

DEMOLITION PERMITS - REQUIREMENTS/CHECKLIST

DEMOLITION IN CITY LIMITS (Division 3, Sec. 6-1040)

Owner or representative must post a **site bond** in the amount of **\$10,000.00** on each site (for each lot) where building is being demolished. Surety bond shall be filed with the City Clerk at City Hall (to insure site cleanup). Contractors must be bonded and licensed by the city to do demolition work within the city limits.

PERMITS THAT MAY BE REQUIRED --

Demolition permit with applicable fee plus **\$10,000.00 bond** filed with City Clerk (to insure existing site cleanup in the city limits - no bond in County). ***One permit per structure. One bond per site.***

Right of way permit for street opening for water piping cut off to main (if required) issued at Public Utilities Department.

PROCEDURE -- Residential or Commercial in City Limits

Bond filed with City Clerk for each site (lot). Applicant must complete Demolition permit application for each structure with notarized signature of owner or owner's representative. Owner must call utility company to have termination of service prior to getting written verification that all affected utilities have been disconnected. Applicant must remove footings, foundation walls, and floor slabs. Sewer and water lines are to be capped per the Public Utilities Department specifications. Septic tanks are to be removed or pumped out and filled with approved materials per the Health Department requirements. All of these provisions must be inspected and signed off by the Building Division before backfilling. Fill in any existing holes left on property, level the property and remove all debris and junk from the property, within thirty (30) days after the removal or tearing down of the building; any damage to rights-of-ways must be immediately corrected. If the applicant fails to demolish or restore the property from which the building is removed within thirty (30) days after removal, and after ten (10) days written notice the city may proceed to complete the work on the property and recover expense from the bond posted.

Bond is released by the Building Department after all work is completed and a final inspection is made.

Contact the Montana Department of Environmental Quality (444-5300) regarding asbestos and NESHAP regulations. Contact the Billings Solid Waste Division (657-8260) regarding asbestos disposal requirements at the Billings Landfill.

CITY CODE
Chapter 6 - BUILDINGS AND BUILDING REGULATIONS
ARTICLE 6-1000. - DEMOLITION AND MOVING OF BUILDINGS
DIVISION 3. - DEMOLITION OR REMOVAL OF BUILDINGS

DIVISION 3. - DEMOLITION OR REMOVAL OF BUILDINGS

Sec. 6-1040. - Demolition permit required.
Sec. 6-1041. - Application.
Sec. 6-1042. - Demolition or removal of building; bond required.
Sec. 6-1043. - Fees.
Sec. 6-1044. - Issuance of demolition permit.
Sec. 6-1045. - Duties of permittees.
Sec. 6-1046. - Abatement by city.
Secs. 6-1047—6-1049. - Reserved

Sec. 6-1040. - Demolition permit required

No person shall demolish or remove any building within the city without first obtaining a demolition permit as provided in this division.

(Ord. No. 91-4858, § 1, 2-4-91)

Sec. 6-1041. - Application

Application for a demolition permit shall be made to the building official on a form furnished by the city. The application shall be signed and verified by the owner of the structure or the owner's agent and shall include, but not be limited to, the following:

- (1) Name and address of the owner of the structure and the location of the building to be demolished or removed;
- (2) A plan for the demolition, or removal, including a description of the work to be done, and a schedule of time to complete the demolition project;
- (3) Location of sites to be used for disposal of debris and proposed routes for transportation of debris to the sites;
- (4) If the demolition or removal is to be done by anyone other than the owner, the following shall be provided:
 - a. The notarized signature of the owner or the owner's agent authorizing the applicant to obtain a permit for the demolition or removal of the structure;
 - b. Name and address of the applicant;
- (5) The bond required by section 6-1042
- (6) Written verification from all affected utilities that the applicant has accomplished the disconnection and/or construction of protective devices required by that agency.

(Ord. No. 91-4858, § 2, 2-4-91)

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Sec. 6-1042. - Demolition or removal of building; bond required

The city shall not issue a demolition permit until the applicant has furnished to the city a surety bond in the amount of ten thousand dollars (\$10,000.00). Continuation certificates to renew the surety bond will not be accepted. Such bond shall be filed with the city clerk and shall be conditioned upon the following requirements:

- (1) That such person or business entity owning the property from which the building is to be removed or torn down, or an authorized agent, shall promptly remove or demolish the building and shall remove any remaining foundation walls, fill in any existing holes left on the property, level the property and remove all debris and junk from the property, within thirty (30) days after the removal or tearing down of the building. The building official may permit the owner to retain the foundation if it is safe to do so and the owner or the owner's agent either removes the foundation to a depth of twelve (12) inches below grade or leaves an existing hard surfaced slab covering the foundation. In either case, the owner shall prepare and sign an affidavit in a form acceptable to the city administrator or his designee acknowledging the existence of the subsurface foundation walls. The owner or the owner's agent shall file the affidavit with the Yellowstone County clerk and recorder's office so that it runs with the land. Prior to release of the surety bond, the owner or owner's agent must provide the city administrator or his designee with satisfactory proof that the affidavit was recorded;
- (2) That any damage to rights-of-way be immediately corrected;
- (3) That all utilities be disconnected or protected as required by each utility; and
- (4) That all applicable laws are complied with.

(Code 1967, § 21.40.010; Ord. No. 83-4499, § 1(21.40.010), 2-7-83; Ord. No. 91-4858, § 3, 2-4-91; Ord. No. 99-5091, § 1, 7-12-99; Ord. No. 01-5138, § 1, 1-8-01)

Sec. 6-1043. - Fees

The applicant for a demolition permit shall pay to the city for the issuance of the permit at the time of the issuance thereof a fee in the same amount as prescribed by council resolution for building permit fees.

