

**ORDINANCE NO. 977**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLASGOW, MONTANA,  
AMENDING GLASGOW'S NUISANCES CODE TO ADDRESS THE ABATEMENT OF  
BLIGHTED, DANGEROUS, ABANDONED AND/OR PUBLIC NUISANCE BUILDINGS,  
STRUCTURES AND PROPERTIES**

**WHEREAS**, The City of Glasgow (the "City") is authorized by Montana law to promote the public health, safety, aesthetic appearance, and welfare of the City. Mont. Code Ann. § 7-1-4123

**WHEREAS**, The City is authorized by Montana law to adopt land use regulations and to provide for the enforcement and administration of such regulations and otherwise provide for the orderly development of the community; and

**WHEREAS**, The City desires to amend the nuisance regulations for the abatement of blighted, dangerous and/or abandoned buildings, structures and properties deemed a public nuisance located within the City of Glasgow, Montana.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
GLASGOW, MONTANA:**

Section 1: Action. That the Code of Ordinances of The City of Glasgow, Chapter 13 "Nuisances", Section 13-60, 13-61, 13-62, 13-63, 13-64, 13-65, 13-66, 13-67 be added to Chapter 13 as "Article IV. Blighted, Dangerous, Abandoned and /or Public Nuisance Buildings, Structures and Properties" as follows:

**ARTICLE IV. BLIGHTED, DANGEROUS, ABANDONED AND/OR PUBLIC NUISANCE  
BUILDINGS, STRUCTURES AND PROPERTIES**

**Sec. 13-60. Definitions.**

*Abandoned:* Property and real property wherein the previous owner has intentionally and permanently surrendered, deserted, or relinquished the property or premises.

*Abate:* To repair, replace, remove, destroy or otherwise remedy the condition identified by such a means, in such a manner and to such an extent that is determined necessary to be in the best interest of the health, safety, and general welfare of the effected community.

*Attractive hazard:* The open storage of any materials, goods, products, waste, junk, old refrigerators, containers, vehicles garbage or debris that may attract children, pests, rodents, or wild animals, offer harbor for vagrants and pose a threat to the health, safety, and general welfare of the surrounding properties.

*Blighted Property:* An abandoned building or structure, a structure which is not being inhabited, occupied or used and which is unsecured (a structure which is unsecured and the public can gain entry without the consent of the owner), any partially constructed, reconstructed or partially demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for a period of six (6) months or more.

*Dangerous structure:* Any structure, residential or commercial of nature that is dilapidated, blighted, decaying, unkempt, falling, or damaged that is unsuitable for safe occupancy or the intended use of that structure. Agricultural and Industrial structures are exempt when located in the appropriately zoned district and the owner can prove a safe and necessary use or occupancy of the structure in question.

*Junk:* Includes the open storage of old appliances, equipment, tools not being used on a regular basis or as part of an active project, parts of equipment, parts of vehicles, old iron, other scrap metal, vehicle tires, cardboard, old lumber, scrap wood (not part of active project) rags, rope, cables, chains, paper, general debris, rubble, old bricks, concrete blocks, rock piles, waste dirt, batteries, mattresses, salvage material not actively being used as part of a project, fencing, building materials, asphalt shingles, or any other material that is not part of active commercial or public salvaging or recycling operation.

*Nuisance:* A situation created or allowed to continue over time, by the owner or occupant of real property which endangers public safety or health, is offensive to the senses, renders any public right-of-way dangerous for passage, adversely affects the property values of adjacent properties, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property. A nuisance may include, but is not limited to:

- 1) Allowing rubble, debris salvage, junk, or refuse to accumulate.
- 2) Allowing a structure to remain unsecured from unauthorized entry.
- 3) Allowing a structure to become an eyesore or blight on a neighborhood by neglect or failure to make necessary repairs.
- 4) Allowing a residential or commercial structure (of residential occupancy or use) to become unsuitable for human habitation by neglect or failure to maintain the structure in compliance with applicable building, fire, electrical, plumbing, or other technical and model codes endorsed by the city.
- 5) Allowing a property or structure condition to continue which materially and adversely affects property values on multiple adjacent and nearby properties.

