

C10041071

ORDINANCE NO. 00-03
AN ORDINANCE CONCERNING GARBAGE, RUBBISH AND TRASH WITHIN THE
TOWN OF BROADUS, MONTANA; ESTABLISHING RULES, REGULATIONS, AND
CHARGES FOR SERVICES; PROVIDING ENFORCEMENT PROVISIONS
THEREFORE AND ESTABLISHING PENALTIES FOR VIOLATIONS.

SECTION 1 - APPLICATION

The Town of Broadus adopts this Garbage Ordinance prohibiting the depositing of rubbish, refuse or garbage into sanitary containers within the Town of Broadus by persons or business's residing and or located outside the Town of Broadus. This Ordinance shall regulate the garbage, rubbish, and trash disposal services provided by the Town of Broadus, especially the rates and charges made, the location and condition of containers, service routes or any other service connected to the disposal of garbage and shall apply to all residents within the corporate boundaries of the Town of Broadus.

SECTION 2 - DEFINITIONS

- a) "Department" means the Town of Broadus Department of Public Works.
- b) "Garbage" includes animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It is composed largely of organic matters and their natural moisture content. The term does not include within its meaning food processing waster from canneries, slaughterhouses, packing plants, or similar industries, or large quantities of condemned food products. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels, and other places where food is stored, cooked or consumed.
- c) "Inflammable rubbish" or "combustible rubbish" comprises miscellaneous flammable materials. Generally it is the organic component of rubbish, such as paper, rags, cartons, boxes, wood excelsior, furniture, bedding, rubber, leather, tree branches, yard trimmings, and similar material.
- d) "Noncombustible rubbish" comprises miscellaneous refuse materials that are nonflammable at ordinary temperatures. For the most part, it is the inorganic component of rubbish such as tin cans, metals, mineral matter, glass, crockery, dust, metal, furniture, etc.
- e) "Rubbish" means all refuse not included in garbage. It consists of a great variety of combustible and noncombustible waste materials from households, stores and institutions. This waste is defined more specifically as "combustible rubbish" and "noncombustible rubbish," but whenever the word "rubbish" is used alone, it means a mixture of both. "Trash" is synonymous with "rubbish".
- f) "Dumpster" means a garbage receptacle provided by the Town of Broadus to replace regular garbage cans and which can be dumped automatically by a special garbage truck attachment. The size and design of such dumpster shall be provided for by the department in a manner to be determined by the department.
- g) "Delinquent account" - In the event that any bill for garbage services shall not be paid in full when due, the Town shall have the right to discontinue all garbage services furnished by the Town to the delinquent consumer. A delinquent account is an account that remains unpaid for a period of sixty (60) days following the original billing.

SECTION 3 - GARBAGE RECEPTACLES

The owner, operator, and/or occupant of every human habitation who disposes of garbage by the use of containers shall provide, or cause to be provided, portable metallic/plastic vessels or containers for the deposit therein of garbage and rubbish. Such containers shall have handles, shall not exceed thirty-two (32) gallons capacity, maximum weight per thirty-two (32) gallon container of eighty pounds (80#s) bagged garbage, provided with a suitable fly tight cover and be of sufficient number to confine all garbage between pick-up days.

As an alternative to the containers referred to in Section Two of this ordinance, the Town may supply a dumpster to service its disposal needs. Such dumpsters shall be purchased by the Town. The Town shall determine the size and composition of such dumpsters. The Town shall likewise specify requirements for foundations on which the

dumpster shall rest. If a consumer requests a private dumpster, any and all costs for the required foundations shall be the customer's responsibility. Such requirements shall include, but not restricted to, the following:

- a) Size of foundations pad or area;
- b) Material out of which such foundation pad or area is constructed;
- c) Any other regulations which shall be necessary to promote public health and safety and great efficiency of garbage collection.

Such containers or dumpsters shall be placed and kept as required and directed by the department. In the case of apartments or other multiple family dwellings, as many containers or dumpsters shall be provided as specified and required to confine all garbage between pick-up days.

When containers or dumpsters as stated above are not provided or in place, notification will be made to the owner, operator, and/or occupant that they will have ten (10) days to comply with this section. If, at the end of the ten (10) days notice, containers or dumpsters are not in place, the department will place containers or dumpsters in the proper location and the owner, operator, and/or occupant will be charged for said containers or dumpsters.

SECTION 4 - CONDITION OF RECEPTACLES

Receptacles that have deteriorated to the extent of having jagged or sharp edges, capable of causing injury to the collectors or others whose duty it is to handle the containers, or to the extent that the covers will not fit tightly, or to the extent of allowing the garbage and rubbish to be scattered, will be condemned by the municipality, acting through the health officer, or the responsible municipal official, and replacement will be required upon notification.

SECTION 5 - GARBAGE STANDS

All garbage and rubbish containers as described above shall be placed or stationed on an impervious, well-drained base constructed of either cement, metal, or wood at a height of not less than six (6) inches nor more than one foot from the level of the alley or street and shall be so constructed to hold garbage containers from being tipped, pushed, or blown about and still allow for reasonable access by the collection people. The garbage and rubbish containers shall be located on the owner's property adjoining an alley or street. Whenever an alley is not available, the containers are to be located near a street where pick-up can be readily made.

