

**TOWN ORDINANCE NUMBER 31
OF THE TOWN OF LIMA
BEAVERHEAD COUNTY, MONTANA**

TOWN OF LIMA BUILDING COMPLIANCE

WHEREAS, the Town Council of the Town of Lima has determined there is a need to update the current Building Compliance Ordinance (Ordinance Number 22); and

WHEREAS, the Town Council of the Town of Lima has determined there is a need for a comprehensive Ordinance to approve 1) the construction of new buildings and, 2) the construction and additions to existing buildings and properties, including fences, structures, and the planting of trees or shrubs within the boundaries of the incorporated town limits of the Town of Lima; and

WHEREAS, the Town Council of the Town Lima desires to prevent encroachment onto Town streets and/or alleyways; and

WHEREAS, the Town Council of the Town of Lima has developed a building permit application to assist all parties in complying with this ordinance (attached); and

WHEREAS, the fee for the building permit application shall be determined by Resolution; and

WHEREAS, the Town Council of the Town of Lima desires to repeal and replace Ordinance 22 with Ordinance 31; and

WHEREAS, pursuant to MCA 7-1-4127, the Town Clerk advertised the public hearings by posting in the five public places designated by Resolution 2006-3 and on the town website on 4/15/2024 and 4/29/2024 for the first reading and 5/14/2024 and 5/28/2024 for the second reading; and

WHEREAS, public hearings on the proposed regulations were held, as scheduled, on 5/13/2024 and 6/10/2024 before the Lima Town Council at the Lima Town Hall.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LIMA, STATE OF MONTANA, THAT THIS ORDINANCE NUMBER 31 SUPERCEDES, REPLACES, AND REPEALS ORDINANCE NUMBER 22, AND THE CONSTRUCTION OF ANY NEW BUILDING OR THE CONSTRUCTION OR ADDITION OF ANY EXISTING BUILDING MUST BE APPROVED BY THE TOWN BY USE OF THE ATTACHED BUILDING PERMIT APPLICATION; THIS INCLUDES FENCES, STRUCTURES, AND THE PLANTING OF TREES AND SHRUBS.

IF CONSTRUCTION HAS COMMENCED WITHOUT AN APPROVED PERMIT AND THE STRUCTURE IS FOUND TO BE ENCROACHING ON A TOWN STREET OR ALLEY, YOU MAY BE REQUIRED TO MOVE SAID ENHANCEMENT AT YOUR EXPENSE.

This ordinance shall be enforced pursuant to the following procedures:

- (a) The attached building permit application must be completed and returned to the Town of Lima prior to the commencement of any construction.

- (b) If conditions are observed showing possible construction where no building permit application has been received, the Town of Lima shall request that construction cease until the attached building permit application is completed and approved.
- (c) Upon receipt of a complaint or upon observation of conditions showing possible encroachment, a Town representative shall inspect the property alleged to be in violation of this ordinance and shall determine whether a violation exists.
- (d) If the Town representative determines that a violation of this ordinance exists, the Town shall notify the owner of the property, in writing, of the violation. The notice shall be sent by certified mail. The owner of the property in violation has thirty (30) days from the receipt of the notice to abate the violation or be in the process of abatement in accordance with a plan approved by the Town. The owner of the property in violation shall submit a plan of abatement to the Town. Such plan may be approved, approved with modifications, or disapproved by the Town. If approved or approved with modifications, further enforcement under this ordinance shall be deferred for the period specified in the abatement plan.
- (e) If the property owner fails to abate the conditions constituting encroachment within thirty (30) days or within the time period specified in the approved plan, the Town shall send the property owner written notification of the property owner's failure to abate the violation. The notification will be sent by certified mail and will provide the property owner with ten (10) additional days to complete abatement.
- (f) If the property owner fails to abate the conditions constituting encroachment within the ten (10) additional days, the Town shall perform or direct the abatement to be performed, assess the actual costs of abatement incurred by the Town, and charge this amount to the property owner. Nonpayment of the assessment within thirty (30) days shall become a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes.

