

ORDINANCE NO. 974

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLASGOW, MONTANA,
AMENDING GLASGOW'S BUILDING CODE TO PROVIDE MINIMUM STANDARDS TO
SAFEGUARD LIFE, HEALTH, PROPERTY, AND GENERAL WELFARE OF THE PUBLIC BY
REGULATING AND CONTROLLING THE METHODS AND PROCEDURES FOR
DEMOLISHING AND DISPOSING OF BUILDINGS AND STRUCTURES THEREBY
AMENDING THE CODE OF ORDINANCES OF THE CITY OF GLASGOW, MONTANA**

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 zoning, subdivision, and other 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 building regulations for demolishing and disposing of buildings and structures 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 7, Section 7-5, 7-6, 7-7, 7-8, 7-9, 7-10, 7-11, 7-12, 7-13, and 7-14 be added to Chapter 7 as Article III. Demolition Code to account for the demolishing and disposing of buildings and structures located within the city of Glasgow, Montana as follows:

Article III. Demolition Code.

Sec. 7-5. Purpose.

The purpose of this article is to provide minimum standards to safeguard the life, health, property and general welfare of the public by regulating and controlling the methods and procedures for demolishing and disposing of buildings and structures located within the jurisdictional city limits of Glasgow, Montana.

Sec. 7-6. Permit, license, and insurance requirements.

- (1) Any person, firm or corporation who engages in the business of building demolition within the jurisdictional city limits shall first obtain a demolition permit from the building official through the Public Works Department. At the time of application for the permit, the applicant shall present proof of a valid city business license.
- (2) Any person, firm or corporation engaging in the business of building demolition within the jurisdictional city limits shall first provide proof of general liability insurance in an amount acceptable to the city; and which includes the city, and its agents as an additional insured.
- (3) A copy of the insurance policy shall be filed with the city Public Works Department and shall release, defend, indemnify and hold harmless the city, its officers, employees, agents and assigns

from and against any and all actions, claims, liabilities, demands or assertions of liability, causes of action, losses, costs and expenses including, but not limited to, reasonable attorney's fees, involving or relating to any harm, injury or damage, suffered or sustained which in any manner may arise or be alleged to have arisen, or resulted or alleged to have resulted from the removal of the building or structure.

Sec. 7-7. Issuance of demolition permit.

Upon determination of the building official that the applicant for a permit, under this article, is qualified, has the license, provided proof of coverage of insurance, and has supplied the appropriate bond or cash equivalent as required elsewhere, in this code, and in the judgment of the building official, the building structure can be demolished, as proposed, the Public Works Department shall issue a demolition provided all conditions are met under this article.

Sec. 7-8. Issuance restrictions.

Before any demolition permit is issued by the city, and acted upon by the permit applicant, the following restrictions and conditions must be documented as required by this article:

- (1) No permit shall be issued to any person, firm or corporation for demolition of any building or structure while any part thereof is occupied or in use for any purposes whatsoever.
- (2) No permit shall be issued unless the applicant demonstrates that the applicant has adequate machinery and equipment, to safely and competently complete the proposed demolition and disposal.
- (3) Demolition Permits are valid for 183 calendar days (or 6 months) from the date of issue. No renewals of permits are permitted for demolition of residential structures.
- (4) Commercial structures must have asbestos testing documented prior to demolition occurring.
- (5) Commercial structures must be disposed of in a state of Montana certified landfill.
- (6) The Public Works Department is to be notified upon completion of a demolition project and inspected before the permit is closed out and any bonds released.

Sec. 7-9. Fee schedule.

The applicant for a demolition permit under this article shall pay the following fees for the issuance of demolition permit at the time of application:

- (1) Residential structure fees: \$50.00 per structure
- (2) Commercial structure fees: \$150.00 per structure up to 2,000 square feet of structure
\$ 300.00 per structure up to 4,000 square feet of structure
\$ 500.00 per structure 8,000 square feet and over of structure

Sec. 7-10. Responsibilities of permit holder.

Every permittee under the article shall:

- (1) Remove all rubbish, trash, demolition waste materials, earthen spoil piles, gravel, garbage, and vegetative waste and over growth from the premises upon completion of demolition work. All concrete foundation, slab, concrete masonry units, brick, rail road ties and wood foundation is to be excavated and removed from the site as part of the demolition work. The site is to be left in a safe and sanitary condition, with positive drainage and erosion control in place if deemed necessary by the Public Works Department.
- (2) The permittee is responsible for ensuring that all utilities serving the property are properly disconnected and documented. The City of Glasgow Water & Sewer Department is to be notified and witness that the water service line and the sewer service line has been disconnected, properly plugged or capped, and located as per City of Glasgow Specifications.
- (3) Notify the building official in writing of any and all damages to public facilities, or other private property or persons within 24 hours after the damage or injury has occurred.
- (4) If demolition work or operations tracks any mud, gravel, or debris on to the public right of way, street, alley, sidewalk in front of the property, or onto neighboring private property, the permittee must clean up the issue within 24 hours of being contact to do so by the City of Glasgow.

Sec. 7-11. Performance bond requirements.

Every person, firm or corporation applying for a demolition permit shall file with the city a bond in the sum of \$2,000.00, conditioned that the person, firm or corporation will in good faith perform all work required by the code and other applicable codes of the city, and shall release, defend, indemnify and hold harmless the city, its officers, employees and agents, form and against any actions, claims, liabilities, demands, or assertions of liability, causes of action, losses, costs and expenses including, but not limited to, reasonable attorney's fees, involving or relating to any harm, injury or damage, suffered or sustained which in any manner may arise or be alleged to have arisen, or resulted or alleged to have resulted from the work authorized to be done pursuant to this article. Such bonds must be filed with the Public Works Department prior to a permit for work being issued.

Sec. 7-12. Surety bond requirements.

- (1) Required. Every person, firm or corporation applying for a demolition permit shall file with the building official, in the Public Works Department, a surety bond, in the sum of 125 percent of the contract price (including all landfill fees) issued by an insurance company authorized to do business in the state of Montana, to insure that all work is completed in a proper and safe manner, and in accordance with all the provisions of this article. In no case shall the surety bond be less than \$5,000.00
- (2) Exception. The provisions of this section shall not apply to residential single-family dwellings, residential garage structures, non-commercial out-buildings, or residential accessory buildings or structures.

Sec. 7-13. Revocation of permit.

The building official is authorized and empowered to revoke any permit granted under the terms of this article if it becomes known to said building official that the permittee is in any manner failing to comply with the terms of this article, or when, in the professional opinion of the building official public convenience and safety require action and revocation of such permit.

Section 7-14. Failure of completion; work to be performed by city; costs.

Should the permittee fail or refuse to complete the demolition, in its entirety, authorized by this article within a reasonable period of time, and, after ten calendar days' written notice having been given to the permittee and owner, the city may proceed to have the necessary work completed, and may recover the expense of such work from the surety bond required to be posted by section 7-12. The permittee shall be liable for any amounts not covered by the surety bond.

Section 2: Codification. This Ordinance shall be codified as follows: Chapter 7, Section 7-5, 7-6, 7-7, 7-8, 7-9, 7-10, 7-11, 7-12, 7-13, and 7-14.

Section 3: Severability. Invalidation 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 7-5, 7-6, 7-7, 7-8, 7-9, 7-10, 7-11, 7-12, 7-13, and 7-14 to the end of Chapter 7 Buildings as Article III Building Code 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:

BECKY ERICKSON, Mayor

ATTEST:

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:

BECKY ERICKSON, Mayor

ATTEST:

STACEY AMUNDSON
City Clerk-Treasurer