

## ORDINANCE 158

**An ordinance of the Darby Town Council amending Darby Town Code 9-3A-2-C Special Exceptions and 9-3A-2-D Prohibited Uses and Structures within the boundary of the Town of Darby.**

**WHEREAS**, the Town of Darby has a vested interest in maintaining an attractive, healthy, safe and convenient place to live, work, and play for all citizens; and

**WHEREAS**, the Town Council adopts ordinances to move towards these goals; and

**WHEREAS**, the Town of Darby has adopted zoning districts as per Town Code section 9; and

**WHEREAS**, it has been noted there are numerous incidences of persons living in travel trailers, recreational vehicles, and/or cars throughout the municipal limits; and

**WHEREAS**, such living conditions can have a direct relation to property market values therefore potentially creating a financial impact to the Town of Darby taxable valuations; and

**WHEREAS**, Attorney Ryan P Archibald provided consultation on amending the Town Code; and

**WHEREAS**, it is the desire of the Town Council to amend 9-3A-2 C Special Exceptions and 9-3A-D Prohibited Uses of Property within the R-1 Residential District, which subsequently amends R-2 Multi-Family District, C-1 Commercial District M-1 Light Industry by reference; and

**WHEREAS**, the Town shall hold a duly noticed public hearing prior to the second and final reading of this ordinance; and

**WHEREAS**, text being voided or eliminated is shown in strikethrough font, text being added is shown in ***bold italic*** text; and

**WHEREAS**, this ordinance shall be incorporated by reference into the minutes of a regularly scheduled, duly noticed meeting thereof.

**NOW THEREFORE BE IT ORDAINED by the Town council of the Incorporated Town of Darby**

**Section 1: that Town Code Section 9-3A-2C be amended to read:**

C. Special Exceptions:

- i. After public notice and hearing and appropriate safeguards, the board of adjustment may permit as special exceptions prohibited uses and structures.

**Ordinance 158 (continued)**

- ii. *Occupied vehicles, recreational vehicles, motor homes, or camper trailers shall be allowed in Town approved and licensed RV/Manufactured/Mobile Parks in accordance with all applicable federal, state, and local laws.*

**Section 2: that Town Code Section 9-3A-2D be amended to read:**

D. Prohibited uses and structures:

- i. Mobile home not on cement or cement block foundation, skirted and with plumbing and electric meeting the Montana State Code.
- ii. *Occupied vehicles, recreational vehicles, motor homes, or camper trailers.  
A recreational vehicle, motor and camper trailer is considered occupied if a person, persons, or family has been living in, residing, sleeping in, or occupying a vehicle, recreational, vehicle, motor home, or camper trailer for seven (7) or more continuous days.*

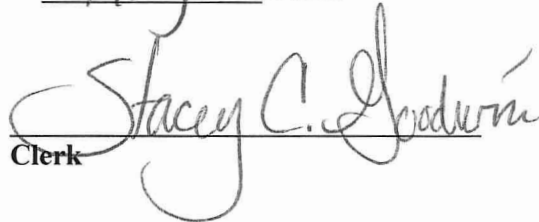
**Section 3: Implementation Plan:** Persons utilizing occupied vehicles, recreational vehicles, motor homes, or camper trailers at the time of the review, approval and adoption of this ordinance shall be notified by public notice, personal contact with town staff or officials, and/or other means available to assure participation in the process and provide adequate time for compliance with the new regulation.

**Section 4: Repealer:** All resolutions, ordinances, and sections of the Darby Town Code and parts thereof in conflict are hereby repealed upon the effective date of Ordinance 158.

**Section 5: Effective Date:** This ordinance will be in full force and effect thirty (30) days after the approval of the second and final reading by the Town Council.

**PASSED** by the Town Council of the Incorporated Town of Darby, Darby, MT on the first reading at a regular meeting thereof on this 12<sup>th</sup> day of May, 2020.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**PASSED, ADOPTED AND APPROVED** by the Town Council of the Incorporated Town of Darby, Darby, MT on second and final reading at a regular meeting thereof on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Ordinance 158 (continued)**

- ii. *Occupied vehicles, recreational vehicles, motor homes, or camper trailers shall be allowed in Town approved and licensed RV/Manufactured/Mobile Parks in accordance with all applicable federal, state, and local laws.*

**Section 2: that Town Code Section 9-3A-2D be amended to read:**

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**Section 3: Implementation Plan:** Persons utilizing occupied vehicles, recreational vehicles, motor homes, or camper trailers at the time of the review, approval and adoption of this ordinance shall be notified by public notice, personal contact with town staff or officials, and/or other means available to assure participation in the process and provide adequate time, no more than fourteen (14) days, for compliance with the new regulation.

**Section 4: Repealer:** All resolutions, ordinances, and sections of the Darby Town Code and parts thereof in conflict are hereby repealed upon the effective date of Ordinance 158.

**Section 5: Effective Date:** This ordinance will be in full force and effect thirty (30) days after the approval of the second and final reading by the Town Council.

**PASSED** by the Town Council of the Incorporated Town of Darby, Darby, MT on the first reading at a regular meeting thereof on this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**PASSED, ADOPTED AND APPROVED** by the Town Council of the Incorporated Town of Darby, Darby, MT on second **amended** reading at a regular meeting thereof on this 9<sup>th</sup> day of June 9<sup>th</sup>, 2020.

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Mayor

\_\_\_\_\_  
Clerk