

ORDINANCE NO. 12-5584

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING SECTIONS TO BE NUMBERED 18-1401 THROUGH 18-1405, DEFINING TERMS, ESTABLISHING STANDARDS FOR BOARDED UP STRUCTURES, PROVIDING FOR A PROCEDURE WHEREBY BOARDED UP STRUCTURES CAN BE REMEDIATED, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING A SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

SECTION 1. That the Billings, Montana City Code be amended by adding Article 18-1400, Boarded Up Structures, with new sections to be numbered 18-1401 through 18-1405, to read as follows:

ARTICLE 18-1401, BOARDED UP STRUCTURES

Section 18-1401. Purpose and Intent.

Abandoned structures left boarded up over a significant period present a threat to the health, safety and welfare of the community and reduce the value of adjoining properties. Standards for long term security of abandoned, boarded up structures established in this section will help improve the appearance of these structures and preserve neighborhood property values.

Section 18-1402. Definitions.

For the purposes of this article the following definitions shall apply:

- (a) *Abandoned structure*: A structure that has remained unoccupied and one or more utilities, including but not limited to gas, electricity, and water, have been disconnected for a period of at least one hundred eighty (180) days.
- (b) *Abate*: To repair, replace, remove, destroy or otherwise remedy the condition in question by such means, in such a manner and to such an extent that is determined necessary in the interest of the health, safety and general welfare of the affected community.
- (c) *Boarded up*: The use of materials unrelated to the structure's exterior finish, such as plywood, oriented-strand board, plastic, metal, or canvas, to secure openings in an abandoned structure.
- (d) *Owner*: The title owner(s), contract purchaser, or any other person or representative of any entity which holds a legal or equitable interest in any parcel.
- (e) *Owner's agent*: A statutory agent such as, but not limited to a legal guardian, conservator, person with durable power of attorney, or property manager.

Section 18-1403. Abandoned Structure – Temporary Boarding

- (a) *Temporary boarding of window, doors openings.* Window or door openings on an abandoned structure may be boarded up for no more than one hundred eighty (180) days. Boards shall consist of a single sheet of oriented strand board (OSB) or plywood large enough to completely cover the window or door opening. The boards shall be attached with wood screws that are not common Phillips-head or slotted-head screws, such as hex or beveled-head screws.
- (b) *Boarded window and door openings – board replacement.* The boards on window and door openings shall be replaced within one hundred eighty (180) days of installation with properly installed, tight-fitting, and secure windows and doors.

Section 18-1404. Enforcement.

Upon written or oral complaint of any citizen so affected by an alleged violation of the provisions in this Article, or if a code enforcement officer becomes aware of a condition or situation that may constitute a violation of the provisions in this Article, the officer shall investigate the condition or situation within a reasonable period of time. The officer shall determine whether such condition or situation violates the provisions of this Article. If the officer finds that there exists a violation, such officer shall give written notice to the owner of the premises and the owner's agent of the specific nature of the violation. Unless a violation is determined to exist such that the abatement procedure is described elsewhere in the Billings Municipal City Code, the code enforcement officer shall afford the owner of the premises or the owner's agent thirty (30) days to voluntarily abate the violation. The officer must give written notice in person or by certified mail of the specific condition to be abated and the specific abatement required to the owner of the premises and the owner's agent.

Section 18-1405. Violations

When an abandoned, boarded up structure has not been voluntarily abated within the time specified in the notice to abate it is a violation of this Article, a municipal infraction, and is punishable by civil penalties as specified in section 18-1304. Each day that the violation continues is a separate offense and shall be punished accordingly.

SECTION 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

SECTION 3. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading September 10, 2012.

PASSED, ADOPTED AND APPROVED on second reading September 24, 2012.



CITY OF BILLINGS:

BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk