18           ~~Limited equity cooperative~~ means a cooperative operating on a property owned in part by  
19 its occupants. ~~A not for profit corporation may own an interest in the property.~~

20           ~~Not for Profit Rental Cooperative~~ means a rental cooperative owned by a corporation  
21 registered with the United States government pursuant 26 U.S.C. § 501(c)(3).

22           ~~Private Equity Cooperative~~ means a cooperative in which at least two-thirds of the adult  
23 non-dependent residents own an interest in the property or of the organization that owns the  
24 property.

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1 property, at least two-thirds of the individuals who own an interest in the property or the  
2 organization that owns the property are also residents of the property, and the owner-residents  
3 hold a controlling ownership interest in the property or the organization that owns the property.  
4 A organization recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code  
5 may own a minority interest in the property, operating on a property owned jointly by the  
6 residents of the cooperative.

7 *Rental Cooperative* means a cooperative in which ~~the~~ more than one-third of the some or  
8 all of the residents do not have an direct or indirect ownership interest in the property in which  
9 the cooperative operates.

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

11 **Chapter 11 Cooperative Housing**

12 **10-11-1. - Legislative Intent.**

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

21 (b) The City Council intends that all licensed cooperatives be legitimate cooperatives. A  
22 legitimate cooperative is a group living arrangement in which the residents have a high degree of  
23 social cohesion and teamwork. The residents typically govern through consensus and share  
24 social cohesion and teamwork. The residents typically govern through consensus and share  
25 social cohesion and teamwork. The residents typically govern through consensus and share

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1 responsibilities and resources. New members are typically selected by the community's existing  
2 membership, rather than by real estate agents, property managers or non-resident landowners.

3  
4 **10-11-2. - Cooperative License Required Before Occupancy.**

5 No person shall occupy, allow, or offer to allow through advertisement or otherwise, any  
6 person to occupy any cooperative housing unit unless the cooperative housing unit has been  
7 issued a valid cooperative housing license by the city manager.

8 **10-11-3. - Cooperative Housing Licenses.**

9 (a) License terms shall be as follows:

10 (1) Licenses shall expire four years from issuance or when ownership of the licensed  
11 property is transferred.

12 (A) In addition to any other applicable requirements, new licenses and renewals shall  
13 require that the licensee submit to the city manager a completed current baseline (for a new  
14 license) or renewal inspection report, on forms provided by the City. The report shall satisfy the  
15 following requirements:

16 (i) The section of the report concerning fuel burning appliances must be executed by  
17 a qualified heating maintenance person certifying compliance with those portions of Chapter 10-  
18 2, "Property Maintenance Code," B.R.C. 1981, for which the report form requires inspection and  
19 certification.

20 (ii) The section of the report concerning smoke and carbon monoxide alarms must be  
21 executed by the operator certifying that the operator inspected the smoke and carbon monoxide  
22 alarms in the licensed property and that they complied with the requirements of Chapter 10-2,  
23 "Property Maintenance Code," B.R.C. 1981.  
24  
25

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1 (iii) The section of the report concerning trash removal must be executed by the  
2 operator certifying that the operator has a current valid contract with a commercial trash hauler  
3 for removal of accumulated trash from the licensed property in accordance with Subsection 6-3-  
4 3(b), B.R.C. 1981.

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

9 (c) The city manager shall issue no more than ~~fifteen~~ ten new cooperative housing  
10 licenses in any calendar year. Provided, however, if in any calendar year, after the city manager  
11 issued ten licenses, there are less than two licenses issued to group equity cooperatives, private  
12 equity cooperatives or rental cooperatives, the city manager may issue sufficient additional  
13 license so that there are at least two licensees issued in each category up to a total of no more  
14 than fourteen licenses for all categories in any calendar year. ~~Such licenses shall be allocated as~~  
15 ~~follows:~~

- 16 follows:
- 17 — (1) — ~~No more than five licenses for limited equity cooperatives;~~
  - 18 — (2) — ~~No more than five licenses for private equity cooperatives;~~
  - 19 — (3) — ~~No more than five licenses for not-for-profit rental cooperatives;~~
  - 20 — (4) — ~~No more than five licenses for rental cooperatives; and~~

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

1           (d) No cooperative housing unit may located within five hundred feet of from the  
2 property boundary of another cooperative housing unit, but the city manager may permit two  
3 cooperative housing units to be located closer than five hundred feet apart if they are separated  
4 by a physical barrier, including, without limitation, an arterial collector, a commercial district or  
5 a topographic feature that avoids the need for dispersal. The planning department shall maintain  
6 a map showing the locations of all cooperative housing units in the city.~~Cooperative housing~~  
7 ~~licenses shall be limited to the following concentrations:~~

