

# Ponderosa Mobile Home Park Rules and Regulations

Version 1. August 1, 2018

Version 2. December 1, 2019

Version 3. February 15, 2022

## **After Hours and Weekend Emergency Contact:**

Greg Gustin, Property Manager (cell): 520-548-4317

These are the rules and regulations concerning the use and occupancy of the premises located at 4475 N. Broadway, Boulder, CO 80304, commonly known as Ponderosa Mobile Home Park. In addition, the intent and purpose of these Rules and Regulations is to set clear guidelines that ensure a safe environment while honoring the culture, flexibility and individual expression that has contributed to the community. We encourage all residents to make use of these rules and regulations to serve the wishes and interests of the whole community, and not just for self-interest alone.

Enforcement of all rules is described in the “enforcement of rules and regulations” section of this document.

These rules and regulations, enforced according to applicable local, state and federal law, will:

- Promote the convenience, safety, or welfare of the homeowners
- Protect and preserve the premises from abuse
- Fairly distribute service and facilities provided to the homeowners
- Reasonably relate to a legitimate purpose
- Not be arbitrary, capricious, unreasonable, retaliatory nor discriminatory
- Be clear to a homeowner how to comply with the rules or regulations; and
- Be in writing and be disclosed.

These rules and regulations will be provided to homeowners with 60 days of notice. 60 days after they are adopted, they will be in effect.

**During the 60-day waiting period the previously adopted Rules and Regulations as well as all information specifically written out in lease agreements, and enforceable under the Mobile Home Park Act, remain in effect.**

### **1. Rules and Regulations: Space Rent, agreement and late fees**

- A. Rent is due by 12 P.M. (noon) on the first day of the calendar month.
- B. Unpaid rent shall be considered in default on the 11th day of the calendar month and a late Charge of \$50.00 shall be added to the outstanding balance, every month.
- C. Payment plans are only executed with approval from Management. Payment plans will only be considered under hardship circumstances and if the resident requests a payment plan from management prior to the payment due date. The details of the plan will be determined on a case-by-case basis.

### **2. Space and Mobile Home Condition and upkeep**

Residents shall keep the mobile home and lot space in a neat and orderly fashion and in good, safe and sanitary condition as described below.

### 3. Mobile Home

- A. Roofing materials and application processes must be approved by management. High winds can cause materials to fly off and could result in injury or death. This is especially true for sheet metal.
- B. All skirting should be installed in a workmanlike manner that does not have any openings that would allow wildlife access.
- C. Only authorized structures or additions can be built on site. This includes awnings, porches, steps, fences etc. Any alterations to the building or any new structures or additions must receive a building permit prior work beginning.
- D. Residents must fix any known water leaks within 2 weeks. If you have difficulty, please contact management for assistance.
- E. Report any gas leaks to property management as soon as possible.
- F. If fuses or circuit breakers cut power to your mobile home more than once, contact property management as soon as possible.

### 4. Yard and Driveway

- A. Littering is never allowed regardless of item size (cigarette butts → couches).
- B. Gas, oil, antifreeze and any other environmental toxins are never to be dumped or disposed of anywhere on Ponderosa property. They may not be dumped in driveways or in dumpsters and must always be disposed of at Household Hazardous Waste (1901 63<sup>rd</sup> St. Boulder CO).
- C. Broken items that can lead to injury should be fixed or removed immediately. Examples include broken steps and porch flooring, protruding screws or nails and sharp protruding metal.
- D. Excessive storage or stockpiling of flammables is prohibited. Maximum storage per location is limited to:
  - a. 2x 5 -7 ½ pound propane tank. Tanks must be certified.
  - b. 2x 5-gallon gasoline or diesel if stored in a legal container and away from heat and spark sources.If you have questions about storage, please see management.
- E. No items can be stored that present a fire hazard, violate easements, interfere with rights-of-way for neighboring mobile homes, vehicles and infrastructure utilities.
- F. Gas and electric lines are buried; therefore, nothing can be driven into the ground and no holes can be dug in the ground greater than 12 inches in depth without permission from management.
- G. Items may not be stored against fences.
- H. There is a limit to the volume of possessions that may be stored in yards. Items in the yard must be stored:
  - a. In a manner that does not interfere with neighboring mobile home's: access and egress and access under the mobile home and maintains a three-foot clearance along the back of your neighbor's home.
  - b. In a manner that allows property management and contractors to access all utility connections. This would include the area from the front gate with a 3-foot path to bring in repair equipment, if necessary.
  - c. Does not create a hazard including, but not limited to fire, falling items, sharp objects, contamination or odor.
  - d. If you need additional storage for your personal possessions (not business

possessions), space may be available for rent on vacant lots, subject to a separate storage rental agreement. Contact management for information.