When a garbage stand as stated above is not provided or in place, notification will be made to the owner, operator, and/or occupant that they will have ten (10) days to comply with this section. If, at the end of the ten (10) days notice, garbage stands are not in place, the department will place the stands in the property location and the owner, operator, and/or occupant will be charged for said containers.

SECTION 6 - CHARGES

Charges will be made each month for services provided the previous month. Charges will be made from the first day of each month and any charges less than 15 days from the first day will be charged for one-half (1/2) month. Charges from the fifteenth (15th) day through the last day of the month will be charged for one-half (1/2) month. Any charges for more than 15 days of each month will be charged for the full month.

All consumers within the Town Limits receiving water and sewer services will be provided garbage services and be charged according to rates set by the Town of Broadus.

SECTION 7 - BILLING PROCEDURE

Bills shall be issued from the Town to the property owner.

Failure to use the service will not delete the charges made on the account unless written request is made to the Town Council stating the reason for non-use and approval is

granted by the Council. Property owners will be allowed to put garbage services on vacation once per year if the owner is planning to be absent for a minimum of one month. The Clerk must be notified in advance before the utilities are put on vacation.

SECTION 8 - ASSIGNMENT OF DUMPSTERS, LOCATION, & MAINTENANCE

The Town shall assign the dumpsters as they become available on a first come, first serve basis. Dumpsters shall be first inspected by the Town and shall then be placed adjacent to the business at an area designated by the Department. Such area shall first be inspected by the Department for compliance with the size and materials requirements governing foundations and contained in Section 3 of this ordinance.

SECTION 9 - FOOD RELATED GARBAGE

Any establishment customarily serving food as a substantial part of its operation shall be required to dispose of its garbage by means of a dumpster. Failure to provide a foundation for such dumpster or failure to accept such dumpster by any such business when a dumpster becomes available shall constitute a violation of this ordinance and such business shall be punished in accordance with the terms of this ordinance.

SECTION 10 - THEFT OF SERVICE

WHEREAS, the Town of Broadus has developed and established a refuse collection and disposal service, operated by the Town of Broadus for the citizens and residents of the Town of Broadus; and

WHEREAS, the collection of disposal services paid through by means of a user fee for those persons using service and no fee or charge has been established for non-resident users; and

WHEREAS, non - resident person or business' using the Town of Broadus collection and disposal service by disposing of garbage and refuse in the Town of Broadus sanitary containers or sanitary landfill are unjustly enriched by using their service subsidized by the Town residents;

WHEREAS, the Town Council of the Town of Broadus desires to make it an offense for non-residents to use the disposal system, now therefore, this ordinance is adopted by the Town Council of the Town of Broadus to read as follows:

A. THE FOLLOWING ARE DESIGNATED AS UNLAWFUL ACTS:

- 1) It shall be unlawful for any person who is not paying for charges for use of the collection services to place any waste or cause to be placed any refuse upon any public or private property not owned by him or under his control.
- 2) Place or cause to be placed, any unwrapped putrescible waste in any refuse container, unless all liquid shall have been drained therefrom;
- 3) Place or cause to be placed more than a limited amount of refuse that the container is designed to hold;
- 4) To place, set out for removal any refuse on or along any Town right-of-way, street, or alley, unless the same is contained in watertight container so constructed as to prevent any such refuse from falling, leaking, or spilling therefrom;
- 5) Place the garbage, rubbish, or refuse from a resident or business located out of the Town of Broadus in a refuse container unless such container is clearly marked as being available for the use of the general public, with use of such public container available only to the general public while immediately engaged in the use of such public facility.

SECTION 11 - NOTIFICATION OF VIOLATIONS

Notifications of violations will be made by the Sanitation Supervisor to the Town Clerk who will mail notice to comply within a specified period of time. If, at the end of the noticed time, the violation has not been corrected, a complaint will be filed and a summons issued.

SECTION 12 - EXCEPTIONS

Certain sections of this Ordinance shall not apply to people with disabilities, infirmities, or are otherwise physically unable to comply.

SECTION 13 - PENALTIES

Every person convicted of a violation of any of the provisions of this Ordinance thereof, for first offense be punished by a fine of not less than fifty (\$50.00) dollars and not more than five hundred dollars (\$500.00), or by imprisonment not to exceed thirty (30) days or both; for second offense, a fine not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00), or by imprisonment not to exceed thirty (30) days, or both; upon third or subsequent conviction not less than five hundred dollars (\$500.00), or by imprisonment not to exceed thirty days or both.

SECTION 14 - SEVERABILITY

If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity will not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or provisions, and to that end the provisions therefore declared to be severable.

SECTION 15 - PRIOR ORDINANCE AND RESOLUTIONS

After this ordinance becomes effective, it shall serve to revoke all other ordinances or resolutions heretofore adopted.

SECTION 16 - EFFECTIVE DATE

This ordinance as revised shall be come effective thirty (30) days after it is passed upon second reading.

Moved, seconded, and passed first reading this 15 day of February, 2000.

Lyman Amsden
Lyman Amsden, Mayor

ATTEST: Peggy Sue Fruit
Peggy Sue Fruit, Clerk

Moved, seconded, and passed second reading this 7 day of March, 2000.

Lyman Amsden
Lyman Amsden, Mayor

ATTEST: Peggy Sue Fruit
Peggy Sue Fruit, Clerk

