

RESOLUTION 20-10912

**A RESOLUTION ESTABLISHING FEES TO BE CHARGED
FOR ENCROACHMENT RENTALS, TO BECOME
EFFECTIVE IMMEDIATELY**

WHEREAS, Section 13-302 Billings, Montana City Code provides that the City Council shall establish the fees to be charged for annual encroachment rental fees and Section 22-407 Billings, Montana City Code provides that the City Council shall establish encroachment permit application fees; and

WHEREAS, the encroachment rental fees should reflect payment for encroachments based on the impact of the encroachment to the right-of-way; and

WHEREAS, the fees are no longer adequate to cover the costs of encroachment management and administration; and

WHEREAS, the City Council has duly considered the matter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. ENCROACHMENT RENTAL FEES. The encroachment rental fees to be charged by the City of Billings are hereby established below. The City Engineer may determine in his or her discretion the boundaries of the encroachment area, which may be larger than the physical dimensions of an item placed in the right-of-way.
 - A. Tier 1 encroachments shall be determined by the Public Works Department as those encroachments that have minimal impact to the right-of-way, including, but not limited to awnings, hanging signs, landscaping, and conduit.
 - i. Annual rate per square foot of the encroachment area: \$2.00
 - ii. Annual rate per linear foot of the encroachment \$2.00
 - iii. Minimum annual fee per encroachment \$10.00
 - B. Tier 2 encroachments shall be determined by the Public Works Department as those encroachments that have a major impact to the right-of-way, making the encroached-upon portion of the right-of-way unusable to the public. Tier 2 encroachments include, but are not limited to signs on the ground, fences, restaurant patios, and buildings/structures in the right-of-way.
 - i. Annual rate per square foot of the encroachment area: \$2.00
 - ii. Minimum annual fee per encroachment \$10.00

2. TERM OF FEES The above fees shall continue in full force and effect until changed by the City Council by subsequent resolution.
3. ASSESSMENT AND COLLECTION. Said assessment shall be placed upon the assessment rolls and collected in the same manner as other assessments.
4. DISPOSITION OF COLLECTIONS. Monies collected from assessment shall be paid to the Public Works Engineering Division.
5. NOTICE OF HEARING. On Monday, September 28, 2020 at 5:30 p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council will hear objections to the adoption of this resolution. The City Clerk is hereby directed to publish notice thereof twice, at least five (5) days prior to the hearing, in the Yellowstone County News.
6. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 28th day of September, 2020.



CITY OF BILLINGS

By: William A Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk