

ORDINANCE NO. 720

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING PORTIONS OF TITLE 18 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council believes that certain changes are necessary for the purposes of updating and clarifying portions of Title 18 of the Columbia Falls Municipal Code;

WHEREAS, the City Council believes that certain amendments to Title 18 of the Columbia Falls Municipal Code are necessary to promote the health, general welfare, safety and/or morals of the citizens of Columbia Falls;

WHEREAS, said amendments were considered by the Columbia Falls City-County Planning Board in at its regularly scheduled meeting on November 9, 2010 and the Board recommended approval of said amendments;

WHEREAS, a hearing on said amendments was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, January 17, 2011, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered the recommendation of the Columbia Falls City-County Planning Board, together with any and all comments filed or voiced with respect to said changes;

WHEREAS, the City Council rejected the City of Columbia Falls Planning Department's report and the Planning Board recommendation; the Council made a finding of fact that the Ordinance should be amended; and

WHEREAS, the City Council has determined that the amendments are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Findings of Fact: That the City of Columbia Falls City Council finding report is hereby adopted by the Council as findings of fact with respect to said amendments.

Section Two. Sections Amended: That portions of Title 18 of the Columbia Falls Municipal Code are hereby amended as set forth on Exhibit A attached hereto.

Section Three. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Four. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Five. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 22nd DAY OF FEBRUARY 2011, THE COUNCIL VOTING AS FOLLOWS:

AYES: Bates, Karper, Petersen, Plevel, Reikofski, Shepard, Barnhart

NOES: None

ABSENT:None

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS ____ DAY OF _____, 2011.

Mayor

ATTEST:

City Clerk

I, Susan M. Nicosia, City Clerk of Columbia Falls, do hereby certify that on the 23rd day of February, 2011, I posted a copy of the foregoing ordinance in my office, and that the same remained posted for a period of five days thereafter, and that the foregoing record is a true copy of the Ordinance as passed by the Council.

Witness my hand and seal this ____ DAY OF _____, 2011.

City Clerk

EXHIBIT "A"

CLEAR VISION TRIANGLE

18.604.028 "Agency" means the Zoning Administrator as established in Ord. Section 18.205, which is designated to enforce the clear vision triangle.

18.634.058 "Person" means an individual, firm, partnership, company, association, corporation, city, town or any other entity whether organized for profit or not.

18.416.10 Clear vision triangles.

A clear vision triangle, as defined in Section 18.608.050, shall be maintained on the corners of all public and private property by the owners of such property, whether private or public, around the intersection of roadways or of a roadway and a railroad. The clear vision triangle shall contain no trees, shrubs or other plantings; no fences, walls, signs or other temporary or permanent sight obstructions of any nature exceeding thirty-six inches in height above the existing centerline elevation of the adjacent roadway, except that trees exceeding thirty-six inches in height may be permitted if all branches and foliage be removed to a height of nine feet above the existing centerline of the adjacent roadway. (Ord. 687 § 2(part), 2007)

18.416.30 Notification and Enforcement.

A. When the agency receives a complaint that a violation of the clear vision triangle requirements exists, the agency shall inspect the property alleged to be in violation of this chapter. Upon inspection the agency shall make determinations as to the existence of a violation of this chapter.

B. If there appears to be a violation of this chapter, the agency shall notify the owner of the property in writing of the alleged violation. This notice shall be sent by certified mail. This notice shall include a statement specifically describing the violation.

C. The owner shall after notification of violation submit a plan of abatement to the agency which shall include:

1. Type or method of abatement;
2. Date for commencement of action; and
3. If abatement is not to commence within thirty days, the reason therefor.

The agency may accept such plan and defer further proceedings under this chapter pending abatement.

D. The notice of violation to the owner shall specify that the owner has thirty days from receipt of such notice to become compliant with this chapter by means of removal of the conditions causing the violation.

E. After thirty days following the mailing of the notice of violation, the agency shall make a determination as to whether the violation has been abated by the owners.

F. If the owner has failed to act, the agency shall submit its determinations and findings to the City Attorney, who shall conduct a good faith factual and legal review and may in its sole discretion file charges against the owner for violation of this chapter in

the City Court or other court of competent jurisdiction requesting a hearing wherein the owner shall appear to show cause why the violation has not been abated.

G. The owner shall be provided with notice of the time and date set for the hearing requested by the City Attorney under Subsection F above.

H. A show cause hearing will be held by the presiding judge. Both the city agency and the owner may give evidence. At the end of the hearing the judge shall determine if the violation in fact exists, and if proper notification was made and the violation exists, the owner shall be ordered to abate it within a reasonable time.

I. If after a judgment and order by the City Court or other court of competent jurisdiction against the owner for violation of this chapter directing the owner to abate the violation the owner has not complied with the court-ordered abatement, the agency may send written notification by mail to the owner of such failure and allow ten days further to complete abatement. After ten days following the mailing of such notification, the agency may enter upon the owner's property with the specific purpose of abating the violation in a manner the agency deems appropriate.

J. The agency may assess the property owner/user for the actual costs of the abatement by the agency.

K. Nonpayment of the assessment may be taken as a lien upon the property and is enforceable as is nonpayment of property taxes. (Ord. 513 § 3, 1988)

18.110 Jurisdiction.

This chapter applies to the whole of the city of Columbia Falls and its extra-territorial jurisdiction. (Ord. 513 § 4, 1988)

Chapter 18.205

ZONING ADMINISTRATOR

Sections:

- 18.205.010 Created.
- 18.205.020 Powers and duties.

18.205.010 Created.

There is hereby created the position of zoning administrator, who shall be a duly appointed person charged with the administration, interpretation, and enforcement of this zoning title. (Ord. 687 § 2(part), 2007)

18.205.020 Powers and duties.

The zoning administrator, his assistant, or designee shall:

- A. Enforce any and all provisions of this title;
- B. Keep complete, accurate, and secure records;
- C. Accept applications and appeals and ensure their appropriateness and completeness;

- D. Accept and remit fees as established in the adopted administrative procedures;
- E. Update this title and the official zoning map as directed by the city council;
- F. Provide for the accuracy and the security of the official zoning map;
- G. Undertake any other administrative function appropriate to the office of zoning administrator;
- H. Report to the city council any recommendations for changes and improvements in this title and the procedures therein;
- I. Issue any permit, granted by the city council or ordered by the board of adjustment, and make periodic inspections to verify that all conditions of such granted permits are complied with by the applicant or his agent;
- J. Receive and investigate allegations of noncompliance or violation of these regulations, report findings to the city council, and file a complaint where such allegations are based on apparent fact;
- K. Refer any matters under appeal to the board of adjustment for their action;
- L. Make recommendations to the city council in connection with any conditional use permit or to the board of adjustment in connection with any application for variance or appeal, such conditions as he may deem necessary in order to fully carry out the provisions and intent of this title;
- M. Determine the location of any district boundary shown on the zoning map adopted as part of this title when such location is in doubt; and
- N. Refer to the planning board for placement of all uses not categorically permitted but deemed to be synonymous by the zoning administrator. The planning board shall reserve the right to declare a "new" use and thus require a zoning title amendment for placement of said "new" use. (Ord. 687 § 2(part), 2007)
- O. The power to enter upon the property in violation of any requirement of this Chapter 18 after written notice and a show cause hearing, if applicable, for the specific purpose of abating the violation.
- P. The power to assess the property owner for the actual costs of an abatement made pursuant to Subsection O above.