

Title 15

BUILDING AND CONSTRUCTION

Chapters:

15.02 Fire Limits and Building Code

Chapter 15.02

FIRE LIMITS AND BUILDING CODE

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15.02.010 Fire Limits of Town. All portions of the Town, which are not platted or which are shown as outlots, shall constitute and be known as the fire limits of said Town.

15.02.020 Site Permits. Henceforth no person shall construct any building within said fire limits without having obtained from the Town Council, previous to the commencement of said construction, a permit authorizing such person to do so. Nor shall any person within said fire limits without having previously obtained a similar permit from said Town Council so to do, erect, rebuild or repair (beyond what is necessary to make good and natural deterioration), enlarge or add to any building, or remove any building from one (1) lot to another within said fire limits. Any person, whether owner, lessee, contractor or laborer, who shall hereafter, in violation of the provisions of this chapter, erect, enlarge or remove any building or cause the same to be done by others, shall be deemed guilty of a misdemeanor and upon conviction ten dollars (\$10.00) and not more than one hundred dollars (\$100.00), and such building or buildings erected, enlarged or repaired or removed or altered in violation of the provisions of this chapter, are hereby declared to be a nuisance, and it is hereby made the duty of the Town Community Service Officer to at once give the party responsible therefore written notice requiring him to remove the same forthwith, and unless such parties shall begin the removal of the same and complete the same within a reasonable time, it shall be the duty of the said Community Service Officer to proceed to remove the same and report the cost thereof to the City Judge, who shall tax the same and costs in the judgment of conviction and collect the same as other costs are collected. (Amended, Ord. #72, November 19, 2004).

15.02.030 (Deleted October 1995)

15.02.040 Definition. The word "person" as used in this chapter shall be construed to mean person or persons, corporation or company.

15.02.050 (Repealed June 2001, Ordinance #60)

15.02.060 (Repealed June 2001, Ordinance #60).

15.02.070. Minimum Lot Size, Non-Conforming Use.

A. Minimum Lot Size.

A single residence is required to have a minimum of three (3) platted lots, each lot must be twenty-five feet (25') by one hundred forty feet (140') or 10,000 square feet.

Minimum size for outlots or unplatted lots is one hundred fifty feet (150') by one hundred forty feet (140') or 20,000 square feet.

Mobile Home Park or (Court) requirements are covered under Sections: 15.02.150 through 15.02.200.

(Amended, Ord. 63, September 7, 2001; Amended Ord. 70, September 28, 2004)

- B. (Amended, Ord. 63, September 7, 2001; Repealed Ordinance 70, September 28, 2004)
- C. (Amended, Ord. 63, September 7, 2001; Repealed Ordinance 70, September 28, 2004)
- D. (Amended, Ord. 63, September 7, 2001; Repealed Ordinance 70, September 28, 2004)
- E. Non-Conforming Lots, Uses and Structures.
 - 1. Intent.

Within the Town there may exist lots, structures, and uses of land and structures which do not conform with the minimum lot sizes required in Subsection A hereof, and which were lawful before the effective date of this ordinance, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments thereof. It is the intent of this ordinance to permit those non-conformities to continue until they are removed, but not to encourage their survival. Further, the intent of this ordinance is that non-conformities shall not be enlarged upon, expanded or extended, and that if a structure is rebuilt it can only be rebuilt within the footprint for the existing structure and must conform with all setback requirements established by the Town of Clyde Park Municipal Ordinances, nor can they be used for grounds for adding other structures or uses prohibited by these ordinances and any future zoning requirements.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction or preparatory excavation or demolition has lawfully begun prior to the effective date of this Ordinance.

2. Non-Conforming Lots of Record.

In the Town the authorized uses may be continued on any single lot or two lots of record at the effective date of this Ordinance as long as the lot has continuously been a lot of record, and separate ownership from adjacent property, prior to and since the passage of the effective date of this Ordinance, even though such lot fails to meet the requirements of area or width as set forth in Subsection A of this Ordinance, and provided that there is no expansion beyond the footprint of the existing structure, setback requirements are met, and all County requirements regarding septic systems have been met.

If two or more lots or combination of lots which have continuously been of record in separate ownership from adjacent property prior to and since the effective date of this Ordinance, and if any of the lots do not meet the requirements established in Subsection A of this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance with no portion of said parcel shall be used or sold in a manner which diminishes compliance with a lot width and area requirements established in this Ordinance, nor shall any

division of any parcel be made which creates a lot width or area below the requirements set forth in this Ordinance.