Should any court declare any part of this ordinance unconstitutional or invalid, the ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid, shall remain in effect.

THIS ORDINANCE SHALL TAKE EFFECT 30 DAYS AFTER SECOND READING AND APPROVAL

CERTIFICATE NO. _____

TOWN of LIMA
PO Box 184
Lima, MT 59739
406-276-3521

Application Date: _____

Fee: _____

PROJECT ADDRESS: _____

DESCRIPTION OF WORK TO BE PERFORMED (Please be Specific): _____

OWNER'S NAME: _____ EMAIL: _____

HOME PHONE: _____ CELL PHONE: _____

MAILING ADDRESS: _____

APPLICANT'S NAME: _____ EMAIL: _____

WORK PHONE: _____ CELL PHONE: _____

MAILING ADDRESS: _____

CONTRACTOR'S NAME: _____ EMAIL: _____

WORK PHONE: _____ CELL PHONE: _____

MAILING ADDRESS: _____

ON-SITE CONTACT NAME: _____

CELL PHONE: _____

BOUNDARY LOCATION DISCLAIMER

While the Town of Lima may be able to assist in boundary location issues by referencing existing public information, Town staff cannot provide details regarding the actual location of the boundaries of your property, whether for development, placing a mailbox, or resolving a dispute regarding fencing. The Town advises applicant to hire a surveyor to complete a survey and determine the exact boundary location of the property, and applicant submits that a survey has been conducted or the applicant waives the risks of not having the property surveyed. The position of a current fence or structure should not be assumed to be an accurate boundary line. The exact location of private boundaries and disputes between neighbors are civil matters which may require you to seek legal advice.

Application Date: _____ Applicant's Signature _____

This Building Permit will Expire One (1) Year from the Date of Issuance Unless Construction has Begun.

CERTIFICATE NO. _____

I, Applicant and Property Owner, understand that my responsibility is to comply with all codes, rules and regulations of the Town of Lima. I have provided the information as stated above and acknowledge that any omission in the required documentation is my responsibility and if not provided may result in a delay of the review process. I further agree that construction will not begin until an approved Permit has been issued by the Town.

I further understand that it is my responsibility or my builder's responsibility to contact the State and other authorities regarding electrical, plumbing, and other required permits or inspections for building code conformance. I understand that the Beaverhead County Sanitarian will need to be contacted for any new or replacement septic systems.

Signature of Owner

Date

Signature of Representative

Date

Town of Lima/Acceptance of Completed Certificate

Date

_____ APPROVED

_____ DENIED

REMARKS:

Town of Lima/Approval

Date

A sketch of the proposed property improvements will be required to be submitted to the Town of Lima. Said sketch will need to address and show the following list and will need to be submitted with this Application.

PHYSICAL ADDRESS: _____

LEGAL DESCRIPTION: _____

CERTIFICATE NO. _____

1. ____ Boundary corners and dimension of property.
2. ____ Locations of existing structures/buildings/sheds, fence, trees/shrubs.
3. ____ Location of proposed structures/building/sheds, fence, trees/shrubs.
4. ____ Identify current and proposed building uses.
5. ____ Name of existing streets.
6. ____ Name of existing alleys.
7. ____ Show dimensions between structures.
8. ____ Provide legal description and or address of property.
9. ____ Show easements on property, if any.
10. ____ Show existing water meter location.
11. ____ Show septic system location.
12. ____ Show floodplain/floodway, if any.
(Any construction in floodplain area requires a floodplain permit.)
13. ____ Indicate Scale of Drawing (1" = 20' preferred, 1" = 50' maximum).

FIRST READING PASSED AND ADOPTED by the Town Council of the Town of Lima, Montana, at a regular session thereof held on the 13th day of May, 2024.

Mayor David D. Olsen

ATTEST:

Dina Young, Town Clerk-Treasurer

SECOND READING PASSED, ADOPTED AND FINALLY APPROVED by the Town Council of the Town of Lima, Montana, at a regular session thereof held on the 10th day of June, 2024.

Mayor David D. Olsen

ATTEST:

Dina Young, Town Clerk-Treasurer