

ORDINANCE NO. 437

AN ORDINANCE AMENDING CHAPTER 2, TITLE VIII OF THE CODE OF THE CITY OF POLSON, MONTANA, 1965, BY AMENDING IN ITS ENTIRETY SAID CHAPTER AND RENUMBERING THE SECTIONS AS A RESULT THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, STATE OF MONTANA:

SECTION:

8-2-1	Definitions
8-2-2	Jurisdiction
8-2-3	Littering
8-2-4	Supply and Use of Containers
8-2-5	Removal of Litter at Construction and Other Sites
8-2-6	Keeping Property Clean
8-2-7	Burning Garbage Prohibited
8-2-8	Transporting Garbage Upon the Streets
8-2-9	Enforcement

8-2-1: DEFINITIONS: Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (a) APPROVED CONTAINER: A container for the storage of rubbish, litter and garbage which shall be water, insect and rodent proof and which shall be fitted with a close, tight-fitting lid at all times other than when emptying or filling.
- (b) GARBAGE: Putrescible animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.
- (c) LITTER: Any quantity of uncontainerized paper, metal, plastic, garbage, glass, or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage or junk.
- (d) NOTICE: The City shall give "notice" under this Ordinance by one of the following methods:
 - (1) Delivering written notice to the owner or occupant of the property if the property is non-owner occupied.
 - (2) Mailing a written notice by registered or certified mail to the owner, agent, occupant or lessee at the address held out by him as the place for receipts of communications or, in the absence of such designation, to his last known address.
- (e) PERSON: An individual, group of individuals, partnership, firm, corporation, association, company, county, city or improvement district.
- (f) PRIVATE PROPERTY: Includes, but is not limited to, the following exterior locations owned by persons: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.
- (g) PUBLIC PROPERTY: Includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal vacant lots, parks, playgrounds, other public-owned recreation facilities and municipal water-ways and bodies of water.

(h) RUBBISH: Non-putrescible solid waste consisting of both combustible and non-combustible wastes such as paper, cardboard, abandoned vehicles, tin cans, wood, glass, crockery, aluminum, lawn clippings and similar materials.

(i) UNKEPT FOLIAGE: Weeds, uncut grass, brush, untrimmed hedges and tress.

8-2-2: JURISDICTION: The provisions of this Ordinance shall apply to all areas within the City limits.

8-2-3: LITTERING: It shall be unlawful for any person to throw, discard, place or deposit litter in any manner on any public or private property except in containers provided for such.

It shall be the duty of every person distributing or causing to be distributed commercial handbills, leaflets, fliers or any other advertising or informational material to take all measures necessary to keep such materials from littering public or private property.

8-2-4: SUPPLY AND USE OF CONTAINERS: Every person owning or in possession of property from which refuse is generated shall maintain at all times one or more "approved containers," adequate to hold all refuse generated and shall empty said containers at least once every two weeks.

It shall be the duty of the owner or person in possession of property to dispose of non-containerized items such as, but not limited to, appliances, mattresses and furniture within seventy-two (72) hours after their deposit which is visible to the public.

8-2-5: REMOVAL OF LITTER AT CONSTRUCTION AND OTHER SITES: Any person or institution at which litter or rubbish, attendant to the packing, unpacking, loading or unloading of materials, is generated outside of a building shall provide "approved containers" for the disposal and storage of such litter and rubbish.

It shall be unlawful for the person in charge of any construction or demolition site to cause, maintain, permit, or allow to be caused, maintained or permitted, the accumulation of any litter or rubbish on the site before, during or after completion of the construction or demolition project.

Building rubbish resulting from new construction or extensive alternations to buildings or yards or the removal of large trees, or any trade waste condemned in large quantities, is not garbage under this Chapter and must be disposed of at the expense of the person responsible for its production.

8-2-6: KEEPING PROPERTY CLEAN: It shall be the duty of the owner, agent, occupant, or lessee of property to keep premises free of litter, rubbish, garbage and unkept foliage, including but not limited to weeds and uncut grass. This requirement applies not only to loose litter, but also to materials that already are or become trapped at such locations as fence and wall bases, grassy or planted areas, borders, embankments, and other lodging points.

Persons whose properties face on municipal sidewalks and boulevards are responsible for keeping that portion of the sidewalks and boulevards adjacent to their property free of garbage, litter and rubbish. The same responsibility extends to properties that face alleys.

It shall be unlawful to sweep or push litter from sidewalks and boulevards into streets.

It shall be the duty of every owner of a vacant property to keep that property free of litter, rubbish, garbage and unkept

foliage, including but not limited to weeds and uncut grass.

8-2-7: BURNING GARBAGE PROHIBITED: The burning of garbage, as defined herein, within the corporate limits of the City in or out of incinerators, is hereby forbidden and prohibited and any such burning or disposing shall be deemed a violation of this Chapter.

8-2-8: TRANSPORTING GARBAGE UPON THE STREETS: It shall be unlawful for any person to convey or cause to be conveyed through the streets, alleys and public places of the City any earth, manure, mortar shavings, rubbish, garbage or loose material of any description except in tight receptacles, boxes or truck bodies equipped with secure covers which prevent the escape of any material contained therein.

8-2-9: ENFORCEMENT: The City of Polson Police Department shall have primary enforcement authority and responsibility.

If, in the determination of the City, a litter situation exists that constitutes an "emergency" to the City or neighboring property owners, the City may remove the litter and bill the owner or lessee of the property for the cost thereof after making a good faith effort to notify such person, by telephone or in person, of the problems and giving the same a twenty-four (24) hour period to remedy the situation.

"Non-emergency:" Any person in violation of any section of this Ordinance will be given notice and a ten (10) day period to correct the situation(s) outlined in the notice. Failure to correct the situation within said ten (10) day period shall be determined a violation of this Ordinance.

Persons found in violation of this Ordinance shall be fined not less than \$25.00 nor more than \$200.00 for a first offense in one calendar year.

A second offense in one calendar year shall be punishable by a fine of not less than \$100.00 nor more than \$300.00.

A third or subsequent offense in one calendar year shall be punishable by not less than ten (10) days confinement in jail and not less than \$300.00 fine. Neither the fine nor jail sentence may be suspended.

REPEALING CLAUSE: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

EMERGENCY: A public emergency is hereby declared to exist and this Ordinance is hereby declared to be necessary for the immediate preservation of public health, peace and safety, and therefore this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 5th day of May, 1986.

Patricia DeVries
Patricia DeVries, Mayor

ATTEST:

Gayle L. Boy
City Clerk