

CHAPTER 2

SOLID WASTE

SECTION:

4-2-1: Definitions

4-2-2: Mandatory Use Of City Services

4-2-3: Container Requirements

4-2-4: Placement Of Containers

4-2-5: Prohibited Acts And Conditions

4-2-6: Removal Of Prohibited Conditions

4-2-7: Violation; Fine Or Penalty

4-2-1: DEFINITIONS:

SOLID WASTE: Includes each and every accumulation of animal matter, manure, fruit or vegetable matter, ashes, branches or parts of any trees, shrubs or vines, stumps, tin cans, bottles, grasses or weeds, rags, paper, dead animals or parts thereof, trash or filth and all other offensive matter. (Ord. A-27, 10-17-1949)

4-2-2: MANDATORY USE OF CITY SERVICES:

Except as provided in Montana code 7-2-4736, all residents, businesses and other persons located within the city limits shall be required to use the city's solid waste hauling services with respect to all solid waste that the city hauls, unless the city approves, in writing, the use of a licensed private hauler. No resident, business or other person shall engage a licensed hauler, without first receiving written approval from the city, to haul solid waste of the type that the city hauls. (Ord. 01-05, 2-20-2001; amd. 2003 Code)

4-2-3: CONTAINER REQUIREMENTS:

A. City Approved Containers Required: "Solid waste", as identified in this chapter, shall only be placed outside of a home, garage or other animalproof enclosure if contained in a city approved solid waste container.

B. Damaged Or Stolen Containers: Residents of the city shall be responsible for repairing or replacing any city approved solid waste containers that are damaged, lost, or stolen. (Ord. 01-05, 2-20-2001)

4-2-4: PLACEMENT OF CONTAINERS:

A. Animal Resistant Containers:

1. All businesses that produce food scraps and food byproducts as part of their solid waste, including, but not limited to, restaurants, bars, and grocery stores, shall deposit and store all solid wastes in animal resistant containers throughout the year. Residents and associations of residents located within city limits will either: a) store their solid waste in securely latched animal resistant containers or, alternatively, b) store solid waste containers securely inside of a home, garage or other animal resistant enclosure. Animal resistant containers shall be set out on collection days with all latches in the open position. Solid waste will not be collected from latched containers.

2. Residents and associations of residents located within city limits will bring their solid waste containers or animal resistant containers away from their location to the city right of way for collection no earlier than four o'clock (4:00) A.M. on the morning that such solid waste will be picked up by the city or other permitted hauler. Any solid waste container placed outside of a home, garage, or other animal resistant enclosure for pick up shall be returned to a secure location no later than seven o'clock (7:00) P.M. on the day that solid waste is picked up. Any animal resistant container shall be relatched no later than seven o'clock (7:00) P.M. on the day that waste is picked up.

3. A business, resident, or association of residents convicted of violating this subsection A shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine and/or confinement as provided in the general penalty provisions in section 1-4-1 of this code. A business, resident, or association of residents who violates this subsection A shall be deemed to have committed a municipal infraction, and shall be assessed the civil penalty described in section 1-4-4 of this code. For each separate incident, the city shall elect to treat the violation as a misdemeanor or a municipal infraction, but not both. If a violation is repeated, the city may treat the initial violation as a misdemeanor and the repeat violation as a municipal infraction, or vice versa. Each day that a violation remains shall constitute a separate violation. (Ord. 14-20, 1-5-2015)

B. Preparation For Collection:

1. All solid waste produced in any house, flat, apartment, restaurant or other store, building or establishment, shall be drained of all surplus liquids, except grease, and thereupon shall be securely wrapped in paper before depositing in solid waste receptacles.

2. Paper and combustible rubbish of every kind whatsoever shall be securely wrapped, packed or contained in a manner that will prevent blowing by the wind and shall be deposited in a proper receptacle.

3. Trimmings resulting from trimming or removing hedges and trees shall be cut up into short lengths not to exceed six feet (6'), and placed in or beside solid waste receptacles or else moved to the county landfill by the owner or occupant of the premises; tree trunks of more than six inches (6") in diameter at the large end shall be removed to the county landfill by the owner or occupant of the premises and shall not be removed by the city solid waste collectors.