8           (1) ~~Neighborhood Area: In the RL-1, RL-2, RE, RR-1, RR-2, A or P zoning districts,~~  
9 ~~no more than ten percent of the single family lots or parcels in a neighborhood area contain a~~  
10 ~~cooperative housing unit. For the purpose of this subparagraph:~~

11           ~~(i) The "neighborhood area" in RL-1, RL-2 and P zoning districts is the area~~  
12 ~~circumscribed by a line three hundred feet from the perimeter of the lot line within which any~~  
13 ~~cooperative housing unit will be located.~~

14           ~~(ii) The "neighborhood area" in RE, RR-1, RR-2 and A zoning districts is the~~  
15 ~~area circumscribed by a line six hundred feet from the perimeter of the lot line within which any~~  
16 ~~cooperative housing unit will be located.~~

17           ~~(iii) If an application for a cooperative housing unit exceeds the ten percent~~  
18 ~~requirement set forth in this subparagraph (a)(2)(A), the city manager will place the applicant on~~  
19 ~~a waiting list for the neighborhood area. At such time as there is room for an additional~~  
20 ~~cooperative housing unit within a neighborhood area, the city manager will notify the first~~  
21 ~~eligible person on the waiting list. Such person on the waiting list shall be required to provide~~  
22 ~~notice of intent to file an application within thirty days and file an application within sixty days~~  
23 ~~of such notice.~~

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1           (e) Any Group Equity Cooperative shall be permanently affordable. Affordability shall  
2 be measured by individual households. That is, a household consisting either of an individual or  
3 a family. The price of any equity ownership interest shall be affordable to a households earning  
4 no more than United States Department of Housing and Urban Development low-income limit  
5 for the Boulder Primary Metropolitan Statistical Area. Rents charged must be affordable to  
6 households earning no more than sixty percent of the area median income.

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

10           (g) No rental cooperative shall be located in a dwelling unit with less than 2,000 square  
11 feet of habitable space.

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

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

17  
18 **10-11-4. - License Application Procedure for Cooperative Housing Licenses.**

19           (a) Only a Legitimate Cooperative ~~Organization~~ may be an applicant for a  
20 cooperative housing license. A licensed ~~Legitimate~~ Cooperative ~~Organization~~ may operate a  
21 ~~cooperative~~ only with the written consent of the property owner, unless the cooperative is the  
22 owner. and only in a premises licensed pursuant to Chapter 10-3, "Rental Licenses," B.R.C.  
23 1981.

24           (b) Every applicant for cooperative housing license shall submit the following:  
25

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1 (1) A written application for a license to the city, on official city forms provided for  
2 that purpose, ~~at least thirty days before occupancy of the property~~ including:

3 (A) A housing inspector's certification of baseline inspection dated within twelve  
4 months before the application. Each licensee shall submit evidence of compliance with this  
5 subsection every two years. The applicant shall make a copy of the inspection form available to  
6 city staff and ~~tenants~~ residents of inspected units within fourteen days of a request;

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

10 (C) A trash removal plan meeting the requirements of Subsection 6-3-3(b), B.R.C.  
11 1981, made and verified by the applicant;

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

14 (E) Evidence establishing compliance with Section 10-11-14 "Legitimate  
15 Cooperatives," B.R.C. 1981. The city manager shall not issue a cooperative housing license  
16 unless the applicant can be certified as meeting the criteria set forth in Section 10-11-14. Each  
17 licensee shall submit evidence of compliance with Section 10-11-14 every two years; that the  
18 applicant is a Legitimate Cooperative Housing Organization.

19 (F) ~~— A certification that the applicant has provided to a resident of each dwelling on~~  
20 ~~the street face contact information for the applicant and the organization responsible for~~  
21 ~~certifying the applicant and.~~

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

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

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

7           (d) Any licensee shall provide the city manager with a report of any changes in the  
8 information required by Subsection (1)(b) above within thirty days of such change. ~~Take all~~  
9 reasonable steps to notify any occupants of the property in advance of the date and time of the  
10 inspection. The applicant shall be present and accompany the inspector throughout the  
11 inspection, unlocking and opening doors as required.

12           (e) The city manager may issue a conditional approval for any group that has met the  
13 requirements of Subsections (a), (b)(1)(E), (b)(1)(F).

14           (f) Within thirty days after initial occupancy, the licensee shall provide to the city  
15 manager a certification that the applicant has provided to a resident of each dwelling on the street  
16 face contact information for the applicant and the organization responsible for certifying the  
17 applicant. Provided, however, that no notice shall be required to any dwelling unit more than  
18 600 feet from the licensed cooperative.