- I. Raised gardens, porches, fences, or any built structures need permission from management along with any required permits.
- J. Residents are responsible for weed removal and grass trimming on their lot and driveway
- K. Property Management is responsible for tree maintenance.

## **5. Fences**

- A. Existing fences that were on your lot when you moved into your home will not be permanently removed unless mutually agreed upon by you and management unless removal is required by an entity other than the Housing and Human Services Department or required by law.
- B. Permanent fences may not be installed where the removal of a neighbor's home leaves a yard unsecured. Temporary fences must be approved and installed by park management.
- C. New fences will be a three-foot-tall fence as approved under the new site plan.

## **6. Pets**

- A. New fur-bearing pets (e.g., cats, dogs, etc.) must be approved by management and added to the lease.
- B. No more than four fur-bearing pets are allowed for each home.
- C. All pets should be collared and kept on their own lot.
- D. All pets should be leashed when outside of their immediate yard or lot space.
- E. All excrement, including that on the owner's lot, must be cleaned up by the owner.
- F. Ongoing barking or excessive noise during quiet hours from 9pm-7am is not allowed. Proof of incident must be substantiated for it to be a violation.
- G. Any pet determined to be unsafe or continued violation of the above must be removed.

## **7. Occupancy**

Everyone living in the mobile home must be reported to the manager. Tenants of Ponderosa may have roommates that are not related to them. If you have anyone staying for more than a two-week period, they will be considered a resident of Ponderosa. If you have anyone living in your home for a total of eight weeks over the course of a year, they will be considered a resident of Ponderosa. This is extremely important so that the correct notices and information are distributed properly. Copies of all rental leases and roommate agreements must be approved and provided to management. The occupancy of mobile homes must follow city code.

New roommates or renters are subject to background check. Any new renters or roommates who move to Ponderosa after August 1, 2017, when the city purchased the community must sign the Uniform Relocation Act form, acknowledging that they do not have the same rights under the Ponderosa Community Stabilization Program as those living in Ponderosa on August 1, 2017.

## **8. Rental Licensing**

If you own a mobile home that you rent to someone else, be aware that:

- Rental compliance has been waived for the first three years after the "effective date of annexation". The effective date of annexation for Ponderosa is November 20, 2019.
- You are required to either (a) remove your mobile home from the property or (b) secure a rental license by November 20, 2022.
- Mobile homes are not subject to the city's energy requirements however they must receive a rental inspection for health and safety.

- In 2021, the fee to obtain a rental license, good for four years, is \$190. If you have questions, talk to property management.

### **9. Sale and /or transfer/replacement**

No sales, transfers or replacements of units in the park can occur without prior conversation and review by management.

### **10. Termination of Lease (move to enforcement)**

Under the Colorado Mobile Home Park Act, your lease may be terminated for the following reasons:

- A. Non-payment of rent or
- B. Non-rent infractions, including:
  - a. Failure to comply with local ordinances and state laws.
  - b. Failure to comply with written rules and regulations that exist to prevent property damage or risk the health and safety of others.
  - c. Making misleading statements on your application for tenancy.
  - d. Felony activities in Ponderosa that harm or threaten to harm property, individuals, or animals,
  - e. Engaging in any activity that causes the home you occupy or its contents to be declared a public nuisance, as defined by the state of Colorado or city code, such as illegal manufacture, growth or sale of drugs, human trafficking, illegal gambling, etc.

