

**RESOLUTION 23-11172**

**A RESOLUTION LEVYING A SPECIAL TAX UPON  
PROPERTY WITHIN THE CITY OF BILLINGS, MONTANA,  
TO DEFRAY THE COST OF ABATEMENT.**

WHEREAS, Billings, Montana City Code, Section 18-301, et seq. sets forth the procedures to be followed (a) to designate property within the City of Billings as a nuisance, and (b) to abate such a nuisance when ordered to do so by the Municipal Court.

WHEREAS, Section 18-305 provides that the property owner will be sent an abatement expense report for the subject property and will be given notice that any assessment that is not paid shall become a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes. The owners of the property described on Exhibit A have been sent an assessment notice for abatement expenses incurred pursuant to Section 18-301, et seq., but the property owner has not reimbursed the City for its expenses set forth in the report or any part thereof. Further, City policy dictates that the City Clerk shall prepare and present a Resolution containing a list of the properties to be assessed, the recorded owners, and the amount of the cost for abatement, not to exceed the statutory amount for a Municipal Court judgement as in MCA 3-11-103, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. LEVYING OF SPECIAL TAX. That for the purpose of collecting funds to defray the cost of abatement, there is hereby levied and assessed a special tax upon the owners and the lots or parcels described on the list attached hereto.

2. ASSESSMENT AND COLLECTION. Said tax shall be placed upon the assessment rolls and collected in the same manner as other taxes.

3. DISPOSITION OF COLLECTIONS. Pursuant to Section 18-305(6)k. BMCC, monies collected from taxes shall be paid into a special abatement fund established to account for costs, collections, and transactions necessary to the efficient operation of the Nuisance Abatement program. Assessment funds collected will be returned to the designated abatement account for future use on other involuntary property abatements or for transfer back to the city general fund.

4. NOTICE OF HEARING. On Monday, November 13, 2023, at 5:30 p.m., or as soon thereafter as the matter could be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council heard objections to the adoption of this resolution. The City Clerk published notice twice, at least five (5) days prior to the hearing, in the Yellowstone County News, as provided in Section 7-1-4127 MCA.

5. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the 13<sup>th</sup> day of November, 2023.



CITY OF BILLINGS:

BY: William A. Cole  
William A. Cole, MAYOR

ATTEST:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

*Exhibit A*

<b>Owner Name</b>	<b>Address</b>	<b>Tax Code</b>	<b>Assessed Amount</b>
Polk, Elizabeth A	1426 Wicks Lane	C00348	\$2,679.39

## City Council Regular

Date: 11/13/2023  
Title: Public Hearing & Resolution for Nuisance Property Abatement Assessments  
Presented by: Andy Zoeller, Finance Director  
Department: Finance  
Presentation: Yes  
Legal Review: No  
Project Number: N/A

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### RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and pass the attached assessment resolution authorizing staff to alter list if the assessments are paid prior to submitting to the County Treasurer.

### BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

A nuisance property abatement assessment resolution has been completed, and the assessment is ready to be placed on the taxes for the following property.

(C00348) For the property located at 1426 Wicks Lane in Billings, MT. A case for open storage, junk vehicle, and living in RV. The case was opened on 01/30/2023 with the first notice being sent out. On 02/13/2023 a final notice was sent out to gain compliance before a citation would be issued. Extension granted on 03/15/2023. A citation was then issued on 04/26/2023 for court in May. After the initial appearance on May 10, 2023, the court issued an abatement order. Walkthrough was done on 06/20/2023 to assess what we would need to get property into compliance. Abatement scheduled 07/18/2023 but property was close to cleaned up so we gave them another week extension to get it cleaned the rest of the way. On 07/24/2023, no progress was made so abatement scheduled for 08/08/2023. Property then brought back out of compliance and another abatement conducted on 09/12/2023. Property went for a 3<sup>rd</sup> time out of compliance and another abatement on 09/26/2023. The invoice was mailed. Total charges \$2,679.39.

### ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve, in which case the property owners will not be assessed, and the General Fund will be responsible for paying for the abatement.

### FISCAL EFFECTS

The assessments total \$2,679.39 and will reimburse the General Fund.

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### Attachments

Resolution Nuisance Abatement