19  
20 **10-11-5. - License Renewal Procedure for Cooperative Housing Units**

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

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

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

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

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

8 (3) A trash removal plan meeting the requirements of Subsection 6-3-3(b), B.R.C.  
9 1981, made and verified by the operator.

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

12 (c) Take all reasonable steps to notify in advance all residents of the property of the  
13 date and time of the inspection. The operator shall be present and accompany the inspector  
14 throughout the inspection, unlocking and opening doors as required.

15  
16 **10-11-6. - Temporary License.**

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

4 **10-11-7. - License Appeals.**

5 Any applicant denied a temporary license, or aggrieved by the period of time allowed for  
6 correction, may appeal the denial or the time for correction, or both, as provided in Section 10-2-  
7 2, Section 111 "Means of Appeal," B.R.C. 1981. As to an appeal of the time reasonably required  
8 to correct a violation, the board shall either affirm the city manager's originally prescribed time  
9 or grant a longer time to correct the alleged violation.

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

11 Every rental license expires upon the earliest of the following dates:

12 (a) The expiration date on the license unless temporary authority is allowed under  
13 Section 10-11-6, "Temporary License," B.R.C. 1981, of this chapter;

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

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

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

19 **10-11-9. - License Fees.**

20 Applicants for any cooperative housing license, and applicants renewing an existing  
21 cooperative housing license, shall pay the license fees prescribed by Section 4-20-69,  
22 "Cooperative Housing Fee," B.R.C. 1981, upon submission of any license application.  
23

24 **10-11-10. - Availability of License.**

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

4 **10-11-11. - Parking Management Plan Required.**

5 Each applicant for a cooperative housing license shall prepare a parking management  
6 plan. Approval of any such plan shall be a condition of issuance of any cooperative housing  
7 license. The plan shall limit the number of automobiles to be parked in the public right of way to  
8 three. ~~associated with the property to no more than four vehicles per license.~~ The parking  
9 management plan shall include a list of all vehicles to be associated with the property. The list  
10 shall include the name of the owner, the make and model and the license plate number of all  
11 vehicles to be located at the cooperative housing unit. ~~An agreement by the licensee to require~~  
12 ~~that all residents have a local bus pass with the Regional Transit District may be included in such~~  
13 ~~a plan, but is not required.~~ If the cooperative housing unit is located in a Neighborhood EcoPass  
14 district, the plan shall include a requirement that each resident who licensed to drive, acquire an  
15 EcoPass.

17 **10-11-12. - Compatibility with Neighborhoods.**

18 Each cooperative shall at all times maintain compatibility with the neighborhood in  
19 which the cooperative is located. The licensee shall take all reasonable steps to reduce excessive  
20 parking on the public right of way and noise, trash and weeds on the property. A cooperative  
21 may be considered incompatible with the neighborhood if the city manager receives multiple  
22 complaints relating to parking on the public right of way, noise, trash or weeds in any twelve  
23 month period. Complaints from a single person shall not be sufficient to cause a property to be  
24 incompatible with the neighborhood. Prior to making any determination that a cooperative is not  
25

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1 compatible with the neighborhood, the city manager shall provide written notice to the licensee  
2 and encourage the licensee to address the complaints with the residents of the neighborhood.

3 **10-11-~~13~~12a. - Property Rights for Equity Cooperatives.**

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

6 (a) Equity Cooperatives. Any licensed ~~group~~ limited equity cooperative or private equity  
7 cooperative is considered a use of land for the purposes of Chapter 9-6, "Uses of Land," B.R.C.  
8 1981. If the city changes its land use regulations, such cooperatives ~~shall have the privilege~~  
9 ~~to~~ may continue as non-conforming uses under the requirements in Section 9-10-3, "Changes to  
10 Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981, provided  
11 that all of the requirement of the Boulder Revised code continue to be met.

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

16 **10-11-14. - Legitimate Cooperatives.**

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

21 (1) a documented governance structure;

22 (2) a list of the number of adults and dependents;

23 (3) a dedicated bank account; and

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1 (4) bylaws that provide for the following:

2 (A) provisions prohibiting unlawful discrimination or harassment;

3 (B) a provision requiring regular meetings of all members;

4 (C) a decision-making structure;

5 (D) provisions for discipline or discharge of members;

6 (E) provisions for sharing of resources; and

7 (F) provisions for selection of new members;

8 (G) provisions for sharing information about the dedicated bank account.

