

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1304

AN ORDINANCE AMENDING SECTIONS 15-2 AND 15-4 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, WITH REGARDS TO ENFORCEMENT OF PUBLIC NUISANCES.

WHEREAS, the City Council of the City of Miles City has determined that it is necessary and appropriate to amend Sections 15-2 and 15-4 of the Code of Ordinances of the City of Miles City so as to allow cost of nuisance abatement to be assessed to property taxes, clarifying required notice provisions, and to expressly authorize a police officer, in addition to the code enforcement officer, to enforce public nuisance ordinances;

BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. 15-2 shall be amended to read as follows:

“Sec. 15-2. – Penalty for violation of chapter.

(a) Unless otherwise specified by the provisions of this chapter, any person who violates the provisions of this chapter shall be deemed guilty of creating and maintaining a public nuisance, and upon conviction thereof shall be punishable by a fine for the first offense of not less than \$100.00 and not more than \$500.00 or by imprisonment for a term not to exceed six months, or both. The second offense shall be punishable by a fine of not less than \$300.00 and not more than \$500.00 or by imprisonment for a term not to exceed six months, or both. The third or subsequent offense shall be punishable by a fine of \$500.00 or by imprisonment for a term not to exceed six months, or both.

(b) The court may order that in the city be authorized to abate the public nuisance if the property owner or occupant fails to do so, and that the costs incurred by the city in abating said nuisance shall be assessed to the real property and taxed as a special assessment against the same. Interest shall accrue at the rate of 10% per annum from the date of the court’s order.

(c) Each day of failure to comply with the provisions of this chapter shall constitute a separate offense.”

Section 2. 15-4 shall be amended to read as follows:

“Sec. 15-4. – Enforcement procedure.

The prohibitions in this chapter may be enforced as follows:

(1) If the code enforcement officer or police officer, in the officer's reasonable discretion, determines that the alleged public nuisance presents an emergency, then he shall issue a citation and may take immediate action to abate the public nuisance. In such circumstances, the officer shall have the authority to contact city employees and to request their assistance in abating the nuisance.

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(2) If the code enforcement officer or police officer, in the officer's reasonable discretion, determines that the alleged public nuisance is not an emergency, then the officer shall provide a notice to the owner and occupant, if any, advising the owner and occupant of the complaint and requesting that the alleged public nuisance be abated within a period of not more than ten days. The officer shall reinspect at the end of the ten day period. If the owner or occupant has not abated the alleged public nuisance within the time required by the notice, then the officer shall issue a citation and take those actions reasonably necessary to abate the alleged public nuisance.

(3) Notice to the owner of the property; or, if the owner is not the occupant of the property, then notice to the occupant of the property; shall be given by one of the following methods, and such notice shall be deemed to have been given upon completion of any one of the following:

- a. personal service; or,
- b. certified mail, return receipt requested, addressed to the occupant at the physical address of the property; or,
- c. by posting notice in a conspicuous place upon the property.

(4) Notice to the owner, if the officer is able to determine that the occupant is not the owner of the property, shall be given by certified mail, return receipt requested, addressed to the owner or owners as named in the most current assessment list for the parcel of property at the address set forth in such assessment list, and shall be deemed complete upon such mailing. Confirmation of actual notice to the owner, if the owner is not the occupant, shall not be required in order to proceed with enforcement of this chapter as to the occupant, however, cost of abatement may not be assessed to the property owner's taxes if notice was not provided to the property owner as set forth herein."

Section 3. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 13th day of September, 2016.

ATTEST:


Lorrie Pearce, City Clerk


John Hollowell, Mayor

FINALLY PASSED AND ADOPTED this 27th day of September, 2016.

ATTEST:


LORRIE PEARCE, CITY CLERK


John Hollowell, Mayor

Affidavit of Publication

STATE OF MONTANA }
County of Custer } ss.

Mary Rose Bovee, being duly sworn on her oath, says that she has been the principal clerk of the printer of the MILES CITY STAR, a daily newspaper of general circulation, printed and published at Miles City, in said County and State. **City of Miles City, Legal Notice.**

Ordinance 1304. A printed and true copy which, cut from the columns of said newspaper, is hereto attached, and made a part hereof, was printed and published in said newspaper, in the regular and entire issue of every number of the paper during the period and time of publication, on the following dates, September 16, and 23,

2016.

Signed Mary Rose Bovee

Subscribed and sworn to before me this 16th
day of September, 2016

Tabatha Hallman

Tabatha Hallman, Notary Public for the state of Montana, residing at Rosebud. My Commission Expires June 1, 2019.

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that the City Council of the City of Miles City at a Regular Council Meeting held on Tuesday, September 13, 2016 at 7:00 p.m., passed on first reading the following Ordinance:

Ordinance 1304. An Amending Ordinance Section 15-4 of the Code of Ordinance of the City of Miles City, Montana, With Regards to Enforcement of Public Nuisances

The above Ordinance is on file and available for public inspection at the City Clerk's Office at City Hall, 17 S. 8th Street, Miles City, Montana. You are further notified that objections to the final adoption of the Ordinance will be heard by the City Council at its regularly scheduled meeting in the Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana, on Tuesday, September 27, 2016 at 7:00 p.m.

For information or questions you may contact the City Clerk at 234-3462.

BY ORDER OF THE CITY COUNCIL
Lorrie Pearce
City Clerk
(Published September 16, and 23, 2016)
MNAXLP