C. Dirt, Rocks And Building Debris:

1. Dirt and rocks accumulated as a result of improving or grading lawns and gardens, will not be removed from the premises, nor from the streets and alleys by the city solid waste collectors, but shall be removed to the county landfill by the owner or occupant of the premises where such material originated.

2. Dirt and rocks accumulated as a result of excavation of building sites, shall not be deposited in streets or alleys, but shall be removed from the premises where such material originates by the owner, occupant or contractor, or whoever was responsible for doing the work. (Ord. A-27, 10-17-1949)

3. Other building rubbish shall be removed to the county landfill from the premises where such rubbish originates, by the occupant, owner, contractor or whoever was responsible for doing the work, at least once weekly or as specified by the public works department. (Ord. A-27, 10-17-1949; amd. 2003 Code)

4-2-5: PROHIBITED ACTS AND CONDITIONS:

A. Deposits On Public Ways: It is unlawful for any person to throw, scatter or otherwise place or leave, or cause to be thrown or scattered or otherwise placed or left, upon or along any street, avenue, alley or other public place, or upon any vacant or unoccupied lot or lots within the city, any wastepaper, rubbish, refuse, debris or solid waste of any kind. (Ord. A-27, 10-17-1949; amd. Ord. A-129, 3-16-1964)

B. Burning: Except in case of receiving a fire department permit, it shall be unlawful to burn papers, paper goods, carbon, rubbish, solid waste, organic debris, or any other type of combustible matters outdoors within the city. (Ord. 88-2, 3-21-1988)

C. Use Of Specific Containers:

1. It is unlawful for any person to place, discard or deposit solid waste into solid waste containers provided or placed within the city's parks unless such solid waste is actually generated and accumulated in the park by park visitors. The use of such solid waste containers and/or receptacles provided in the city's parks is restricted to solid waste generated in the park by park visitors, and no other solid waste shall be brought into the city's parks for disposal.

2. All persons shall place, dispose, discard or deposit their solid waste in the solid waste containers provided for their particular residence or place of business and shall not use such solid waste containers and/or receptacles provided for other persons or for public use at city parks or street receptacles. (Ord. 94-5, 8-1-1994)

4-2-6: REMOVAL OF PROHIBITED CONDITIONS:

A. Responsibility Of Owner: It shall be sufficient proof for the purpose of securing a conviction under the terms of this chapter that any such solid waste or other offensive matter is shown to have been found improperly packed or at any unauthorized place as specified hereinabove, or to have been found in, upon or adjacent to the grounds or premises used or occupied by such person that are charged with violation of the terms of this chapter whether such premises are owned, rented, leased or otherwise held or occupied in any manner and any such owners, occupants, tenants or lessees aware of, or who should have been aware of, the presence of the solid waste which has been improperly disposed of are declared to be personally responsible under this chapter for any such refuse, solid waste or offensive matter so thrown, located, placed or found. (Ord. A-27, 10-17-1949; amd. Ord. A-204, 2-20-1973)

B. Removal Authority: The city manager, the public works director or the fire chief shall have power and they are empowered and authorized to order by printing, posting or by written personal notice, to order the agent, tenant or owner to remove from his premises or the streets and alleys adjacent thereto, any rubbish or filth which in the judgment of any of these officers, is a menace to public health or hazardous in case of fire.

C. Removal By City: In case the rubbish is not removed within the time specified in the notice and order, any of the officers shall have the power to cause the rubbish to be removed at the cost of the city. (Ord. 112, 4-19-1915)

D. Lien On Premises: The cost for the removal of such rubbish, when duly approved by the city council, shall be a lien against the property from which such matter was deposited, and the city clerk is authorized to certify the cost to the county clerk for collection along with those taxes and other legal charges against the property. (Ord. 112, 4-19-1915; amd. Ord. 126, 5-15-1917)

4-2-7: VIOLATION; FINE OR PENALTY:

A person convicted of violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine as provided in the general penalty in section 1-4-1 of this code. A person who violates any of the provisions of this chapter shall be deemed to have committed a municipal infraction, and shall be assessed the civil penalty described in section 1-4-4 of this code. For each separate incident, the city shall elect to treat the violation as a misdemeanor

or a municipal infraction, but not both. If a violation is repeated, the city may treat the initial violation as a misdemeanor and the repeat violation as a municipal infraction, or vice versa. Each day that a nuisance or other offense remains shall constitute a separate violation. (Ord. 09-20, 10-19-2009)