

## **ORDINANCE NO. 256**

### **AN ORDINANCE REVISING THE VACANT STRUCTURE REGISTRY AND VACANT STRUCTURE REGISTRATION REQUIREMENTS**

#### **BE IT ORDAINED BY THE COMMISSION OF ANACONDA-DEER LODGE COUNTY AS FOLLOWS:**

- I.** The Code of Ordinances, Anaconda-Deer Lodge County, Montana Chapter 10, is amended by renumbering all sections of Article VI.
  
- II.** The Code of Ordinances, Anaconda-Deer Lodge County, Montana Chapter 10, Article VI is amended by adding section to read as follow:

#### **Sec. 10-140 . LEGISLATIVE FINDINGS**

The local government of City-County Anaconda-Deer Lodge finds that:

- (a) There are a large number of vacant structures scattered throughout Anaconda-Deer Lodge County which are constantly broken into, vandalized, used for unsanitary or immoral purposes and are potential fire hazards.
- (b) There are many vacant structures in Anaconda-Deer Lodge County which, because of their vacant status, constitute hazards to the health, safety, and welfare of the public.
- (c) Certain vacant structures have reached a state of disrepair and deterioration creating a public nuisance or exerting a downgrading or blighting influence on the surrounding neighborhood, resulting in discouraging neighbors from making improvements to properties and thus adversely affecting the tax revenue of Anaconda-Deer Lodge County.

- III.** The Code of Ordinances, Anaconda-Deer Lodge County, Montana Chapter 10, Article VI is amended by adding section to read as follow:

#### **Sec. 10-141 . PURPOSE**

The purpose of this article is to protect and promote the health, safety, morals, and/or general welfare of the community by establishing a system

for the identification and registration of vacant structures, clarifying the responsibilities of owners of vacant structures, and providing for the administration, enforcement, and penalties.

**IV. The Code of Ordinances, Anaconda-Deer Lodge County, Montana Chapter 10, Article VI is amended to read as follows:**

**Sec. 10-142 . DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agency* means the local government of City-County of Anaconda-Deer Lodge including all of its departments, boards, commissions. The code enforcement office within the planning department shall be the lead enforcement agency for this article. It shall receive and document all citizen complaints related to this article. The code enforcement officer shall work cooperatively with the departments listed in this section to enforce this article.

- (1) Sanitarian and environmental health department.
- (2) Law enforcement department.
- (3) Planning department.
- (4) Fire department.
- (5) Weed department.
- (6) County attorney.

*County* means as the area within the borders of Anaconda Deer-Lodge County (hereinafter referred to as A-DLC), State of Montana.

*Dangerous Structure* means a structure that is potentially hazardous to persons or property, including but not limited to:

- (1) A structure that is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible;
- (2) A structure with any appendages, including but not limited to, parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or a part of the structure and which are in a deteriorated condition or are otherwise unable to sustain the design loads which are specified in this code;

(3) A structure that is determined to be unsafe and unfit for human occupancy;

(4) A dangerous building or structure as defined in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings as adopted in Article \_\_\_ of this Code.

*Owner* means any person, agent, operator, firm, or corporation having a legal or equitable interest in the structure, or is recorded in the official records of the State of Montana, Anaconda-Deer Lodge County, as holding title to the structure, or otherwise has the legal responsibility for the control and maintenance of the structure, including the conservator or guardian of the estate of any such person, the personal representative or administrator of the estate of such person when ordered to take possession of a structure by a court, or is the taxpayer of record.

*Posted* means a structure that has been affixed with a "Notice of Dangerous Building and Order to Repair or Demolish" by the Agency that meets the criteria set for the in the Uniform Code for the Abatement of Dangerous Buildings.

*Unfit* means a structure that is not appropriate for human occupancy due to a determination by the Agency that the structure is:

- (1) unsafe or unlawful due to the degree to which the structure is in disrepair or lacks maintenance;
- (2) unsanitary, vermin or rat infested, or contains filth and contamination; or
- (3) Lacks ventilation, illumination, sanitary or heating facilities.

*Unoccupied* means a structure which is not being used for legal occupancy; this does not include an unoccupied structure offered for rent or sale, so long as the structure is not unsecured.

*Unsecured* means a structure that is not locked, protected, shielded, or is otherwise made open and accessible and unsafe from outside elements, persons, animals, and insects.

**Vacant Structure** means a structure that is unoccupied or illegally occupied. Presumptive evidence that a structure is **vacant** includes:

(1) The structure is:

- (a) Unoccupied and/or Unsecured;
- (b) A Dangerous Structure or;

- (c) Posted;
- (d) Has A-DLC County Code Violations Chapter 10, Health and Safety;
- (f) Condemned.

**Vacant** Structure does not include a structure being constructed or renovated pursuant to a valid permit issued pursuant to the A-DLC Building Code. Sec. 6-20. - Permit fees and determination.

