

ORDINANCE
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO

ORDINANCE NO. 2006-10

ORDINANCE TO REPEAL ORDINANCES NO. 2004-07 AND 2006-08;
ORDINANCE TO RESTRICT THE ENTRY INTO AND PLACEMENT AND INSTALLATION IN DELTA COUNTY OF MOBILE HOMES CONSTRUCTED PRIOR TO JUNE 15, 1976 (PRE-HUD), TO RESTRICT RELOCATION OF PRE-HUD MOBILE HOMES, AND TO PROHIBIT ABANDONED PRE-HUD MOBILE HOMES

WHEREAS, in accordance with said authority, the Board adopted Ordinance No. 2004-07 on October 4, 2004, and amended said Ordinance with Ordinance No. 2006-08 on July 31, 2006; and

WHEREAS, the Board deems it in the best interests of the citizens of Delta County, as well as County government, to review and clarify the restrictions and definitions set forth in Ordinance No. 2004-07; and

WHEREAS, the Board of County Commissioners of Delta County (the Board) has authority pursuant to Article 28 of Title 30, C.R.S., and Article 20 of Title 29, C.R.S., to restrict the placement and installation of mobile homes constructed prior to June 15, 1976 (Pre-HUD) within the unincorporated area of Delta County; and

WHEREAS, it is the intent of the Board of County Commissioners to promote the health, safety and general welfare of the present and future residents of Delta County; and

WHEREAS, this Board finds that mobile homes constructed prior to June 15, 1976 (Pre-HUD), were constructed or equipped according to standards which will not promote the health, safety and welfare of the residents of Delta County, including but not limited to the following:

- A. The walls, ceilings and doors of each compartment containing a gas fired furnace or water heater were not required to be lined with 5/8" gypsum board.
- B. Each room designated expressly for sleeping purposes was not required to be equipped with an exit door or at least one (1) outside egress window or other approved exit device with a minimum clear dimension of twenty-two (22) inches and a minimum clear opening of five (5) square feet, with the bottom of the exit being not more than thirty-six (36) inches above the floor.

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C. Most units were wired with aluminum conductors, and ground fault circuit interrupters (GFI) were not installed.

WHEREAS, all counties surrounding Delta County have passed resolutions or ordinances prohibiting the installation and placement of mobile homes constructed prior to June 15, 1976 (Pre-HUD), and as a result thereof, a large number of these mobile homes have been brought into Delta County, negatively impacting its residents;

WHEREAS, this Board deems that it is in the best interests of the County and its citizens to restrict placement and installation of mobile homes constructed prior to June 15, 1976 (Pre-HUD) within the unincorporated area in Delta County; provided, however, that it would not be appropriate to require the immediate removal of such homes that are already occupied.

WHEREAS, this Board finds that the passage of this Ordinance is necessary because of the proliferation within Delta County of Pre-HUD mobile homes, because of the safety hazards to which the majority of these Pre-HUD mobile homes are subject to, and because of the number of negative impacts to the property and person of the citizens of this County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Delta County as follows:

1. Effective as of the date of the adoption of this Ordinance, Pre-HUD mobile homes shall not be permitted to enter and remain in Delta County or to be installed and placed for habitable living units, storage or any other purposes within the unincorporated area of Delta County, except as approved by the Board of County Commissioners pursuant to the Regulation for Specific Development adopted by Resolution 2006-R-016 or as hereafter amended

2. Effective as of the date of the adoption of this Ordinance, no Pre-HUD mobile homes shall be moved to any property within the unincorporated area of Delta County with the intent that said mobile home be placed and used for any purpose, except as set forth herein. For purposes of this Ordinance, the separation of a Pre-HUD mobile home from the vehicle transporting it shall be presumptive evidence of an intent to place and/or install the mobile home on property in the unincorporated area of Delta County.

3. Provisions relating to the relocation of Pre-HUD mobile homes within Delta County.

a. Pre-HUD mobile home not occupied by owner. Any Pre-HUD mobile home which is currently installed and occupied as business or living unit by other than the owner of the mobile home in the unincorporated area

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of Delta County shall be permitted to remain in its present location, but may not be relocated to or installed upon any other parcel of property in Delta County, unless the mobile home is permitted by the Delta County Planning Department following certification by a County-approved inspector that the mobile home meets the standards set forth in Exhibit A, attached hereto and by reference made a part hereof.

