

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1318

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES OF MILES CITY, MONTANA, WITH REGARDS TO WEEDS, AND THE ENFORCEMENT OF NUISANCES.

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

Section 1. Section 15-5 shall be amended to read as follows:

Section 15-5. Overgrowth of grass and weeds, and noxious weeds - Prohibited. It shall be unlawful for any person who owns or possesses any property within the city limits to allow grass or weeds to become overgrown to the extent that the same creates an unsightly appearance; or to knowingly permit any Canadian Thistle, Scotch Bull Thistle, Russian Thistle or any other thistles or noxious weeds to grow or stand upon any property thus owned or possessed by such person.

Section 2. Section 15-6 shall be amended to read as follows:

Section 15-6. Same – Destruction by city.

(a) If the owner or possessor of such property refuses or fails to abate such overgrowth of grass or weeds, or to destroy such thistles or noxious weeds, the office of the city engineer may provide for their destruction 15 days after delivering written notice to such owner or possessor. The cost of such destruction shall be charged by the city council as a special assessment against the property on which the thistles or weeds were destroyed. The city treasurer shall collect the special assessment in the manner provided for the collection of other special assessments.

(b) This section shall not operate as a waiver of prosecution under section 15-14.

Section 3. Section 15-14 shall be amended to read as follows:

Section 15-14. Enforcement procedure; Hearing before city council. In addition to any enforcement procedures otherwise set forth in this chapter, the prohibitions in this chapter may be enforced as follows:

- (a) If the code enforcement officer, in the officer's reasonable discretion, determines that the alleged public nuisance presents an emergency, then he or she shall issue a citation and may take immediate action to abate the public nuisance. In such circumstances, the code enforcement officer shall have the authority to contact Public Works Director and to request their assistance in abating the nuisance.
- (b) If the code enforcement officer, in the officer's reasonable discretion, determines that the alleged public nuisance is not an emergency, then the code enforcement 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 (10) days. The code enforcement officer shall re-inspect at the end of the ten (10) day period.
- (c) If the owner and/or occupant has not abated the alleged public nuisance within the time required by the notice, the code enforcement officer shall obtain a preliminary title report on the real property where the nuisance exists, which shall identify all owners of record, lessees of record, holders of mortgages, deed of trust or other liens and encumbrances of record.
- (d) The code enforcement officer shall serve upon each such person or entity identified in the title report by personal service or by certified mail, postage prepaid, return receipt requested, a written notice stating the nature of the nuisance and requiring the owner to commence either the required repairs, demolition, removal or other appropriate action within ten (10) days and to complete such work within thirty (30) days from the date of notice. Such notice shall contain the office, address, phone number of city personnel empowered to review the subject matter and the days and hours the same may be contacted. The notice shall be sent to each such person at his or her address as it appears on the last equalized assessment roll of the county as known to city personnel.

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- (e) If the property owner does not comply with the notice by commencing the required work within the time allowed, or makes such other arrangements as may be satisfactory, the code enforcement officer shall submit a report to the City Council to the office of the City Clerk, and the City Clerk set a hearing date for the matter to be heard before the City Council. The City Clerk send a notice of such hearing, including the date, time, and location of the hearing; along with a copy the code enforcement officer's report; and a copy of this Section 15-14; postage prepaid, return receipt requested, to the owner, mortgage holder, deed of trust holder, or holder of any other lien, encumbrance, estate or legal interest of record as disclosed by the preliminary title report.
- (f) At the time fixed on the notice, the city council shall proceed to hear the testimony of the city personnel and the testimony of any other interested party who may be present and desire to testify respecting the condition of the property or thing, the estimated cost of repair, demolition, removal or other appropriate action.
- (g) Upon the conclusion of the hearing, the city council will by resolution, declare its findings and in the event it so concludes, it may declare the property or thing to be a nuisance and direct the owner to obtain the proper permits and physically commence abatement of the nuisance within ten (10) days, and to complete said abatement within thirty (30) days by having the property repaired, demolished, removed or other appropriate act necessary to cure the nuisance.
- (h) Such resolution shall further notify the owner of the property that if the nuisance is not abated, the property will be the subject of repair, demolition, removal, or other appropriate act, as the case may be, by the city and the expenses thereof shall remain a lien on the property.
- (i) The Office of the City Clerk shall send copies of the resolution to the person owning the property or thing, as such person's name and address appears on the last equalized assessment roll or as known to the city personnel; and to each lessee, mortgage holder, deed of trust holder, or other holder of any other lien, encumbrance, estate or legal interest of record as shown on the preliminary title report obtained pursuant to this chapter, at the last known address of each such person.
- (j) The Office of the city clerk shall file a certified copy of any resolution declaring real property a nuisance with the Custer County clerk and recorder.
- (k) In the event the owner does not commence the abatement of the nuisance located on the real property within ten (10) days prescribed, Public Works office are authorized to undertake the appropriate action such as demolition, repair or removal necessary to cure the nuisance in accordance with the resolution of the city council or have the work done pursuant to purchase order or contract.
- (l) Office of Public Works shall keep an itemized account of all expenses involved in the repair, demolition, removal or other appropriate act necessary to cure the nuisance; as well as administrative expenses incurred, including but not limited to publication, and certified mailing: as well as the cost associated with ordering the preliminary title report.
- (m) The Office of City Clerk shall mail a copy of the statement to the property owner and to any holder of any interest of record, along with a notice of time and place when and where the statement shall be submitted to the city council for approval and confirmation.
- (n) At the time fixed for the hearing of the statement of expense, the city council shall consider the statement together with any objection or protest which may be raised by any of the property owners liable to be assessed for the work and any other interested person and the same shall be confirmed as stated, revised, corrected or modified by the city council.
- (o) If said statement is not paid within five (5) days of the adoption of the resolution, it shall constitute a lien upon the real property and shall be collected as a special assessment against the real property.
- (p) When the city council has by resolution declared that such property or thing is being maintained as a nuisance, and such resolution has been recorded and thereafter such nuisance is abated, the Office of City Clerk shall prepare and file with the county clerk and recorder of the county, a certificate stating that such nuisance has been abated and indicating the method of abatement.

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Section 4. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 9th day of January, 2018.

ATTEST:


Lorrie Pearce, City Clerk


John Hollowell, Mayor

FINALLY PASSED AND ADOPTED this 23rd day of January, 2018.

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 Number 1318. 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

January 12, and 19, 2018.

Signed

Mary Rose Bovee

Subscribed and sworn to before me this

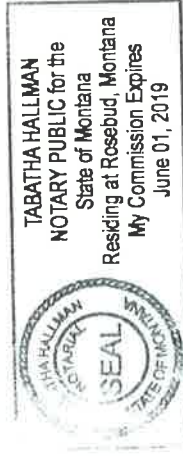
19th

day of *January*, 2018

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, January 9, 2018 at 7:00 p.m., passed on first reading the following Ordinance:

ORDINANCE NO. 1318: AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES OF MILES CITY, MONTANA, WITH REGARDS TO WEEDS, AND THE ENFORCEMENT OF 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, January 23, 2018 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 January 12, and 19, 2018)
MNAXLP