

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. - Cooperative Housing License Fee.

The following fees shall be paid before the city manager issues, renews or recertifies a cooperative housing license or renew a rental license:

(a) \$645 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 4-23-2 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

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.

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

22 (1) In the Rural Residential, Residential Estate and Residential Low Density zone
23 districts to no more than 12 occupants, provided, however that occupancy shall not exceed more
24 than one person per 200 square feet of habitable space;
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1 (2) In all other zone districts to no more than 15 occupants provided, however that
2 occupancy shall not exceed more than one person per 200 square feet of habitable space;

3 (3) The city manager may authorize a greater number of occupants in any Cooperative
4 Housing Unit that is deed restricted as permanently affordable if the planning board after a
5 public hearing recommends a greater number. Before making any such recommendation, the
6 planning board shall consider the potential impacts on the surrounding community, the number
7 of residents proposed, the proposed habitable square feet per person, the available off-street
8 parking, and the mission of the cooperative.

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

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

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

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

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

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

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

1 *Cooperative Housing Unit* means a dwelling unit in a Private Equity, Not-for-Profit,
2 Permanently Affordable Cooperative or Rental Cooperative.

3 *Expert Cooperative Housing Organization* means an organization recognized by the city
4 manager as having experience and expertise in the formation, operation and organization of
5 cooperative housing units.

6 *Not-for-Profit Permanently Affordable Cooperative* means a cooperative that is owned by
7 a not-for-profit organization with a housing focused mission, which is tax exempt under Section
8 501(c)(3) of the Internal Revenue Code.

9 *Private Equity Cooperative* means a cooperative in which at least two-thirds of the adult
10 non-dependent residents own an interest in the property or of the organization that owns the
11 property, at least two-thirds of the individuals who own an interest in the property or the
12 organization that owns the property are also residents of the property, and the owner-residents
13 hold a controlling ownership interest in the property or the organization that owns the property.
14 A organization recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code
15 may own a minority interest in the property.
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17 *Rental Cooperative* means a cooperative in which more than one-third of the residents do
18 not have a direct or indirect ownership interest in the property in which the cooperative operates.

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

20 **Chapter 11 Cooperative Housing**

21 **10-11-1. - Legislative Intent.**

22 (a) The City Council intends to facilitate cooperative living arrangements. The Council
23 finds that cooperative living arrangements can provide an affordable alternative for living in
24 Boulder. In addition, cooperative arrangements can provide supportive and fulfilling community
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1 for their residents. The City Council seeks to balance the benefits of cooperative living against
2 the impacts from the increased density that comes along with cooperative living. The City
3 Council also is concerned about cooperatives competing in a tight housing market with families
4 seeking single family homes. The City Council intends to monitor the implementation and
5 effects of this ordinance.

6 (b) The City Council intends that all licensed cooperatives be legitimate cooperatives. A
7 legitimate cooperative is a group living arrangement in which the residents have a high degree of
8 social cohesion and teamwork. The residents typically govern through consensus and share
9 responsibilities and resources. New members are typically selected by the community's existing
10 membership, rather than by real estate agents, property managers or non-resident landowners.

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

12 No person shall occupy, allow, or offer to allow through advertisement or otherwise, any
13 person to occupy any cooperative housing unit unless the cooperative housing unit has been
14 issued a valid cooperative housing license by the city manager. Nothing in this chapter shall
15 relieve any person of the obligation to comply with any other requirement of this code,
16 including, but not limited to the requirements of Chapter 10-3 "Rental Licenses," B.R.C. 1981,
17 the requirements of Chapter 10-2, "Property Maintenance Code," Appendix C - "Energy
18 Efficiency Requirements," B.R.C. 1981 and the requirements of Section 10-2-2 "Adoption of
19 International Property Maintenance Code With Modifications," B.R.C. 1981.

