

RESOLUTION 24 -11185

**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 (BMCC), 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, BMCC, 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 Section 3-11-103, MCA, 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, 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, February 26, 2024, 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 26<sup>th</sup> day of February, 2024.

CITY OF BILLINGS:



By: William A. Cole  
William A. Cole, Mayor

ATTEST:

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

*Exhibit A*

<u>Owner Name</u>	<u>Address</u>	<u>Tax Code</u>	<u>Assessed Amount</u>
Boyd, Gregory	904 S 29 <sup>th</sup> St	A01832	\$179.52
Duschner, Lila	1404 Miles Ave	A11430	\$433.02

**City Council Regular**

**Date:** 02/26/2024  
**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**

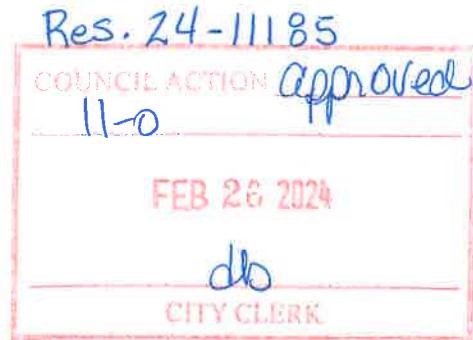
Staff recommends that the City Council conduct a public hearing and pass the attached assessment resolution authorizing staff to alter list if the assessments are paid prior to submitting to the County Treasurer.

**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 properties.

(A01832) For the property located at 904 S 29th in Billings, MT. A case for open storage, junk vehicle, and living in RV. The case was opened on 04/26/2023 with the first notice being sent out. On 05/22/23 a final notice was sent out to gain compliance before a citation would be issued. On 7/25/23 Property owner Gregory Boyd was detained in YCDF. I went down and offered a Voluntary Abatement for him to sign. By signing the form, City Code Enforcement would clean the property. Mr. Boyd agreed to sign for the Abatement. Abatement scheduled 08/14/23. On 8/14/23 City of Billings Code Enforcement and Solid Waste removed all open storage in the yards. The invoice was mailed on 10/9/2023. Total charges \$179.52.

(A11430) For the property located at 1404 Miles, Billings, MT. A case was open for inoperable vehicles and open storage on 9/15/2022 and first notice mailed to the residence. On 9/28/2022 the second inspection took place, and the second notice was sent. There were multiple times of contact with the resident to get the property into compliance and multiple extensions. On 11/30/2022 the first citation was issued and on 12/15/2022 the resident was cited into court. The Court granted an abatement order for the property. On 4/18/2023 Code Enforcement arrived at the residence to abate the property and the resident asked for another extension. An extension was granted until 4/26/2023 to get the property into compliance. Upon re-inspection on 4/26/2023 the property came into compliance. On 9/19/2023 Code Enforcement posted property due to being in violation. On 9/26/2023, Code Enforcement abated the property and brought it back into compliance. The invoice was mailed 10/16/2023. Total outstanding cost of the abatement is \$433.02.

**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 \$612.54 and will reimburse the General Fund.

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**Attachments**

Resolution Nuisance Abatement

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CITY OF BILLINGS:

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

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, CITY CLERK

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DRAFT

Ex-Parte  
Communications to the  
Billings Mayor and City  
Council

Regular Business Meeting  
February 26, 2024

**Bohlman, Denise**

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**From:** Lita Pepion <litapepion@hotmail.com>  
**Sent:** Monday, February 26, 2024 3:52 PM  
**To:** Council  
**Subject:** [EXTERNAL] New nuisance property abatement rules

Hi - I am very concerned about the proposed new rules for nuisance property. As a lower income individual who works hard yet lives paycheck to paycheck, if my car breaks down, I can't afford to fix it within 5 days.

Sometimes I must wait two weeks for another paycheck to purchase parts and lord knows how much longer to earn enough to pay someone to fix or tow it.

I'm afraid this new rule will set already struggling families deeper into the hole. Please reconsider - or, at the very least, define inoperable in a way that doesn't impact folks whose vehicles are temporarily inoperable.

Thank you for your time.

Lita J. Pepion  
(406) 208-5779