

**CITY OF BOULDER**  
**JEFFERSON COUNTY, MONTANA**  
**ORDINANCE # 2016- 02**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOULDER; REGARDING REGULATION OF MOBILE HOMES AND MODULAR HOMES IN THE ZONING JURISDICTION OF THE CITY OF BOULDER.

WHEREAS, the City of Boulder is responsible for assuring the peace, health and safety of its residents;

WHEREAS, the City of Boulder is responsible for protecting itself from liability and assuring the financial security of the city treasury;

WHEREAS, the City Council finds that placement of older mobile homes and modular homes creates increased risks of spread of fire and disease;

WHEREAS, the City Council finds that placement of mobile homes modular homes too close together creates increased risks of spread of fire and disease;

WHEREAS, the City Council finds that the unrestricted placement of mobile homes and modular homes creates a substantial risk of liability to the financial security of the City;

WHEREAS, a fire in a mobile home park in the City of Boulder in June, 2016, demonstrated the extreme risk to the whole City of older mobile homes and modular homes which are located too closely together;

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BOULDER, MONTANA:

1. Title: This ordinance shall be known and may be cited as the Mobile Home Regulation Ordinance of the City of Boulder, Montana.

2. Compliance Required: It shall be unlawful for any person to move ~~within or~~ into the city limits, zoning jurisdiction of the City of Boulder, which includes the land within the corporate limits of the City and within the one mile extraterritorial zoning jurisdiction boundaries, or maintain, any mobile home or modular home without complying with the conditions hereinafter set forth. This Ordinance is supplemental to and refers to the City of Boulder Zoning Ordinance 2007-03 (2008).

3. All persons transporting a mobile home or modular home within or into the zoning jurisdiction of the City of Boulder, or maintaining the same, must comply with the following restrictions and requirements.

4. All persons transporting a mobile home or modular home within or into the zoning jurisdiction of the City of Boulder must complete an application at City Hall which will be

reviewed by the Zoning Administrator for compliance with the Zoning Ordinance and this Ordinance. Any person who intends to transport a mobile home or modular home ~~within or~~ into the zoning jurisdiction of the City of Boulder, or maintaining the same, has the burden of producing sufficient documentation that it will meet the requirements of the Zoning Ordinance and this Ordinance.

5. No mobile home or modular home may be moved ~~within or~~ into the zoning jurisdiction of the City of Boulder which is older than 20 years from the date of manufacture, and which does not meet the standards specified in 42 USC 5401 (HUD Code), et seq., and regulations adopted thereunder.

6. No mobile home or modular home may be moved ~~within or~~ into a mobile home park in the zoning jurisdiction of the City of Boulder, or maintained therein, which is closer than 30 feet between homes. ~~A deck or other structure attached to a mobile home or modular home will be considered as a part of each mobile home or modular home. The distance of 30 feet must be maintained from the outermost extension of the deck or other structure to the next mobile home or modular home. A deck 6 feet wide by 12 feet long is not included in the measurement of the distance between mobile home. A deck should not be placed parallel with a storage shed or other building between mobile homes. Attachment A is incorporated herein to provide a diagram of proper layouts.~~

7. An independently standing structure in a trailer park such as a storage shed shall not be closer than five feet from the mobile home or modular home to which it is auxiliary. An independently standing structure such as a storage shed shall not exceed ~~48 square feet in size~~ 8 feet in width by 12 feet in length. ~~A deck should not be placed parallel with a storage shed or other building between mobile homes. Attachment A is incorporated herein to provide a diagram of proper layouts.~~

8. Parking for motor vehicles in a mobile home park will be provided on the street side of a mobile home or modular home lot off of the City right-of-way. No motor vehicles shall be parked between mobile homes or modular homes. No motor vehicles shall be parked in alleys.

9. ~~Section 17 of the City of Boulder Zoning Ordinance 2007-03 (2008) is amended to add the following:~~

E. Nonconforming Mobile Homes

- ~~1. A mobile home which lawfully exists on the effective date of this Ordinance, but which becomes nonconforming under this Ordinance regarding distances of separation and placement of storage sheds or decks, shall be allowed to continue for a 5 year phase out period, after which the mobile home must be removed from the premises or, where applicable, brought into conformance with the requirements.~~
- ~~2. A mobile home which lawfully exists on real property in a business or commercial district adjacent to Main Street (Montana Highway 69) on the effective date of the this Ordinance, but which becomes nonconforming under this Ordinance, shall be allowed to continue where it remains otherwise lawful, subject to the provisions of paragraphs C. 1-4, and D. 1-5 above.~~

9. ~~10.~~ **Violations and Penalties:** Any person violating the provisions of this ordinance may be ordered to correct the violation, and shall, upon conviction thereof, be deemed guilty of a misdemeanor, and subject to a fine of up to \$500 and imprisonment in the county jail for up to 6 months for each offense. The City may seek an injunction in court to prevent ongoing violations.