20 **10-11-3. - Cooperative Housing Licenses.**

21 (a) License terms shall be as follows:

22 (1) Licenses shall expire four years from issuance or when ownership of the licensed
23 property is transferred.
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1 (A) In addition to any other applicable requirements, new licenses and renewals shall
2 require that the licensee submit to the city manager a completed current baseline (for a new
3 license) or renewal inspection report, on forms provided by the City. The report shall satisfy the
4 following requirements:

5 (i) The section of the report concerning fuel burning appliances must be executed by
6 a qualified heating maintenance person certifying compliance with those portions of Chapter 10-
7 2, "Property Maintenance Code," B.R.C. 1981, for which the report form requires inspection and
8 certification.

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

13 (iii) The section of the report concerning trash removal must be executed by the
14 operator certifying that the operator has a current valid contract with a commercial trash hauler
15 for removal of accumulated trash from the licensed property in accordance with Subsection 6-3-
16 3(b), B.R.C. 1981.

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

21 (c) The city manager shall issue no more than ten new cooperative housing licenses
22 in any calendar year. Provided, however, if in any calendar year, after the city manager issued
23 ten licenses, there are fewer than two licenses issued to not-for-profit permanently affordable
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1 cooperatives, private equity cooperatives or rental cooperatives, the city manager may issue
2 sufficient additional license so that there are at least two licensees issued in each category up to a
3 total of no more than fourteen licenses for all categories in any calendar year.

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

7 (d) The boundary of a property on which a cooperative housing unit is located shall
8 not be within five hundred feet from the boundary of the property on which another cooperative
9 housing unit is located, but the city manager may permit two cooperative housing units to be
10 located closer than five hundred feet apart if they are separated by a physical barrier, including,
11 without limitation, an arterial, a collector, a commercial district or a topographic feature that
12 avoids the need for dispersal. The planning department shall maintain a map showing the
13 locations of all cooperative housing units in the city.

14 (e) Any Not-for-Profit Permanently Affordable Cooperative shall be permanently
15 affordable. Affordability shall be measured by individual households. That is, a household
16 consisting either of an individual or a family. Rents charged must be affordable to households
17 earning no more than sixty percent of the area median income.

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

21 (g) No rental cooperative shall be located in a dwelling unit with less than 2,000 square
22 feet of habitable space nor in any dwelling unit that within five years prior to the application was
23 modified to have 2,000 square feet or more of habitable space.(h) No cooperative shall be
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1 located in an agricultural, industrial or public zone. Cooperatives shall be permitted in all other
2 zone districts.

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

6 (j) Any cooperative in which any person resides in return for valuable compensation shall
7 be subject to the rental licensing provisions included in Section 10-3-2, "Rental License
8 Required Before Occupancy and License Exemptions," B.R.C. 1981. The exceptions to the
9 rental licensing requirements that are set forth in section 10-3-2(b) shall not apply to any
10 dwelling unit licensed pursuant to this Chapter.

11 (k) No dwelling unit licensed pursuant to this Chapter shall be licensed as or used as a
12 short term rental.

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14 **10-11-4. - License Application Procedure for Cooperative Housing Licenses.**

15 (a) Only a Legitimate Cooperative may be an applicant for a cooperative housing
16 license. A licensed cooperative may operate only with the written consent of the property owner,
17 unless the cooperative is the owner.

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

19 (1) A written application for a license to the city, on official city forms provided for
20 that purpose including:

21 (A) A housing inspector's certification of baseline inspection dated within twelve
22 months before the application. Each licensee shall submit evidence of a renewal inspection
23 every two years. The applicant shall make a copy of the inspection form available to city staff
24 and residents of inspected units within fourteen days of a request;

1 (B) A report on the condition and location of all smoke and carbon monoxide alarms
2 required by Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, made and verified by the
3 applicant; Each applicant shall submit a verification under this subsection every two years;

4 (C) A trash removal plan meeting the requirements of Subsection 6-3-3(b), B.R.C.
5 1981, made and verified by the applicant;

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

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

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

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

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

19 (d) Any licensee shall provide the city manager with a report of any changes in the
20 information required by Subsection (1)(b) above within thirty days of such change.

