

Ordinance No. 01-5138

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF BILLINGS, MONTANA, BE AMENDED BY REVISING SECTION 6-1042, OF SAID CODE; PROVIDING THAT SURETY BONDS FOR DEMOLISHING OR REMOVING BUILDINGS BE SET AT \$10,000 DOLLARS, ELIMINATING CONTINUATION CERTIFICATES TO RENEW THE SURETY BOND, MAKING MINOR CHANGES IN STYLE AND ESTABLISHING AN EFFECTIVE DATE.

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

Section 1. That section 6-1042 of the Billings Montana City Code be amended so that such section shall read as follows:

**"Sec. 6-1042. Demolition or removal of building; bond required.**

The city shall not issue a demolition permit until the applicant has furnished to the city a surety bond in the amount of \$10,000.00 dollars prescribed by council resolution. Continuation certificates to renew the surety bond will not be accepted. Such bond shall be filed with the city clerk and shall be conditioned upon the following requirements:

- (1) That such person or business entity owning the property from which the building is to be removed or torn down, or an authorized agent, shall promptly remove or demolish the building and shall remove any remaining foundation walls, fill in any existing holes left on the property, level the property and remove all debris and junk from the property, within thirty (30) days after the removal or tearing down of the building. The building official may permit the owner to retain the foundation if it is safe to do so and the owner or the owner's agent either removes the foundation to a depth of twelve (12) inches below grade or leaves an existing hard surfaced slab covering the foundation. In either case, the owner shall prepare and sign an affidavit in a form acceptable to the city administrator or his designee acknowledging the existence of the subsurface foundation walls. The owner or the owner's agent shall file the affidavit with the Yellowstone County clerk and recorder's office so that it runs with the land. Prior to release of the surety bond, the owner or the owner's agent must provide the city administrator or his designee with satisfactory proof that the affidavit was recorded;
- (2) That any damage to rights-of-way be immediately corrected;
- (3) That all utilities be disconnected or protected as required by each utility; and

(4) That compliance with all applicable laws exists are complied with."

Section 2. 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.

Section 3. Repealer. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

PASSED by the City Council on first reading this 11<sup>th</sup> day of December, 2000.

PASSED, ADOPTED and APPROVED on second reading this 8<sup>th</sup> day of January, 2001.



CITY OF BILLINGS  
By

Mayor

ATTEST:

By Marita Herold  
City Clerk