3. Non-Conforming Uses of Land and Structures.

Where, at the time of the effective date of this Ordinance, a land use or structure exists which would not be permitted by the regulations imposed by this Ordinance regarding minimum lot size, the use may be continued where it remains otherwise lawful, provided:

- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or structure than was occupied at the effective date of this Ordinance.
- b. No such conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this Ordinance.
- c. No additional structure not conforming to the minimum lot size requirements of Subsection A of this Ordinance shall be erected in connection with such non-conforming use of land or structure.
- d. In the event that the non-conforming use which exists on the effective date of this Ordinance is remodeled or rebuilt, the new structure cannot be expanded beyond the footprint for the non-conforming structure which was in existence at the effective date of this Ordinance.
- e. One non-conforming use may not be converted to another non-conforming use.

4. Non-Conforming Structures.

Where a lawful structure exists at the effective date of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot size, height, yard, location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- b. Should such non-conforming structure or non-conforming portion of the structure be destroyed, remodeled, or rebuilt, it shall not be reconstructed or remodeled beyond the footprint of the existing non-conforming structure or non-conforming portion of the structure. Nothing in this subsection shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety,

upon order of such official.

- c. In the event that a non-conforming structure or non-conforming portion of the structure is remodeled or rebuilt, all setback requirements, and all County and State requirements regarding sewage and septic systems shall be met.

(Amended Ord. 70, September 28, 2004).

15.02.080 Septic Tanks. All current Park County Septic System Rules and Regulations apply in the corporate limits of the Town of Clyde Park. The system must apply for a permit and be inspected by the Park County Health Department.

15.02.090 (Repealed June 2001, Ordinance #60)

15.02.100 Direction to Set All Homes. All buildings both mobile homes and houses, must sit either North and South or East and West.

15.02.110 Alleys Kept Clear. All alleys are to be kept clear at all times, unless loading or unloading.

15.02.120 Permission to Erect Fences. No fences are to be erected unless permission is given by the Town Council. A building permit is required with a fee of ten dollars (\$10.00). (Amended, Ord. #73, November 19, 2004)

15.02.130 Site Permits for Buildings, Including Mobile Homes. A site permit will be required for all buildings, including mobile homes. Site permits will not be granted unless plans or blueprints are submitted specifying what type or kinds of building (or buildings) are to be erected. Site permits will be granted by the Mayor and Town Council. An exception will be for mobile homes located in a pre-platted mobile home park, which may be issued by the Town Clerk.

A fee of twenty-five dollars (\$25.00) will be charged per every \$25,000 in construction costs for any residential and non-residential structure upon any lots, with a minimum of twenty-five dollars (\$25.00).

A fee of twenty-five dollars (\$25.00) will be charged for the moving in of a mobile home.

A fee of twenty-five dollars (\$25.00) will be charged for the placement of any modular not on a foundation.

As set forth in Section 15.02.220, site permits are valid for one (1) year from date of issuance. An owner may request that the permit be renewed provided the owner follows the procedure set forth in Section 15.02.220. (Amended, Ord. #74, November 19, 2004)

15.02.140 Property Line Clearance. Correct location of property lines is the responsibility of the Property Owner. The Town may require that property lines be verified by recorded surveys, reference deeds, and other means. All buildings must have a clearance of twenty feet (20') measured from the structure to the edge of the street in the front of the lot, and five feet (5') measured from the property line to the edge of the alley in the rear of the lot. With respect to corner lots, all buildings must have a clearance of twenty feet (20') measured from the structure to the edge of the street in the front of the lot, five feet (5') measured from the structure to the edge of the street on the side of the lot, and five feet (5') measured from the property line to the edge of the alley in the rear of the lot.

When located on a corner there shall be no fence or obstructive plants higher than four feet (4') to allow for clear view of the public right of way.

All mobile homes will be positioned on properties in a manner to be pre-approved by the Town Council. (Amended, Ord. #75, November 19, 2004)

GENERAL REQUIREMENTS FOR MOBILE HOME PARKS

Sections:

- 15.02.150 Intent
- 15.02.160 Design Requirements
- 15.02.170 Requirements
- 15.02.180 Skirting; Awnings
- 15.02.190 Enclosure of Mobile Home Park
- 15.02.200 Additional Requirements

15.02.150 Intent. The intent of this chapter is to provide regulations for the development, design and improvement of mobile home parks in order to promote, protect and secure public health, safety and general welfare, to protect adjacent property, to conform to the system of service available, or other limiting factors.