### **11. Enforcement of rules and regulations - not rent related**

- A. The Property Manager, acting as the agent for the City of Boulder, is granted the authority to enforce all provisions of the rules and regulations.
- B. Enforcement will be carried out following procedures outlined below. Depending on severity of infraction some or all steps can and will be eliminated
  - 1. First Notification of violation: This will be a verbal warning in most cases with 10 days to cure. This will depend on the severity of the violation.
  - 2. Second Notification of violation: This will be a written warning with 10 days to cure. This will depend on the severity of the violation.
  - 3. Third Notification of violation: This will be a written warning with a fine with 10 days to cure. This will depend on the severity of the violation.
  - 4. Eviction filed: If the violation is severe enough and leads to an eviction as described under the Colorado Mobile Home Park Act, then an eviction will be filed immediately.
- C. Residents who engage in criminal activity, as described in 9, "Termination of lease", may be subject to eviction. Management will consider the following factors when determining whether to pursue eviction:
  - 1. The seriousness of the offending action, especially with respect to how it would affect other residents;
  - 2. The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, or stalking;
  - 3. The effects that the eviction will have on other family members who were not involved in the action or failure to act;
  - 4. The effect on the community of the termination, or of Management's failure to terminate the tenancy;

5. The effect of Management’s decision on the integrity of the property management program;
6. The demand for housing by eligible families who will adhere to lease responsibilities;
7. The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action; and,
8. The length of time since the violation occurred, the family’s recent history, and the likelihood of favorable conduct in the future.

D. Fine Schedule

<b>Ponderosa Fine Schedule</b>				
		1st	2nd	3rd
	Parking violations	\$ 25	\$ 50	\$ 50
	Driving violations	\$ 50	\$ 75	\$ 100
	Noise Disturbances	\$ 25	\$ 50	\$ 75
	Littering	\$ 50	\$ 75	\$ 100
	Illegal Dumping	\$ 100	\$ 200	\$ 300
	Pet Violations	\$ 25	\$ 50	\$ 75
	Late Rent Payment	\$ 50	\$ 50	\$ 50
	Occupants not on lease	\$ 50	\$ 100	\$ 200
	Hazardous Materials	\$ 50	\$ 100	\$ 200
	Water Leaks	\$ 100	\$ 200	\$ 300
	Health & Safety Violations	\$ 100	\$ 200	\$ 300

**12. Children/Guests and noise**

- A. Tenants are responsible for the behavior and conduct of their minor children, roommates, and visitors.
- B. No excessive loud noises or disturbances are permitted in the park.
- C. Residents are required to be mindful of the radio, television, stereos, musical instruments, engines, etc., and to keep them at low volumes so that neighbors are not disturbed.

**13. Speed limits, cars and parking**

- A. **Car horns** are to be used only in cases of imminent danger to person or property.
- B. **Aggressive driving** will not be tolerated (no fishtails, power sliding, speeding, or peeling out).
- C. **Parking in front of lots.** Follow the established parking trend for each row (straight or angled). Talk to management if you have questions.
- D. **Obstructing** roads, sidewalks and utilities is prohibited.
- E. **Guest and visitor parking** is along the north side of the street by Fourmile Creek, in former lot 49B (north lot on west side of 10<sup>th</sup> Street) and in the temporary lot between the office and Fourmile Creek.
- F. **Office parking.** Office lot #80 and vacant lot #12 is reserved for Unit #80, park management, and those conducting business at the office.
- G. **Speed limit** is 10 mph.
- H. **Your parking** is limited to the space in front of your mobile home (unless you were given replacement parking due to meters, bollards, etc. in front of your home.)
- I. **Additional parking may be leased** in or in front of vacant lots for personal, not business use. (See also “Yard storage” for leasing additional space for personal possessions.)

- J. **Abandoned and inoperable vehicles.**
  - a. By city code, any vehicle located on private property for more than 72 hours (three days) without permission from management is considered **abandoned**. Abandoned vehicles are considered a public nuisance and may be towed to an impoundment lot.
  - b. In Boulder, **inoperable vehicles** cannot be kept on private property for more than 30 days. They are considered a public nuisance. (This does not apply to antique vehicles or vehicles that are inoperable because they lack a license plate or registration sticker.)
  - c. If the city code changes from what is reflected in sections a. and b., the new law will supersede sections a. and b.
- K. **Parking is not allowed** in any other area of Ponderosa, unless arranged in writing with management.
- L. **Construction Parking.** Construction will be ongoing in Ponderosa now and in the coming years. Management will use signs to designate construction parking as needed.

