

Ordinance Number 118

An ordinance of the Bainville Town Council amending Title 7 Health and Welfare Chapter 7.06 Nuisances adding section 7.06.055 Notify Persons in Violation by notifying any person in violation of this chapter in writing with 15 days to remedy the situation and giving the County Sheriff's department authorization to enforce this chapter.

Be it ordained by the Bainville Town Council of the Town of Bainville, Montana:

Chapter 7.06 NUISANCES

Sections:

- 7.06.010 Nuisance Defined
- 7.06.020 Who Shall Be Liable
- 7.06.030 Property Owner to Abate
- 7.06.040 Town Council to Abate
- 7.06.050 Destruction of Buildings
- 7.06.055 Notify Persons in Violation
- 7.06.058 Enforcement Authority
- 7.06.060 Violations; Penalty

7.06.010 Nuisance Defined. Anything which is injurious to the health or morals, or indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is a nuisance.

7.06.020 Who Shall Be Liable. Any person who creates or maintains any nuisance, or causes the same to exist, or any person who knowingly permits a nuisance to be created, maintained, or to exist on premises owned by him or under his control, shall be liable.

7.06.030 Property Owner to Abate. It shall be the duty of the owner of any lot, building or premises whereon any nuisance exists or the lessee, manager or person in charge thereof to remove, abate, or destroy the same without delay.

7.06.040 Town Council to Abate. Whenever any nuisance exists within the town limits for the abatement, creation, or removal of which no person can be found who is responsible therefor, it shall be the duty of the town council to remove, abate, or destroy the same, or cause the same to be done at the expense of the town.

7.06.050 Destruction of Buildings. The town council has authority to declare any building to be a nuisance which in the opinion of the town council is so dilapidated or in such condition as to menace the public health or safety of persons or property; and to cause the destruction or removal of the same at the expense of the parties creating, causing, committing or maintaining said buildings or property. The town may levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the town for the cost of abating the same as provided for in Section 50-62-107 of the Montana Codes Annotated.

7.06.055 Notice of Violation. It shall be the duty of the Town Clerk or other authorized agent to notify, in writing with proof of service, any person in violation of this chapter, allowing them fifteen (15) days upon receipt of the notice to correct said violation.

After being notified of such violation and upon failure to correct such violation within 15 days, the Town council shall remove said nuisance and the costs shall be charged to the owner of said premises. If not paid within thirty (30) days, the costs shall be added to the taxes of the person violating this chapter, which costs shall become a lien upon the premises.

7.06.058 Enforcement Authority. The Roosevelt County Sheriff's department has the primary responsibility of enforcement of all provisions of this chapter. The Sheriff's office has the authority to enforce the provisions of this chapter.

7.06.060 Violations; Penalty. Any person who shall violate the provisions of this chapter shall, be subject to the penalties in Section 1.08.010 violate any of conviction, be of this Code.

Effective Date: This ordinance shall be effective 30 days after second reading and final adoption.

Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading on the 18th day of July, 2016, by a vote of 3 Ayes, 0 Nays, 0 Abstain, and 0 Absent

Second reading and final adoption on the 8th day of August, 2016, by a vote of 2 Ayes, 0 Nays, 0 Abstain, and 1 Absent.

ATTEST

APPROVED

/s/Nikki Rogers
Nikki Rogers, CMC
Clerk-Treasurer

/s/Dennis Portra
Dennis Portra
Mayor