*Open Storage:* Any goods, materials, supplies, junk or debris, which is exposed to the elements or not stored inside an enclosed structure which includes walls on all sides and a roof.

*Premises:* Any lot, parcel, or tract of land, building, real estate, unplatted land, whether improved or unimproved or developed or undeveloped subdivision including any portion of any street, right-of-way, or alley lying between such lot or parcel of land.

*Responsible Person:* Any agent, lessee, owner, or other person occupying or having charge or control of any premises.

**Sec. 13-61. City Policy on abatement of blighted, dangerous, and/or abandoned buildings, structures and properties deemed a public nuisance.**

The purpose of this article is to provide standards to safeguard the life, health, property and general welfare of the public by regulating and controlling blighted, dangerous, abandoned and/or public nuisance buildings, structures and properties located within the jurisdictional city limits of Glasgow, Montana.

**Sec. 13-62. Abatement of nuisances.**

Building and property public nuisances (nuisances) as defined herein shall be abated by repair, rehabilitation, demolition, removal, or cleanup in accordance with the procedures provided herein.

**Sec. 13-63. Abatement of buildings, structures, and property.**

All buildings, properties, or portions of thereof which are determined to be dangerous by the City of Glasgow are hereby declared to be public nuisances (nuisances) as defined herein shall be abated by the repair, rehabilitation, demolition, removal, and/or cleanup in accordance with the procedures provided herein.

**Sec. 13-64. Determination.**

Upon inspection and documentation of any building, or property by the City of Glasgow Building Official, the State of Montana Deputy Fire Marshal, and the City of Glasgow Police Chief which the building, property, or any portion thereof has been found and determined that such building or property is a dangerous or nuisance, the City Building Official shall commence proceedings to cause the repair or rehabilitation of the building or cleanup of the property, or if he/she finds that repair or rehabilitation is impractical, to cause the vacation (if occupied) and demolition and removal of the building or structure

**Sec. 13-65. Notice and order.**

Upon determination that a blighted, dangerous, abandoned or public nuisance building or property exists, the City Building Official shall issue a notice and order directly to the owner(s) of record of the building or premises and to the responsible person(s), if any, of the building or premises.

(1) The notice and order shall contain the following elements:

- (a) The street address and legal description sufficient for identification of the premises on which the blighted, dangerous, abandoned or nuisances are located; and
- (b) A statement that the building or other conditions identified to be dangerous and a public nuisance, with a brief description of the conditions which render the building or premises dangerous and public nuisance under the provisions of this chapter, including whenever an order to vacate and demolish is given, a finding that the repair or rehabilitation is impractical, with a brief statement of facts upon which such finding is based; and
- (c) An order to secure permits and physically commence, within 50 calendar days from the date of service of the notice and order, and to complete the necessary rehabilitation, repair, or cleanup work within 120 calendar days from such date, or, if impractical, to vacate the building and commence demolition within 90 calendar days and complete the demolition within 180 calendar days from such date of service; and

(d) A statement advising that the required abatement of nuisance, repair, or demolition work must be commenced within the time specified, or the City of Glasgow may proceed with abatement and cause the work to be done and assess the costs thereof against the property; and

(e) A statement advising that any person having any record title or interest in the building or premises may appeal the notice and order or any action of the Building Official to the Board of Appeals; provided that the appeal is made in writing, as provided herein, and filed with 30 calendar days of the date of service with the City Clerk's Office.

(2) Person to be served notice and order. The notice and order, and any amended notice and order, shall be served upon each person to whom it is directed, and one copy thereof shall be served on each of the following: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or interest of record in or to the building or land on which it is located. The failure of the Building Official to make or attempt service on any person required by this requirement to be served shall not invalidate any abatement proceedings, as to any other person duly served from any duty or obligation imposed on him/her by these provisions.

