

RESOLUTION NO. 2017-29
DAWSON COUNTY MONTANA

RESOLUTION OF INTENT TO ADOPT ORDINANCE #10, AN ORDINANCE THAT
ALLOWS FOR ACTION TO ABATE A PUBLIC NUISANCE

WHEREAS, Section 45-8-111 MCA defines criminal Public Nuisance.

WHEREAS, Section 45-8-112 M.C.A. allows for action to abate a Public Nuisance; and

WHEREAS, having a Dawson County Public Nuisance Abatement Ordinance will be a more streamlined and specific abatement process to address Public Nuisances within Dawson County,

THEREFORE BE IT RESOLVED, that the Board will make the *initial reading* of such Ordinance on Tuesday, November 21, 2017 at 5:30 p.m. during Commissioner session at the community room of the Dawson County Courthouse and the time and date for the *second reading and final adoption* of said Ordinance to be on Tuesday, December 5 at 10:00 a.m. at the conference/community room of the Dawson County Courthouse at Glendive Montana and further instruct that copies of such Notice and Ordinance be posted and made available to the public as follows:

- 1) A notice or copy shall printed in the Ranger Review, on November 12 & 19, 2017.
- 2) A copy shall posted on the Dawson County webpage: www.dawsoncountymontana.com.
- 3) Copies shall be made available through the Clerk & Recorder's office at the Dawson County Courthouse in Glendive Montana.

ADOPTED THIS _____ day of _____, 2017.

Board of Commissioners, Dawson County Montana

DOUGLAS A. BUXBAUM, CHAIRPERSON

GARY KARTEVOLD, MEMBER

DENNIS ZANDER, MEMBER

ATTEST:

Shirley A. Kreiman, Clerk & Recorder

ORDINANCE #10
DAWSON COUNTY MONTANA

AN ORDINANCE TO PROVIDE A PUBLIC NUISANCE ABATEMENT PROCESS

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONER OF DAWSON COUNTY, MONTANA, THAT THE FOLLOWING BE ADDED TO THE ORDINANCES OF DAWSON COUNTY MONTANA:

Section 1. Public Nuisance Abatement Action.

Upon a declaration of a Public Nuisance under Section 45-8-111, M.C.A., an action to abate may be brought under Section 45-8-112 with all available remedies therein and must follow the timeline stated in this Ordinance.

Section 2. Abatement Direction.

The Court may direct the property owner of the Public Nuisance to complete said abatement within thirty (30) days by having the property repaired, demolished, removed or other appropriate action necessary to cure the nuisance.

- a) If the Public Nuisance is not abated at the end of thirty (30) days the property is subject to repair, demolition, removal, or other appropriate action, necessary to cure the nuisance, by Dawson County and the expenses thereof shall remain as a lien on the property to be paid by the property owner.
- b) If Dawson County is required to abate the nuisance per Section 2(a) of this resolution, Dawson County Sanitarian shall keep an itemized account of all expenses involved in the repair, demolition, removal, or other appropriate action necessary to cure the nuisance.
- c) The Court shall require the property owner to pay the expense incurred by Dawson County to abate the nuisance. A lien shall be put on the property until payment is made in full for expense incurred by Dawson County to abate the nuisance per Section 2(b).

Section 3: Effective Date:

The effective date of this ordinance shall be 30 days from the passage of the second reading which shall be January 4, 2018.

PASSED AND APPROVED BY THE DAWSON COUNTY BOARD OF COMMISSIONERS at first reading this 21st day of November, 2017.

Douglas A. Buxbaum, Chairman

Gary Kartevold, Member

Dennis Zander, Member

ATTEST:

Shirley A. Kreiman, Clerk & Recorder

PASSED AND APPROVED BY THE DAWSON COUNTY BOARD OF
COMMISSIONERS at first reading this 5th day of December, 2017.

Douglas A. Buxbaum, Chairman

Gary Kartevold, Member

Dennis Zander, Member

ATTEST:

Shirley A. Kreiman, Clerk & Recorder