(Ord. No. 91-4858, § 4, 2-4-91)

Sec. 6-1044. - Issuance of demolition permit

If the applicant for a demolition permit complies with the requirements in this division and in the judgment of the building official the structure can be demolished as proposed, then the city shall issue a permit for the removal or demolition of the building, subject to any reasonable restrictions or conditions. The permit shall state the name of the person authorized to remove or demolish the building and the location of the building to be removed or demolished.

(Ord. No. 91-4858, § 5, 2-4-91)

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Chapter 6 - BUILDINGS AND BUILDING REGULATIONS
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DIVISION 3. - DEMOLITION OR REMOVAL OF BUILDINGS

Sec. 6-1045. - Duties of permittees

It shall be the duty of the permittee to promptly begin the removal or demolition work authorized by the demolition permit and to work continuously at the normal rate of progress in keeping with good demolition practices until the project is completed.
(Ord. No. 91-4858, § 6, 2-4-91)

Sec. 6-1046. - Abatement by city

If the applicant or owner fails to promptly remove or demolish a building or fails or refuses to restore the property from which the building is removed or torn down in the manner described in this division, within thirty (30) days after such removal or tearing down, and after ten (10) days' written notice having been given to such applicant or owner, then the city may proceed to demolish the building or have the necessary work completed on the property, and may recover the expense of such work from the bond required to be posted.

(Code 1967, § 21.40.020; Ord. No. 83-4499, § 1(21.40.020), 2-7-83; Ord. No. 91-4858, § 7, 2-4-91)

Secs. 6-1047—6-1049. - Reserved.

DEMOLITION PERMIT APPLICATION

PERMIT # _____
RES. _____ COMM. _____
TYPE OF STRUCTURE _____

JOB ADDRESS: _____

LEGAL DESCRIPTION: LOT NO. _____ BLK _____ TRACT _____

OWNER _____ ADDRESS _____ PH # _____

CONTRACTOR _____ ADDRESS _____ PH # _____

CONTRACTOR LICENSE _____ BOND # _____ COMPLETION DATE _____

DEMOLITION PLAN _____

LOC. OF DISPOSAL SITE _____

ROUTE TO DISPOSAL SITE _____

Valuation of work _____ Permit Fee _____ Check # _____ Date Issued _____

CITY SEWER LINES MUST BE PLUGGED AT PROPERTY LINE AND INSPECTED. FOOTING AND FOUNDATION MUST BE REMOVED AND INSPECTED. SEPTIC TANKS PER HEALTH DEPARTMENT. ASBESTOS AND NESHAP REGULATIONS PER STATE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES.

The above structure will be demolished. Utilities may be disconnected and turned off. Sign below only when service is terminated or to acknowledge awareness of the pending demolition.

Approved By: (Authorized Signatures Only)

ELECTRICAL UTILITY _____ DATE _____

GAS UTILITY _____ DATE _____

SANITARY SEWER _____ DATE _____

WATER _____ DATE _____

Water Service: _____ To Be Destroyed _____ Does Not Need to Be Destroyed
_____ Water Permit & Street Opening Required _____ Water Service Is to Be Replaced (Lead)

ENVIRONMENTAL AFFAIRS _____ DATE _____

ASBESTOS REPORT SUBMITTED _____ ACM QUANTITY _____

Applicant's Signature _____

- ☐ Applicant is property owner
☐ Applicant is not property owner (complete below)

I, _____, the legal owner of the above-described property, authorize the applicant to
demolish the building as described. Owners Signature: _____

Notary Use Only:

State of Montana County of _____

This record was signed before me on _____ by _____.

Print name of signer(s)

Notary Public Signature

Commissioned in _____ county.

My Commission Expires _____

Building Official's Signature: _____

(Notary Seal)

Required Storm Water Best Management Practices (BMPs) for site/lot development and construction:

- For properties disturbing 1 acre or more or within 50-feet of a State receiving water (ditches/drains, creeks, etc.) a Storm Water Pollution Prevention Plan is required by the Montana Department of Environmental Quality (MTDEQ)
- For lots within a subdivision, the contractor/builder is required to review and follow the conditions of the existing Storm Water Pollution Prevention Plan (SWPPP); including but not limited to minimize tracking onto the public right-of-way, protect storm water inlets near jobsite, restrict access points onto the property and install BMPs where necessary.
- For additional information regarding BMPs or SWPPPs, contact the Environmental Affairs Division of Public Works at 406-247-8663.



Asbestos Abatement Required



Residential

- Residential units (fourplex or smaller) are not regulated by the State of Montana. OSHA regulations may apply to residential work (Search 29CFR1926.1101 online)
- For information, contact the City Environmental Compliance Coordinator at 406-247-8633 or email environmentalaffairs@billingsmt.gov.

Commercial

- All demolition and renovation projects require an asbestos inspection by an accredited asbestos inspector.
- Notify the Montana Department of Environmental Quality (MTDEQ) for all non-residential demolition or renovation.
- Notification forms are available at asbestos.mt.gov or call the DEQ Asbestos Control Program at 406-444-5300 or email deqacponline@mt.gov. Forms must be received by DEQ two weeks prior to the start date of the project.
- For more information on the asbestos inspection requirement, locating an accredited asbestos inspector, and other asbestos regulatory requirements go to asbestos.mt.gov or call 406-444-5300.