

Article IX. Community Decay

Sec. 12-101. Definitions.

As used in this Article:

“Community decay” means a nuisance created by allowing rubble, debris, junk or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses or obstructive to the free use of property so as to interfere with the comfortable enjoyment of life or property.

“Junk vehicle” means a discarded, ruined, wrecked, or dismantled motor vehicle, including component parts, that is not lawfully and validly licensed and remains inoperative incapable of being driven (Section 75-10-501(4), MCA).

“Person” means an individual, firm, partnership, company, association, corporation or organization of any kind.

“Public view” is any point six (6) feet above the surface of the center of any public street, road or alley from which the community decay can be seen.

“Shielding” means fencing or other barriers to conceal community decay from public view. Any erected shielding must conform to all zoning, planning, building and protective covenant provisions.

“Vehicle” means every device in, upon or by which any person or property may be transported or drawn, including, but not limited to, automobiles, trucks, trailers, machinery, motorbikes, motorcycles, golf carts and tractors. This term does not include mobile homes currently used for human habitation. (Ord. 1660, 6/4/90; Ord. 1970, 6/19/06; Ord. 1971, 7/17/06)

Sec. 12-102. Administration, enforcement and civil penalty.

A. The City Code Enforcement Officer or, if this position is not filled, the City Zoning Coordinator shall enforce this Chapter and institute appropriate action to insure and correct violations.

B. Violations of this Chapter shall be declared a nuisance and shall be punishable by a civil penalty not to exceed Three Hundred Dollars (\$300.00) for each violation or if the infraction is a continuing offense, a civil penalty not to exceed Fifty Dollars (\$50.00) for each subsequent violation. Each day the civil infraction continues is deemed to be a separate and punishable civil offense. (Ord. 1660, 6/4/90; Ord. 1970, 6/19/06; Ord. 1971, 7/17/06)

Sec. 12-103. Community decay standards.

It shall be a violation of this Chapter to allow any of the following conditions to exist within public view on any property in the City:

A. The dumping, piling or stacking of bricks, blocks, waste wood building materials or similar materials on any property except when such materials are being used for construction not to exceed a one hundred twenty (120) day period;

B. The storage or accumulation of cardboard boxes, broken packing boxes, paper or similar items;

C. The piling, dumping or placement of any dirt, demolition waste, including wood, bricks, concrete or similar materials on any property unless such material is to be utilized for fill. When used as fill, all material shall be covered with clean earth fill once every ten (10) days;

D. The storage or accumulation of iron, metal, vehicle or machine parts, junk vehicles, wrecked vehicles, household appliances or other salvaged materials;

E. The storage and accumulation of any rubble, debris, junk or refuse that is deemed to be a nuisance by the Zoning Coordinator;

F. This Section shall not apply to vehicles enclosed in a building or covered by a cover specifically designed for covering vehicles or to any vehicle held in connection with a lawfully operated business enterprise or to any vehicle retained for antique collection purposes pursuant to Section 61-3-411, MCA.

G. This Section shall not be construed to prevent any person from repairing his own vehicles on private property even though exposed to public view provided said person pursues the work to completion within ninety (90) days. (Ord. 1660, 6/4/90; Ord. 1660A, 8/16/90; Ord. 1970, 6/19/06; Ord. 1971, 7/17/06)

Sec. 12-104. Shielding standards.

A. All plans for shielding shall be approved by the Zoning Coordinator prior to installation or construction.

B. When fencing is used for shielding, the space between the boards shall not exceed one and one-half (1 1/2) inches. Chain link fences with standard fiberglass or other inserts are acceptable provided the space between adjacent slats does not exceed one and one-half (1 1/2) inches.

C. Shielding with shrubs and trees shall provide a similar degree of shielding at all times of the year.

D. Other types of fencing may be acceptable.

E. No more than one (1) type of shielding material may be used on any one (1) side of a shielding fence.

F. The fencing is to be maintained by the property owner or occupant in a neat workmanlike manner and shall be replaced when necessary. (Ord. 1660, 6/4/90; Ord. 1970, 6/19/06; Ord. 1971, 7/17/06)

Sec. 12-105. Junk vehicle nuisance declared.

A. Nuisance Declared. All junk motor vehicles, whether on public property or on private property in view of the general public, are declared to be a nuisance.

B. Abatement.

1. Public Property. If the junk motor vehicle is on public property and is not disposed of within seven (7) days of receipt of notice as provided hereinafter from the City of Livingston, the Chief of Police is authorized to remove and dispose of said vehicle. The owner of said vehicle shall be responsible for all costs and expenses for towing, storage and administrative costs to be set by resolution.

2. Private Property. If the junk motor vehicle is on private property and is not shielded or disposed of within thirty (30) days of receipt of notice as provided for herein, the City of Livingston shall commence an action to abate said nuisance. The owner of said vehicle shall be responsible for all costs and expenses for towing, storage, administrative costs to be set by resolution and Court costs.

3. Notice. The Chief of Police shall make reasonable attempt to locate the owner of vehicle and/or lien holder. The address currently maintained by the Montana Department of Motor Vehicle Registration, or the equivalent agency in any other state or country, shall be deemed the address upon which notice shall be made. Any notice is deemed complete by deposit into the United States Postal Service of a return receipt requested mailing to said address.

4. Consent. If the owner of the junk vehicle consents to said abatement, such person shall sign a written consent to abate the vehicle and provide to the City a copy of the motor vehicle registration for said vehicle, if available, or a bill of sale. The signing of such consent shall in no way relieve the owner of paying the costs associated with the towing, disposal of said vehicle and related administrative costs to be set by resolution.

5. Involuntary Abatement. If the owner does not consent to said removal, then the City shall pursue legal remedies through the Court having proper jurisdiction and venue to abate nuisances. (Ord. 1970, 6/19/06; Ord. 1971, 7/17/06)

Secs. 12-106—12-110. Reserved.

Sec. 12-111. Superseding previous Chapter 12.

This Chapter, "Garbage, Trash and Weeds," supersedes the entire Chapter 12 of the Municipal Code of Livingston. (Ord. 1660, 6/4/90; Ord. 1970, 6/19/06; Ord. 1971, 7/17/06)