21 (e) The city manager may issue a conditional approval for any group that has met the
22 requirements of Subsections (a), (b)(1)(E), (b)(1)(F).
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1 (f) Within thirty days after initial occupancy, the licensee shall provide to the city
2 manager a certification that the applicant has provided to a resident of each dwelling on the block
3 face contact information for the applicant and the organization responsible for certifying the
4 applicant. Provided, however, that no notice shall be required to any dwelling unit more than
5 600 feet from the licensed cooperative.

6 (g) A plan showing legal bedroom spaces sufficient to accommodate the number of
7 residents requested in the license application.

8 **10-11-5. - License Renewal Procedure for Cooperative Housing Units.**

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

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

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

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

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

20 (3) A trash removal plan meeting the requirements of Subsection 6-3-3(b), B.R.C.
21 1981, made and verified by the operator.

22 (4) A parking management plan meeting the requirements of Subsection 10-11-11,
23 B.R.C. 1981, made and verified by the applicant.
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1 (c) Take all reasonable steps to notify in advance all residents of the property of the
2 date and time of the inspection. The operator shall be present and accompany the inspector
3 throughout the inspection, unlocking and opening doors as required.

4 **10-11-6. - Temporary License.**

5 If the inspection shows that there are violations of Chapter 10-2, "Property Maintenance
6 Code," B.R.C. 1981, in the building, and the applicant cannot correct the deficiencies before the
7 housing is to be occupied (in the case of a new cooperative housing unit) or the existing license
8 expires (in the case of a renewal), the applicant may apply, on forms specified by the city
9 manager, for a temporary license. If the manager finds, based on the number and severity of
10 violations, that such a temporary license would not create or continue an imminent health or
11 safety hazard to the public or the occupants, the manager may issue a temporary license. The
12 manager shall specify the duration of the temporary license, for a period reasonably necessary to
13 make the needed repairs and changes. Upon receipt of an additional certificate of inspection
14 showing correction of the deficiencies, and an additional housing license fee, the manager shall
15 issue the cooperative housing license.
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17 **10-11-7. - License Appeals.**

18 Any applicant denied a temporary license, or aggrieved by the period of time allowed for
19 correction, may appeal the denial or the time for correction, or both, as provided in Section 10-2-
20 2, Section 111 "Means of Appeal," B.R.C. 1981. As to an appeal of the time reasonably required
21 to correct a violation, the board shall either affirm the city manager's originally prescribed time
22 or grant a longer time to correct the alleged violation.

23 **10-11-8. - Time of License Expiration.**

24 Every rental license expires upon the earliest of the following dates:
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1 (a) The expiration date on the license unless temporary authority is allowed under
2 Section 10-11-6, "Temporary License," B.R.C. 1981, of this chapter;

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

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

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

8 **10-11-9. - License Fees.**

9 Applicants for any cooperative housing license, and applicants renewing an existing
10 cooperative housing license, shall pay the license fees prescribed by Section 4-20-69,
11 "Cooperative Housing Fee," B.R.C. 1981, upon submission of any license application.
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13 **10-11-10. - Availability of License.**

14 No person who holds a cooperative housing license shall fail to make the license
15 available to anyone within seventy-two hours of receiving a request. Posting of a cooperative
16 housing license at the property is not required.

17 **10-11-11. - Parking Management Plan Required.**

18 Each applicant for a cooperative housing license shall prepare a parking management
19 plan. Approval of any such plan shall be a condition of issuance of any cooperative housing
20 license. The plan shall limit the number of automobiles to be parked in the public right of way to
21 three. If the cooperative housing unit is located in a Neighborhood EcoPass district, the plan
22 shall include a requirement that each resident who licensed to drive, acquire an EcoPass.
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1 **10-11-12. - Compatibility with Neighborhoods.**