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

14 **10-11-154. - City Manager May Order Premises Vacated.**

15 (a) Whenever the city manager determines that any cooperative housing unit is in  
16 violation of this chapter or of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, and has  
17 caused a summons and complaint requiring the licensee to appear in municipal court to answer  
18 the charge of violation to issue, and the summons cannot be served upon the licensee despite  
19 reasonable efforts to do so, or, having been served, the licensee has failed to appear in the  
20 municipal court to answer the charges or at any other stage in the proceedings, or, having been  
21 convicted or entered a plea of guilty or no contest, the licensee has failed to satisfy the judgment  
22 of the court or any condition of a deferred judgment, then the city manager may, after thirty days'  
23 notice and an opportunity for a hearing to the residents and the licensee, require that the premises  
24  
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1 be vacated and not be reoccupied until all of the requirements of the Property Maintenance Code  
2 and the cooperative housing code have been satisfied and a cooperative housing license is in  
3 effect. No person shall occupy any cooperative housing unit after receiving actual or constructive  
4 notice that the premises have been vacated under this section.

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

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

12 **10-11-165. - Administrative Remedy.**

13 (a) If the city manager finds that a violation of any provision of this chapter or  
14 Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to  
15 the operator and an opportunity for hearing under the procedures prescribed by Chapter 1-3,  
16 "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to  
17 remedy the violation:  
18

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

20 (A) ~~For any violation in the following areas: the area south of Arapahoe Avenue,~~  
21 ~~north of Baseline Road, east of 6th Street and west of Broadway; the area south of Baseline~~  
22 ~~Road, north of Table Mesa Drive, east of Broadway and west of U.S. Route 36 and the area~~  
23 ~~south of Canyon Boulevard, north of Arapahoe Avenue, west of Folsom Street and east of 15th~~  
24 ~~Street:~~

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1       ~~(i) For the first violation of the provision, \$500.00;~~

2       ~~(ii) For the second violation of the same provision, \$750.00; and~~

3       ~~(iii) For the third violation of the same provision, \$1,000.00;~~

4       ~~(B) For a violation in any other area:~~

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

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

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

8       (2) Revoke the cooperative housing license; and

9       (3) Issue any order reasonably calculated to ensure compliance with this chapter and

10 Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

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

16       (c) If notice is given to the city manager by the licensee at least forty-eight hours  
17 before the time and date set forth in the notice of hearing on any violation of Section 10-11-12  
18 "Compatibility with Neighborhoods," B.R.C. 1981, that the licensee has scheduled a community  
19 mediation with concerned neighbors, the manager may continue the hearing until the manager  
20 receives a report regarding the conclusion of the mediation. If after reviewing a community  
21 mediation report, if the city manager is satisfied that the cooperative housing unit meets the  
22 requirements of Section 10-11-12 "Compatibility with Neighborhoods," B.R.C. 1981, the city  
23 manager may dismiss any pending complaint.  
24  
25

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

5 (e) The city manager may, in addition to taking other collection remedies, certify due  
6 and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-  
7 12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer for  
8 Collection," B.R.C. 1981.

9 (f) To cover the costs of investigative inspections, the city manager will assess  
10 operators a \$250.00 fee per inspection, where the city manager performs an investigative  
11 inspection to ascertain compliance with or violations of this chapter.  
12

13 **10-11-16~~7~~. - Authority to Issue Rules.**

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

15 **10-11-18. - Reporting.**

16 The city manager shall prepare an annual report to the city council regarding the  
17 implementation and enforcement of this chapter.

18 **Section 8.** This ordinance is necessary to protect the public health, safety, and welfare of  
19 the residents of the city, and covers matters of local concern.

20 **Section 9.** The City Council deems it appropriate that this ordinance be published by title  
21 only and orders that copies of this ordinance be made available in the office of the city clerk for  
22 public inspection and acquisition.  
23  
24  
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1 READ ON FIRST READING, PASSED AND ORDERED PUBLISHED BY TITLE

2 ONLY this 21st day of June 2016.

3  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 Suzanne Jones  
Mayor

6 Attest:

7  
8 \_\_\_\_\_  
9 Lynnette Beck  
City Clerk

10 READ ON SECOND READING, AMENDED AND PASSED this 4th day of October  
11 2016.

12  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 Suzanne Jones  
Mayor

15 Attest:

16  
17 \_\_\_\_\_  
18 Lynnette Beck  
City Clerk

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READ ON THIRD READING, ADOPTED AND PASSED this 6th day of December  
2016.

\_\_\_\_\_  
Suzanne Jones  
Mayor

Attest:

\_\_\_\_\_  
Lynnette Beck  
City Clerk