(3) Manner of service and Notice of Order. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each person at his/her address as it appears on the last tax assessment of the City of Glasgow, Valley County Montana or as known to the Building Official.

(4) If no address of such person(s) so appears to or is known to the Building Official, a copy of the notice and order shall be mailed to such person(s) at the address of the building or structure involved in the proceedings. The failure of such person(s) to receive such notice shall not affect the validity of any proceeding(s) taken under these provisions. Service by certified mail in the manner provided shall be effective on the date of mailing.

(5) Proof of service of notice and order shall be documented at the time of service by the person effecting service. The time and manner in which the service was made shall be noted and a record kept along with any receipt card returned in acknowledgement of receipt by certified mail. These records must be retained by the Building Official.

(6) At the time the notice and order are served, the Building Official shall file in the office of the County Clerk and Recorder a certificate legally describing the property and certifying that the building or condition is a dangerous building or condition for which the owner was notified. Whenever the corrections ordered shall have been completed, whether voluntarily or by city abatement, and the notice and order reversed or modified, and the building no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the County Clerk and Recorder that the building has been demolished or removed or is no longer dangerous.

### **Sec. 13-66. Posting.**

(1) Upon determination that any building or structure is a dangerous building under the provisions of this chapter and there exists therein or on the premises thereof any conditions imminently dangerous to life should such building be or remain occupied by human beings, the Building Official may order the immediate evacuation (with approval from the Mayor of Glasgow) evacuation of such building. If the

building is occupied, the Building Official shall cause to be posted at each entrance thereto a notice reading substantially as follows:

**DANGER**

**DO NOT ENTER**

*This structure has been deemed unsafe to Occupy*

Building Official of the City of Glasgow, Montana

Any unauthorized person removing this sign or entering this building shall be prosecuted.

(2) Whenever such a notice is posted, the Building Official shall include a notification thereof in the notice and order issued by the City of Glasgow, under this chapter, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building upon which this notice has been posted, except for entry to repair, demolish, or remove such building. No person shall remove or deface any such notice posted by the City of Glasgow, until the required repairs, demolition, or removal has been completed and a certificate of occupancy has been issue pursuant to the provisions of the building codes endorsed by the City of Glasgow.

**Sec. 13-67. Violation is a misdemeanor.**

Any person violating a provision of this chapter shall, upon conviction thereof, be guilty of a misdemeanor and punished as set forth in Section 1-6 of this Code.

Section 2: Codification. This Ordinance shall be codified as follows: Chapter 13 “Nuisances”, “Article IV. Blighted, Dangerous, Abandoned and/or Public Nuisance Buildings, Structures and Properties” Section 13-60, 13-61, 13-62, 13-63, 13-64, 13-65, 13-66, 13-67.

Section 3: Severability. Invalidity of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 4: Conflicts with existing code sections. In the occasion a conflict exists between the regulations of this chapter and other code or ordinance sections of the Glasgow City Code, the terms and provisions of this chapter shall take precedence.

Section 5: Effective Date. This ordinance shall be in full force and effect thirty (30) days after final passage and approval.

Section 6: Editor to re-arrange Chapter. The Editor, Municipal Code Corporation, is hereby authorized to add this Section 13-60, 13-61, 13-62, 13-63, 13-64, 13-65, 13-66, and 13-67 to the end of Chapter 13 “Nuisances” as “Article IV. Blighted, Dangerous, Abandoned and /or Public Nuisance Buildings, Structures and Properties” of the existing code.

FIRST PASSED AND APPROVED by the City Council of the City of Glasgow, Montana, at a regular session thereof held on the \_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

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BECKY ERICKSON, Mayor

ATTEST:

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STACEY AMUNDSON  
City Clerk-Treasurer

FINALLY PASSED AND APPROVED by the City Council of the City of Glasgow, Mon-tana, at a regular session thereof held on the \_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

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BECKY ERICKSON, Mayor

ATTEST:

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STACEY AMUNDSON  
City Clerk-Treasurer