2 Each cooperative shall at all times maintain compatibility with the neighborhood in
3 which the cooperative is located. The licensee shall take all reasonable steps to reduce excessive
4 parking on the public right of way and noise, trash and weeds on the property. A cooperative
5 may be considered incompatible with the neighborhood if the city manager receives multiple
6 complaints relating to parking on the public right of way, noise, trash or weeds in any twelve
7 month period. Complaints from a single person shall not be sufficient to cause a property to be
8 incompatible with the neighborhood. Prior to making any determination that a cooperative is not
9 compatible with the neighborhood, the city manager shall provide written notice to the licensee
10 and encourage the licensee to address the complaints with the residents of the neighborhood.
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12 **10-11-13. - Property Rights for Equity Cooperatives.**

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

15 (a) Equity Cooperatives. Any licensed not-for-profit permanently affordable cooperative
16 or private equity cooperative is considered a use of land for the purposes of Chapter 9-6, "Uses
17 of Land," B.R.C. 1981. If the city changes its land use regulations, such cooperatives may
18 continue as non-conforming uses under the requirements in Section 9-10-3, "Changes to
19 Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981, provided
20 that all of the requirement of the Boulder Revised code continue to be met.

21 (b) Rental Cooperatives. Any licensed rental cooperative is considered a dwelling unit
22 purposes of Chapter 9-6, "Uses of Land," B.R.C. 1981 and not a use of land. Upon the
23 abandonment, expiration, or revocation of such license, the property will continue to be
24 considered a dwelling unit.
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1 **10-11-14. - Legitimate Cooperatives.**

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

- 6 (1) a documented governance structure;
- 7 (2) a list of the number of adults and dependents;
- 8 (3) a dedicated bank account; and
- 9 (4) bylaws that provide for the following:
 - 10 (A) provisions prohibiting unlawful discrimination or harassment;
 - 11 (B) a provision requiring regular meetings of all members;
 - 12 (C) a decision-making structure;
 - 13 (D) provisions for discipline or discharge of members;
 - 14 (E) provisions for sharing of resources; and
 - 15 (F) provisions for selection of new members;
 - 16 (G) provisions for sharing information about the dedicated bank account.

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

1 **10-11-15. - City Manager May Order Premises Vacated.**

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

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

21 (c) The remedy provided in this section is cumulative and is in addition to any other
22 action the city manager is authorized to take.
23
24
25

1 **10-11-16. - Administrative Remedy.**

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

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

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

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

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

11 (2) Revoke the cooperative housing license; and

12 (3) Issue any order reasonably calculated to ensure compliance with this chapter and
13 Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.
14

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

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

1 mediation report, if the city manager is satisfied that the cooperative housing unit meets the
2 requirements of Section 10-11-12 "Compatibility with Neighborhoods," B.R.C. 1981, the city
3 manager may dismiss any pending complaint.

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

8 (e) The city manager may, in addition to taking other collection remedies, certify due
9 and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-
10 12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer for
11 Collection," B.R.C. 1981.

12 (f) To cover the costs of investigative inspections, the city manager will assess
13 operators a \$250.00 fee per inspection, where the city manager performs an investigative
14 inspection to ascertain compliance with or violations of this chapter.
15

16 **10-11-17. - Authority to Issue Rules.**


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

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

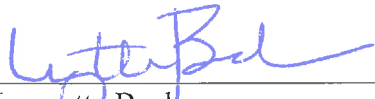
19 The city manager shall prepare an annual report to the city council regarding the
20 implementation and enforcement of this chapter. Council will consider the impacts of this
21 ordinance and make changes as necessary.

22 **Section 8.** This ordinance is necessary to protect the public health, safety, and welfare of
23 the residents of the city, and covers matters of local concern.
24


1 READ ON THIRD READING AND PASSED this 3rd day of January 2017.

2
3 
Suzanne Jones
Mayor


4 Attest:

5 
6 Lynnette Beck
7 City Clerk

8 READ ON FOURTH READING, ADOPTED AND PASSED this 17th day of January
9 2017.

10 
11 Suzanne Jones
Mayor

12 Attest:

13 
14 Lynnette Beck
15 City Clerk