The location of a Mobile Home Park or (Court) is any plot of ground upon which two (2) or more trailer homes or spaces are charged a rental fee, which constitutes a Business.

15.02.160 Design Requirements. Before any construction is begun on a mobile home park, a site plan shall be submitted and approved by the Town Council, complete in detail, meeting and showing the following requirements:

1. Location and legal description.
2. The minimum area for such development shall be not less than 28,000 square feet.
3. Average park density shall not exceed one (1) mobile home unit per 2,800 square feet of area.

4. Vehicular roadways and driveways of not less than thirty feet (30') in width unless separate exit and entrance roadways or driveways are provided in which minimum width shall be not less than twenty feet (20').

5. Plans showing size and arrangement of mobile home spaces, services and utility buildings.

6. Provisions for sewage collection and disposal subject to State Health Department approval.

7. Provisions for water supply and distribution subject to State Health Department approval.

8. Compliance with all design requirements as stipulated in Regulation No. 54-500 Montana Department of Health Regulations for Trailer Parks.

15.02.170 Requirements.

A. Mobile Home setback requirements.

1. All buildings and mobile homes must have a clearance of twenty feet (20') measured from the structure to the edge of the street in the front of the lot, and five feet (5') measured from the property line to the edge of the alley in the rear of the lot. With respect to corner lots, all buildings must have a clearance of twenty feet (20') measured from the structure to the edge of the street in the front of the lot, five feet (5') measured from the structure to the edge of the street on the side of the lot, and five feet (5') measured from the property line to the edge of the alley in the rear of the lot. (Amended, Ord. 76, November 19, 2004)

2. Mobile homes shall be set back five feet (5') from all interior roadways within the park.

B. Mobile Home separation.

1. No mobile home, mobile home porch, canopy, or other apparatus attached to the mobile home shall be closer than fifteen feet (15') to any neighboring mobile home or structure.

C. Park accessory building separation.

1. All accessory buildings shall be separated from mobile homes or other residence in the park by a distance of not less than twenty feet (20') in all directions. (Amended, Ord. 76, November 19, 2004)

2. All electric, telephone, television cables and other utility lines including fuel lines

shall be underground.

3. Where utility meters are installed, they shall be uniformly located.

4. Each mobile home must have individual whatever shut-off valves with easy access to the Water Department of Clyde Park. They must meet the requirements of the Town of Clyde Park and the State of Montana.

15.02.180 Skirting :Awnings.

A. Each mobile home shall be skirted within thirty (30) days after placement.

B. Skirting shall be of non-corrosive metal or other approved type attached to the mobile home so as to prevent the entry of rodents, flies, or other insects.

C. Awnings may be attached to any mobile home but shall not exceed twelve feet (12') in width or the length or height of the mobile home.

15.02.190 Enclosure of Mobile Home Park.

A. Mobile home parks shall be buffered and/or enclosed by:

1 A green belt strip of trees, shrubbery, or hedge-type growth.

2. Ornamental wall two feet (2') minimum in height, constructed of cinder block, brick, wood, or other similar solid materials; or

3. A combination of these two methods.

4. Such buffering material may serve as a property line and is not to be regulated by setback requirements.

15.02.200 Additional Requirements. All mobile home park developments shall conform to all state regulation dealing with mobile home park developments, and shall conform to the intent and requirements of the district in which it is located unless otherwise provided for.

15.02.210 Violations: Penalty. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as set forth in Section 1.08.010 of this code. (Ordinance # 25)

15.02.220 Expiration. (Repealed February 2, 2005, Ordinance #78)

15.02.230 Burning; Burn Permits. No person shall burn refuse or garbage in the municipal limits. However, weeds, grasses, leaves and/or wood or wood products may be burned within the municipal limits if a special permit is obtained from the Town Fire Department.

(Ordinance #58, June 7, 1999)

cp.ch.15.02.complete

Attachment to Building Permit:

Date: _____

I the applicant for this Building Permit _____,
(Owner of Property)
from the Town of Clyde Park, Montana, do hereby consent to this Building Permit addition.

The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, an a violation of any of the provisions of the Uniform Building, Mechanical, or Plumbing Codes; the National Electrical Code; the Town of Clyde Park Municipal codes; or any other ordinances of the Town of Clyde Park. The applicant and owner have responsibility for compliance with the applicable Codes and Ordinances.

Applicant: _____
(Signature)

Town of Clyde Park, Montana: _____
(Town Clerk Signature)