(Ord. No. 249, § II, 9-19-2017)

**V. The Code of Ordinances, Anaconda-Deer Lodge County, Montana Chapter 10, Article VI is amended to read as follows:**

**Sec. 10-143 . VACANT STRUCTURE REGISTRATION**

- (a) The Owner shall register with the Code Enforcement Officer, 800 Main Street, Anaconda, MT 59711, no later than 30 days after any structure in A-DLC becomes a **Vacant** Structure.
- (b) The registration shall be submitted on forms approved by the A-DLC Commissioners and provided through the Agency. The forms shall include a plan for continued care and upkeep of the Vacant Structure acceptable to the Agency, and a timetable for returning the Vacant Structure to appropriate occupancy or use and/or for demolition of the Vacant Structure
- (c) All applicable laws and codes shall be met by the Owner. The Owner shall notify the Agency of any changes in information supplied as part of the **Vacant** Structure registration within 15 days of the change. If the plan or timetable for the **Vacant** Structure is revised in any way, the revisions must be reapproved by Agency.
- (d) The Owner and any subsequent owners shall not permit the Vacant Structure to be Unsecured and the Vacant Structure grounds shall be properly maintained to the statutory community standard as established in the A-DLC MC Chapter 10, Article V, Sections 10-119 and 10-120 until the rehabilitation or demolition is completed. The Vacant Structure shall not be used for storage.

- (e) Any new Owner shall register or re-register the **Vacant** Structure with Agency within 30 days of transfer of an ownership interest in the **Vacant** Structure. The new Owners shall comply with the approved plan and

timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of Agency.

(Ord. No. 249, § III, 9-19-2017)

**VI. The Code of Ordinances, Anaconda-Deer Lodge County, Montana**  
**Chapter 10, Article V1 is amended to read as follows:**

**Sec. 10-144 . VACANT STRUCTURE FEE**

(a) The Owner of a **Vacant** Structure shall pay a reasonable annual fee for the period the building remains a **Vacant** Structure. The fee shall be set annually by resolution. [To be safe, may want to relate the amount of the fee to the cost of administration so that it does not seem arbitrary.]

(b) The annual fee shall be paid no later than March 15. If the fee is not paid within 15 days of being due, the owner shall be in violation of this section and may be subject to penalties outlined in Sec. 10-147. Additionally, a late fee of 10% shall be assessed every 15 days after payment is due and remains unpaid. The annual fee shall be waived the first year the Vacant Structure is registered.

(c) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

(d) The entire annual fee shall be refunded if the **Vacant** Structure is demolished or returned to appropriate occupancy for the year in which the conversion occurs.

(e) The A-DLC Treasurer's office shall deposit the fees into a fund for the purpose of abating nuisance properties within the County. Monies deposited into this account shall not be used for purposes other than costs incurred while abating nuisance properties.

(Ord. No. 249, § IV, 9-19-2017)

**VII. The Code of Ordinances, Anaconda-Deer Lodge County, Montana**  
**Chapter 10, Article VI is amended to read as follows:**

### **Sec. 10-145 . EXEMPTIONS**

(a) A building which has suffered fire damage shall be exempt from the registration requirement for 45 days after the date of the fire if the property owner requests an exemption from the Agency in writing.

(b) The request shall include the following information supplied by the owner:

(1) A description of the premises;

(2) The names, addresses, telephone numbers, and e-mail addresses of the Owner(s); and,

(3) A statement of intent to repair and reoccupy or demolish the building within an Agency approved timetable.

(Ord. No. 249, § V, 9-19-2017)

**VIII. The Code of Ordinances, Anaconda-Deer Lodge County, Montana Chapter 10, Article VI is amended to read as follows:**

### **Sec. 10-146 . INSPECTIONS**

(a) The Agency may inspect any premises in the county for the purpose of alleviating the registration requirements imposed and ensure compliance with the provisions of this article;

(b) The Owner(s) shall be responsible for requesting that the Agency conduct the inspection;

(c) The Owner(s) shall pay a reasonable inspection fee to be set annually by resolution; and, (d) Jurisdiction shall be in the Justice Court of Anaconda-Deer Lodge County.

(Ord. No. 249, § VI, 9-19-2017)

**IX. The Code of Ordinances, Anaconda-Deer Lodge County, Montana Chapter 10, Article VI is amended to read as follows:**

### **Sec. 10-147 . PENALTIES**

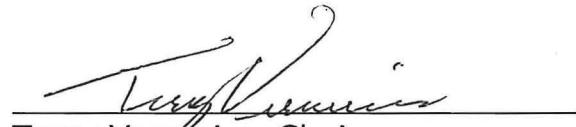
(a) Owner(s) who fail to register a **Vacant** Structure or who violate the terms and conditions of the registration will be subject to a penalty not to exceed \$500.00 and six months in jail for each violation;

(b) No Owner(s) may be cited for a violation under this Article more than once in a 24-hour period. However, each 24-hour period may be considered a separate offense;

(c) The Owner(s) shall comply with a timetable approved by the Agency for returning the building to appropriate occupancy or use or for demolition of the building and any other reasonable conditions deemed necessary by the County to correct the violation.

(Ord. No. 249, § VII, 9-19-2017)

**THEREFORE, BE IT ORDAINED** by the Anaconda-Deer Lodge County Commission that this Ordinance be incorporated into the Anaconda-Deer Lodge County Code of Ordinances and become legal and binding.



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Terry Vermeire, Chairperson  
Anaconda-Deer Lodge County  
Commission

APPROVED AS TO FORM AND LEGALITY:



\_\_\_\_\_  
Ben Krakowka  
County Attorney

Attest:



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Lori Sturm  
Clerk of the Commission

First Reading/Introduction: May 14, 2019

Second Reading/Public Hearing: May 28, 2019

Adoption Date: June 4, 2019

Effective Date: July 5, 2019