#### **14. Privacy, access and notice**

Ponderosa Mobile Home Park is amid a multi-year effort to create long-term stability for the community by replacing aging infrastructure and make other upgrades. At times, this may result in individuals entering your lot. Notice of contract workers will be given when possible by posting on public bulletin boards, texting and paper notices on fences or lots. However, situations may arise when expedient access is required. Park management and the Ponderosa Community Stabilization team respects your right to privacy and may enter the land upon which your home is situated as follows:

- A. For the maintenance of utilities.
- B. To maintain the community and lot so they are safe, clean and fit for human habitation and reasonable use and are accessible to people with disabilities.
- C. To ensure that reasonable amounts of running water are provided to the home.
- D. To provide notice of service disruptions.
- E. To maintain any buildings or structures that Ponderosa maintains and provides for the use of residents.
- F. To maintain lot grades, as necessary, to prevent water accumulation.
- G. To take reasonable steps to maintain the integrity of the pad space and utility pedestal to prevent damage to the home (except when maintenance needs result from the homeowner's and/or renter's actions).
- H. To maintain trees to protect the safety of residents and their property.
- I. To ensure compliance with applicable codes, statutes, ordinances, administrative rules, the rental agreement and the rules of the community, and protection of the mobile home park at any reasonable time or in an emergency, but not in a manner or at a time which would interfere with the occupant's quiet enjoyment.
- J. To post notices that are required by law or the rental agreement.
- K. Park owners and their agents shall make a reasonable effort to notify the resident of their intention of entry upon the land upon which a mobile home is situated, at least 48 hours prior to entry.

#### **15. Animals**

The feeding of feral cats or non-domesticated animals is prohibited. This does not include bird feeders. This also does not include the cats that were spade or neutered through the program at Ponderosa and are ear-marked. Ear-marked cats that were spade or neutered are not considered feral. These cats will be limited to four per household.

## **16. Maintenance and Repair**

The landlord/Park owner is responsible for and shall pay the cost of maintenance and repair of sewer, water and utility service lines or related connections, common areas and the grounds that are provided for the use of the homeowners.

## **17. Dumpsters**

- A. Dumpsters are for Ponderosa residents only.
- B. Large items should be broken down.
- C. All trash must be inside the dumpster. Trash put next to dumpster or piled high and falls off will be subject to a fine.
- D. Contact management for especially large loads so we can coordinate and minimize disruptions if you are unable to place your trash in the dumpster.
- E. Recycling and compost rules must be followed as set forth by Western Disposal. Incurred fees for non-compliance will be passed on to resident.

## **18. Grievance Procedure**

Residents have the right to disagree with, and appeal, certain decisions of management that may adversely affect them. A resident wishing to appeal with a decision must follow the procedures in this section. If a resident fails to meet a time deadline, the resident will forfeit the right to appeal. The grievance process is as follows:

- A. Grievance must be presented in writing to the park manager within seven days after the event.
- B. Within 10 days the park manager will contact the resident to arrange a time to talk informally about the issue and try to resolve it.
- C. Within 10 days of the informal discussion, the park manager will send a letter to the resident summarizing the meeting and denying or approving grievance.
- D. If the resident is dissatisfied with the decision reached in the informal discussion, the resident must submit a written request for a hearing to the Deputy Director of Housing at 1300 Canyon Blvd. within seven days of the denial/approval letter.
- E. The hearing will be held within thirty days of receipt of the written request by the Deputy Director of Housing or as otherwise agreed by the resident and Deputy Director. The Deputy Director of Housing, or his or her designee, will be the hearing officer. The resident seeking the appeal will be provided at least 10 days' notice of the hearing time, date and location.
- F. The hearing officer will make a written decision within 30 days of the hearing.
- G. Any point of procedure not addressed in this rule will be governed by Title 1, Chapter 3, Quasi-Judicial Hearings, Boulder Revised Code, 1981.

These rules and regulations will not be altered or updated without notification to the residents at Ponderosa.