

SUPREME COURT OF COLORADO

Town of Erie v. Eason

18 P.3d 1271 (Colo. 2001) · No. No. 99SC835 · Decided February 20, 2001

SUMMARY

The Colorado Supreme Court held that semi-trailers intended for use as public self-storage rental units constitute structures under the Uniform Building Code adopted by the Town of Erie. Because the trailers were subject to the building code, the landowner was required to obtain building permits, regardless of whether the trailers were permanently affixed to the land. The court reversed the court of appeals and remanded for consideration of the remaining issues.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Martinez
JURISDICTION	Colorado
DECIDED	February 20, 2001
DOCKET	No. 99SC835
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Colorado Supreme Court granted certiorari to review the court of appeals' reversal of a trial court injunction requiring Eason to obtain a building permit before using semi-trailers as public self-storage units.
STANDARD OF REVIEW	De novo review applies to the interpretation of a municipal ordinance because ordinance interpretation presents a question of law.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Colorado, decided en banc.
PARTIES	Town of Erie, Victor F. Smith, Mayor, Richard Sisk, Lynn Morgan, Judi Haglin, Thomas Van Lone, Dennis Wiley, Debbie Langerak, Cindy Keith, Macolm Lopez, Lisa M. Marino, Herbert Paddock v. W. Robert Eason

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QUESTIONS PRESENTED

1. Whether semi-trailers intended for use as public self-storage rental units are structures under the Uniform Building Code adopted by the Town of Erie.
2. Whether a structure must be permanently affixed to land before the town may require a building permit under the Uniform Building Code.

HOLDINGS

1. Semi-trailers intended to be used as public self-storage rental units are structures under the Uniform Building Code and therefore require the appropriate building permits.
2. Permanent attachment to land is not determinative of whether semi-trailers are structures subject to the UBC's permit requirements.

KEY QUOTATIONS

“We hold that semi-trailers intended to be used as public self-storage rental units are structures under the Uniform Building Code, and are therefore subject to all appropriate permit requirements.” (18 P.3d at 1277)

“This definition requires us to look to the use or intended use of the structure to determine whether a permit is required.” (18 P.3d at 1275)

FACTUAL BACKGROUND

Robert Eason intended to use semi-trailers on industrially zoned property as public self-storage rental units. After receiving conflicting information from town personnel, Eason placed sixteen trailers on the property and later added three more without obtaining approval or a building permit. The Town of Erie sought to enjoin further placement and use, and the trial court determined that the trailers were structures under the Uniform Building Code because of their intended public storage use.

PROCEDURAL HISTORY

The Town of Erie sought an injunction in Weld County District Court after Eason placed semi-trailers on his property for use as rental storage units without obtaining approval or a building permit. The trial court treated Erie's motion to dismiss Eason's counterclaims as a motion for summary judgment and held that the trailers were structures under the Uniform Building Code requiring permits. The court of appeals reversed, concluding that the trailers were not structures because they were not permanently affixed to the land. The Colorado Supreme Court reversed the court of appeals and remanded for consideration of the remaining issues.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Colorado Court of Appeals to address the remaining issues on appeal in a manner consistent with the Supreme Court's opinion.

CASES CITED

- Eason v. Town of Erie, 997 P.2d 1235 (Colo. App. 1999)
- Cherry Hills Farms, Inc. v. City of Cherry Hills Vill., 670 P.2d 779 (Colo. 1983)
- People v. J.D., 989 P.2d 762 (Colo. 1999)
- People v. Romero, 953 P.2d 550 (Colo. 1998)
- Cook County v. Thomas Recreational Vehicle, 68 Ill. App. 3d 582, 25 Ill. Dec. 320, 386 N.E.2d 591 (1979)
- City of Dublin v. Finkes, 83 Ohio App. 3d 687, 615 N.E.2d 690 (1992)
- Walker v. Ehlinger, 544 Pa. 298, 676 A.2d 213 (1996)
- Dominguez v. City & County of Denver, 147 Colo. 233, 363 P.2d 661 (1961)
- Griffin v. S.W. Devanney & Co., Inc., 775 P.2d 555 (Colo. 1989)
- In re Petition of U.M. v. District Court in and for Larimer County, 631 P.2d 165 (Colo. 1981)
- In re Moyer, 35 Colo. 159, 85 P. 190 (1904)
- State Bd. of Med. Exam'rs v. Saddoris, 825 P.2d 39 (Colo. 1992)
- Shapiro & Meinhold v. Zartman, 823 P.2d 120 (Colo. 1992)
- Colorado Civil Rights Comm'n v. North Washington Fire Protection Dist., 772 P.2d 70 (Colo. 1989)
- AviComm, Inc. v. Colo. Pub. Utils. Comm'n, 955 P.2d 1023 (Colo. 1998)
- People v. Taylor, 732 P.2d 1172 (Colo. 1987)
- Hessick v. Moynihan, 83 Colo. 43, 262 P. 907 (1927)
- Willits Woods Assocs. v. Zoning Bd. of Adjustment, 138 Pa. Cmwlt. 62, 587 A.2d 827 (1991)
- In re Heller, 101 Pa. Cmwlt. 564, 516 A.2d 859 (1986)