- b. Pre-HUD mobile home occupied by owner. Any Pre-HUD mobile home which is currently installed and occupied as a business or living unit by its owner may remain in its present location and may also be relocated to or installed upon any other parcel of property in Delta County, for the same use and for occupation by the same person or persons.
- c. Sale of owner-occupied Pre-HUD mobile home. Upon the sale or transfer of title of a Pre-HUD mobile home occupied by its owner, such mobile home may not thereafter be relocated for use or occupancy to another location in Delta County unless the mobile home is permitted by the Delta County Planning Department following certification by a County approved inspector that the mobile home meets the standards set forth in Exhibit A.

4. Effective as of the date of this Ordinance, any abandoned pre-HUD mobile home must be removed from Delta County or otherwise disposed of in a legal manner within ninety (90) days of the date the mobile home is abandoned. An owner of such mobile home may apply to the Delta County Planner or his/her designee for a conditional use permit. Factors to be considered for such permit include, but are not limited to, health, safety, compatibility with the neighborhood, and whether taxes are being paid and have been paid. The Planner or his/her designee shall be entitled to place reasonable conditions upon the granting of a conditional use permit, including at a minimum that the mobile home will be made safe to occupants.

5. Any pre-HUD mobile home which is destroyed or damaged to the extent of fifty percent (50%) or more of its structure or value must be removed from Delta County or otherwise disposed of in a legal manner within ninety (90) days of its destruction or damage and may not be rebuilt.

6. The provisions above with respect to location of Pre-HUD mobile homes within Delta County, Colorado, shall not apply to mobile homes built prior to June 15, 1976 which contain a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1 in effect at the time of manufacture.

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7. The provisions above with respect to location of Pre-HUD mobile homes within Delta County, Colorado, shall not apply to Pre-HUD mobile homes which meet both of the following conditions:

- a. As of the date of the adoption of this Ordinance, the Pre-HUD mobile home is installed and occupied as a living unit (owner occupied or non-owner occupied) in the unincorporated area of Delta County; **and**
- b. The Pre-HUD mobile home is permitted by the Delta County Planning Department following certification by a County approved inspector that the mobile home meets the standards set forth in Exhibit A.

8. Enforcement Provisions: Although the restrictions contained in this Ordinance do not constitute a "building code" as described in Part 2 of Article 28 of Title 30, C.R.S., they serve the same purpose and are implemented pursuant to those statutes. Accordingly, any violation of this Ordinance may be enforced through any legal means available to the Board, including actions for injunction, mandamus or abatement to prevent, enjoin, abate or remove any violating mobile home in accordance with Section 30-28-209, C.R.S. The procedures contained in Section 30-28-210(2), C.R.S., are applicable and incorporated herein by reference. In addition to the remedies as set forth above, any person, firm, or corporation violating any provision of this Ordinance may be subject to the imposition, by order of the County Court, of a civil penalty in an amount of not less than Five Hundred Dollars (\$500.00) and no more than One Thousand Dollars (\$1,000.00). It is within the discretion of the Delta County Attorney to determine whether to pursue the civil penalties set forth herein and in Section 30-28-210, C.R.S., the remedies set forth in Section 30-28-209, C.R.S., or both. Each day after the issuance of the order of the County Court during which such unlawful activity continues shall be deemed a separate violation and shall in accordance with the subsequent provisions of Section 30-28-210, C.R.S., be the subject of a continuing penalty in an amount not exceed One Hundred Dollars (\$100.00) for each such day. Until paid, any civil penalty ordered by the County Court and assessed under this section (1) shall, as of recording, be a lien against the property on which the violation has been found to exist. In case the assessment is not paid within thirty (30) days, it may be certified by the County Attorney to the County Treasurer, who shall collect the assessment, together with a ten (10) percent penalty for the cost of collection, in the same manner as other taxes are collected. The laws of this state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of assessment pursuant to this section. Any lien placed against the property pursuant to this section shall be recorded with the clerk and recorder of the County. For purposes of the statute, the Delta County Planner, the Delta County Planning Associate and any other official designated by separate resolution of this Board shall be and hereby are designated building inspectors.

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9. Delta County Ordinance 07 adopted October 4, 2004, and Ordinance 08 adopted May 8, 2006, shall be and hereby are repealed.