10. ~~11.~~ **Interpretation, Conflict with Other Laws:** In their interpretation and application, the provisions of this ordinance shall be held to be requirements adopted for the promotion of the health, safety and welfare of the general public. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

11. ~~12.~~ **Validity:** Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so declared to be invalid.

This Ordinance shall be effective thirty (30) days after its approval and passage.

First Reading: September 19, 2016

Second Reading: October 17, 2016

Third Reading: November 21, 2016

Approved and passed by action of the City Council on \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

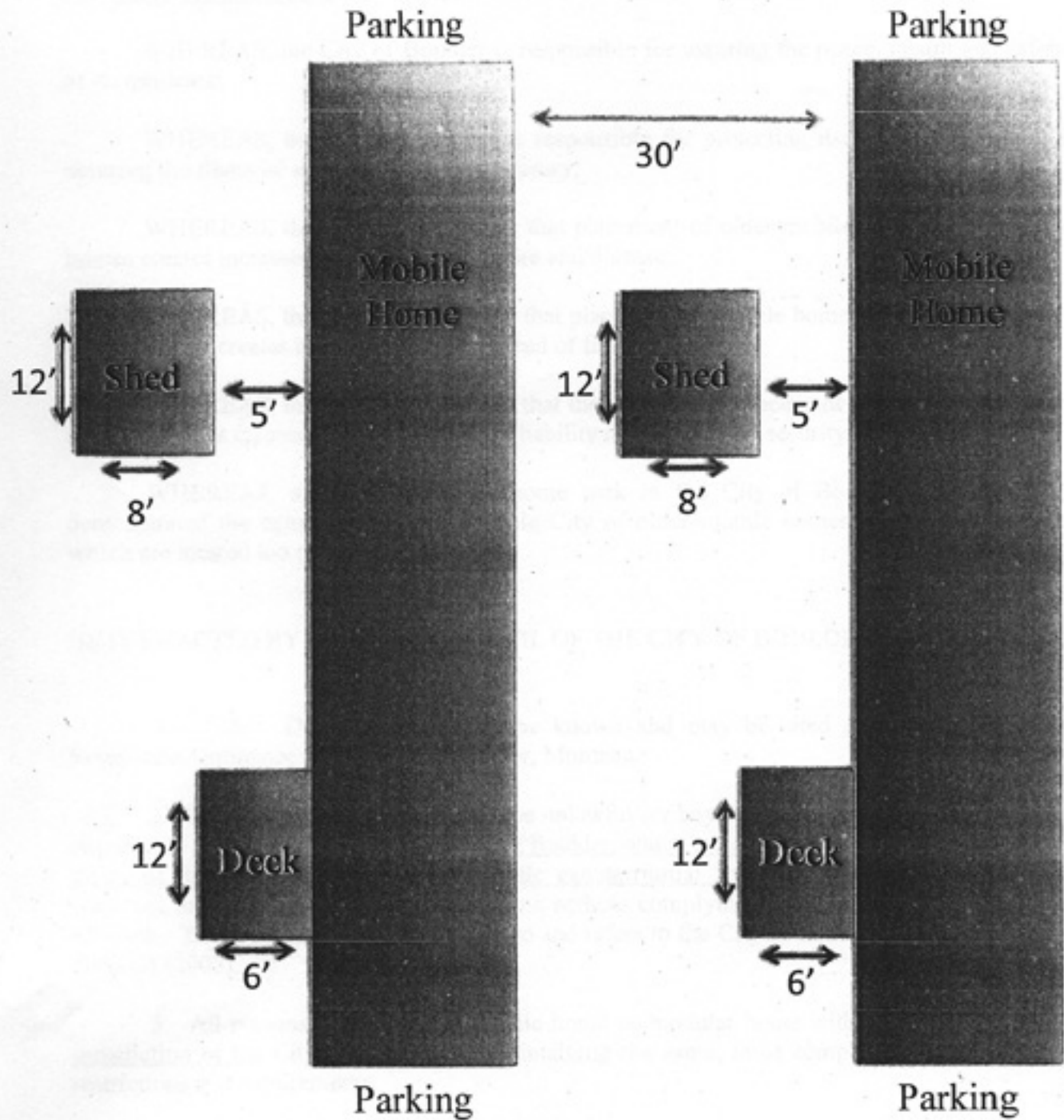
ATTEST: \_\_\_\_\_  
City Clerk

*PREPARED ON October 31, 2016,  
By Steven J. Shapiro, City Attorney*

Attachment A to  
CITY OF BOULDER  
ORDINANCE #2016-02

Street or Alley

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Street or Alley