

## ORDINANCE 25-5909

### AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE REGULATIONS IN SECTION 27-1700, BE AMENDED to PROVIDE CLARIFICATION OF THE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1. RECITALS.** Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27- 1502, BMCC, provide for amendment to the text of the Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed corrections and clarifications to the zoning regulations that pertain to all the real property within the City of Billings. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

**Section 2. DESCRIPTION.** 27-1700 – Violations, Enforcement and Remedies, is in need of clarification and modification through an ordinance to make the regulations clearer and provide for accurate administration of the code.

### **Section 3. ZONE REGULATION CORRECTIONS AND AMENDMENTS**

**Section 27-1704.G and 27-1704.H are amended as follows:**

#### **Sec. 27-1704. - Penalties for violation.**

The effective enforcement of adopted standards is necessary to accomplish their intended purpose. The city has a variety of options for the enforcement of this zoning code. Subsections G. and H. list specific enforcement remedies for specific violations of the code. The zoning coordinator may select the any other option for enforcement for violations not listed in subsection G. or H., which in their opinion is most suitable to the circumstance and violation. More than one enforcement option may be used to attain compliance with the standards of this zoning code when deemed appropriate. The remedies and enforcement powers established in this zoning code are cumulative, and the city may exercise them in any order and combination.

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#### **G. Criminal penalties (current).**

1. Violations of the use provisions listed in subsections (a) through (d) of this zoning code or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or special review uses or any of the required conditions imposed by the review authority, is may be cited as a misdemeanor and is punishable by criminal penalties as specified in subsection 1-110. Violations of use restrictions, either as a primary use or accessory use, in the following sections of the zoning code are subject to criminal penalties:

(a) Establishment of a commercial or industrial use in a residential or neighborhood zone district with the following exceptions:



- i. Commercial uses that may be allowed within the N1-3, NX1-3 and RMH zones in Table 27-1000.1; or
- ii. Home Occupations allowed under Sec. 27-1008.M; or
- iii. Uses that may be approved through special review under Sec. 27-1623.

Uses in the category of commercial or industrial are listed within Table 27-1000.1.

- (b) Establishment of an Adult Entertainment use in a zone where it is prohibited (Table 27-1000.1 and Sec. 27-1005.B).
- (c) Establishment of a new Marijuana Dispensary, Cultivation, Processing, Warehousing or Transportation business in a zone where it is prohibited (Table 27-1000.1, Sec. 27-1005.R and 27-1006.F).
- (d) Establishment of a new casino or bar use in a zone district where it is prohibited or where the required separation distances cannot be met (sec. 27-1005.G and 27-1005.J).

2. Each day such violation continues shall be considered to be a separate offense.

#### H. *Municipal infraction.*

1. Violation of this zoning code ~~is may be cited for the violation into municipal court as~~ a municipal infraction and ~~shall be subject to civil penalties as specified in section 18-1304, may be punishable by a civil penalty as provided in BMCC section 18-1300,~~ in addition to other remedies of this section. Violations of requirements in the following sections of the zoning code are subject to municipal infraction citations or other non-criminal enforcement actions:

- (a) Section 27-300 – Neighborhood Districts
- (b) Section 27-400 – Commercial and Mixed Use Districts
- (c) Section 27-600 – Industrial Districts
- (d) Section 27-900 – EBURD Districts
- (e) Sections 27-1003, 27-1004, 27-1005, 27-1006, 27-1007, 17-1008 and 27-1009 – Use Standards
- (f) Section 1200 – Landscaping, Buffering and Screening
- (g) Section 1300 – Parking and Loading
- (h) Section 27-1400 – Signs
- (i) Section 27-1500 – Nonconformities
- (j) Section 27-1802.H – Visibility at Intersections
- (k) Section 27-1600 - Violation of conditions of approval of any permit, license, special review or variance.

## Section 4. **ZONE REGULATION AMENDMENT**

Add new Section 27-1705 as follows:



Sec. 27-1705. Remedies cumulative.

The remedies provided in this article are cumulative and do not preclude any other available remedy at law or in equity.

**Section 5. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 6. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 7. 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 this 24<sup>th</sup>, day of March, 2025.

PASSED, ADOPTED and APPROVED on second reading this 14<sup>th</sup>, day of April, 2025.



CITY OF BILLINGS

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

ATTEST:

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

Zone Change 1060 – Section 27-1700 amendments