10. Definitions: For purposes of this Ordinance:

- a. "Mobile home" shall be defined as a transportable structure originally designed for year-round residential or business purposes and having, or designed to have, water, electrical, sewage connections similar to those of conventional dwellings, not meeting the specification required for a recreation vehicle.
- b. "Recreation vehicle" shall be defined as any building, structure or vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers and camping trailers not meeting the specification required for a manufactured or mobile home.
- c. "Abandoned" mobile home shall be defined as:
 - (1) one not occupied or used for legitimate residential, business or agricultural purposes for one hundred eighty (180) days; or
 - (2) one for which the applicable taxes have not been paid for one (1) year; or
 - (3) one in a condition which presents a substantial danger or hazard to public health, safety, or welfare, which is unused by the owner, which is uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger or damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter; or
 - (4) one which has remained on the same property supported by its wheels and tongue, with minimal effort to block or place the mobile home on a pad, for a period of 120 days or more.
- d. "Owner" shall be defined as the owner of record as of the date of this Ordinance.

11. Publication and Effective Date: The foregoing text is the authentic text of Delta County Ordinance No. 2006-10. The first reading of said Ordinance took place on November 6, 2006. It was published in full in the *Delta County Independent* on

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November 22, 2006. The ordinance was approved on second reading on December 11, 2006, and is effective January 1, 2007.

ADOPTED this 11th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS OF
DELTA COUNTY, COLORADO

By: R. Olen Lund
R. Olen Lund, Chairman

Lela J. McCracken
Lela J. McCracken, Vice Chairman

ATTEST:

Ann B. Eddins
Ann B. Eddins
Delta County Clerk and Recorder

Wayne E. Wolf
Wayne E. Wolf, Commissioner

[SEAL]



EXHIBIT A

to

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**STANDARDS NECESSARY TO EXEMPT A MOBILE HOME CONSTRUCTED
PRIOR TO JUNE 15, 1976 (PRE-HUD) FROM THE PROVISIONS OF THE
ABOVE-ENTITLED DELTA COUNTY ORDINANCE NO. 2006-10**

1. Smoke detectors installed on any wall in a hallway or space communicating with each bedroom area and the living area on the living area side.
2. The walls, ceilings and doors of each compartment containing a gas fired furnace or water heater are lined with 5/16 inch gypsum board, unless the door opens to the exterior of the home, in which case, the door may be all metal construction;
3. Each room designated expressly for sleeping purposes shall have an exterior exit door of at least one (1) outside egress window or other approved exit device with a minimum clear dimension of twenty-two (22) inches and a minimum clear opening of five (5) square feet. The bottom of the exit shall not be more than thirty-six (36) inches above the floor;
4. All electrical systems shall be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and given a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit wiring is of aluminum conductors, all receptacles and switches rated twenty (20) amperes or less, directly connected to the aluminum conductors, shall be marked CO/ALR. Exterior receptacles other than heat tape receptacles shall be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper clad aluminum) must be connected in accordance with Section 100-14 of the National Electrical Code.
5. The mobile home's gas piping shall be tested with the appliance valves removed from the piping system and piping capped at those areas. The piping system shall withstand a pressure of at least six (6) inch mercury or three (3) psi gauge for a period of not less than ten (10) minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or a slope gauge calibrated so as to read in increments of not greater than one-tenth (1/10) pound or an equivalent device. The source of normal operating pressure shall be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections shall be tested with line pressure of not less than ten (10) inches nor more than fourteen (14) inches water column

STANDARDS NECESSARY TO EXEMPT A MOBILE HOME CONSTRUCTED PRIOR TO JUNE 15, 1976 (PRE-HUD) FOR EXEMPTION FROM THE PROVISIONS OF THE ABOVE-ENTITLED DELTA COUNTY ORDINANCE NO. _____

air pressure. The appliance connections shall be tested for leakage with soapy water or a bubble solution. All gas furnaces and water heaters shall be vented to the exterior in accordance with Chapter 9 of the Uniform Mechanical Code.

6. A full water or air pressure test will be performed on the mobile home's water and sewer system.
 - a. Water piping shall be tested and proven tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply. A fifty (50) pound per square inch (344.5kPA) air pressure may be substituted for the water test. In either method of test, the piping shall withstand a test without leaking for a period of not less than fifteen (15) minutes.
 - b. A water test shall be applied to the drainage and vent system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except at the highest opening and the system filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under the test and each section shall be filled with water, but no section shall be tested with less than a ten (10) foot (3m) of the next preceding section, so that no joint or pipe in the structure, except the uppermost ten (10) feet (3m) of the system shall have been submitted to a test of less than a ten (10) foot (3m) head of water. The water shall be kept in the system or in the portion under testing for at least fifteen (15) minutes before inspection starts. The system shall be tight at all points.

The above testing, repairs or verification of compliance must be performed only by persons who have been authorized or otherwise qualified by Delta County to perform the work and inspected by the appropriate entity (Colorado State Electrical Inspection, Colorado State Plumbing Inspection).