

Chapter 32

SOLID WASTE*

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*State law reference—Waste and litter control, MCA 75-10-101 et seq.

ARTICLE I. IN GENERAL

Secs. 32-1—32-18. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL*

Sec. 32-19. Title and statement of authority.

This article shall be known as the "Whitehall Solid Waste Ordinance," in accordance with and exercising the power and authority granted to the town by MCA title 75, chapter 10 (MCA 75-10-101 et seq.).

(Prior Code, § 7.04.010; Ord. of 9-9-1996)

Sec. 32-20. Purpose.

The purpose of this provision shall be to generate sufficient revenue to pay all costs of the collection and disposal of solid waste. The costs shall be distributed to each user in the town in proportion to the costs of providing solid waste collection and disposal services, and in accordance with other factors that the town deems appropriate.

(Prior Code, § 7.04.020; Ord. of 9-9-1996; Ord. No. 7.04, § 1(7.04.020), 3-12-2012)

Sec. 32-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Compost material means herbaceous material which readily decomposes, such as grass clippings, weeds, garden vegetation, leaves, chipped wood, hay, straw, and small herbivore and poultry manure (not cow or horse manure).

Compost material services means the monthly collection and composting of compost material from May through October, upon request.

Solid waste means all putrescible and nonputrescible wastes, including, but not limited to, garbage, rubbish, refuse, cold ashes, construction and demolition wastes, small dead animals including offal, yard trimmings, compost material, wood products or wood byproducts, and inert materials. The term "solid waste" does not mean municipal sewage or sludge, explosives, liquid wastes, infectious wastes, flammable products, EPA rated hazardous wastes, radioactive wastes, herbicides, asbestos, con-

*State law reference—The Montana Solid Waste Management Act, MCA 75-10-201 et seq.

taminated dirt, sewage tanks, fuel tanks, automobile, truck or tractor tires, wood treated with pentachlorophenol, large household appliances, large household furnishings, and large dead animals.

Solid waste services means the town's municipal solid waste collection and disposal services.

(Prior Code, § 7.04.030; Ord. of 9-9-1996; Ord. No. 7.04, § 2(7.04.030), 3-12-2012)

Sec. 32-22. Accumulation of solid waste prohibited.

The owner of any lot shall not allow any solid waste to accumulate upon such lot, including the area between the lot line and the curblineline or the centerline of the alley, in excess of the amount of solid waste which is picked up and hauled away pursuant to this article.

(Prior Code, § 7.04.040; Ord. of 9-9-1996)

Sec. 32-23. Solid waste pickup and hauling schedule.

Solid waste shall be picked up and hauled away from each residence and business once per week unless regularly scheduled additional pickups are requested. Additional pickup requests must be made through the town clerk-treasurer. The town may, in its discretion, provide additional special call pickup and hauling services.

(Prior Code, § 7.04.050; Ord. of 9-9-1996; Ord. No. 7.04, § 3(7.04.050), 3-12-2012)

Sec. 32-24. Solid waste service charges.

(a) The town shall implement and modify a fair and reasonable system of rates and charges for solid waste services by resolution of the town council, duly adopted after a public hearing, with notice thereof given as required by law.

(b) All solid waste charges shall be billed to the owner of record of the real property benefiting from solid waste services, and shall be for the previous month. Payment is due on the tenth day of each month.

(c) The owner of the real property benefiting from solid waste services is ultimately liable and responsible for the payment of solid waste charges.

(Prior Code, § 7.04.060; Ord. of 9-9-1996; Ord. No. 7.04, § 4(7.04.060), 3-12-2012)

Sec. 32-25. Solid waste in containers at designated collection places.

(a) Solid waste must be placed in containers obtained from, and approved by, the town.

(b) All containers shall be kept clean and free from accumulation of any substance which would attract or breed insects. All solid waste placed within containers, except heavy solid waste placed in dumpsters, must be contained within plastic bags or other tear-resistant material. All excess liquid shall be removed from the solid waste as much as possible.

(c) The handling or storage of solid waste shall be subject to review by the town health board. Special restrictions or conditions on a case-by-case basis may be established to protect public health and safety.

(d) The collector shall designate the location where solid waste containers and compost material containers shall be placed, such sites being located on the real property benefiting from solid waste services or compost material services, to the extent possible.

(e) The collector may refuse to pick up and haul away any solid waste or compost material not meeting the specifications of this article or not properly placed in the designated collection place.

(f) The meddling with solid waste or compost material containers by placing solid waste in a container without permission of the container's owner or in any way pilfering, scavenging, or scattering the contents of any container is prohibited.
(Prior Code, § 7.04.070; Ord. of 9-9-1996; Ord. No. 7.04, § 5(7.04.070), 3-12-2012)

Sec. 32-26. Optional compost material service.

Upon a request made to the town clerk-treasurer, compost material will be picked up and hauled away one time per month during the months of March through October. The town shall implement and modify a fair and reasonable charge for such compost material service by resolution of the town council, duly adopted after a public hearing, with notice thereof given as required by law. Compost material must be placed in tear-resistant and burst-resistant bags weighing no more than 70 pounds, and shall be placed in the same location as the solid waste containers.

(Prior Code, § 7.04.080; Ord. of 9-9-1996; Ord. No. 7.04, § 4(7.04.080), 3-12-2012)

Sec. 32-27. Burning or burying of solid waste.

The burning or burying of any solid waste within the town is prohibited. The burning of wood, wood pellets and paper within an enclosed heating stove or fireplace is not considered the burning of solid waste.

(Prior Code, § 7.04.090; Ord. of 9-9-1996)

Sec. 32-28. Penalty for violations.

Any person violating any of the provisions of this article may be subject to a fine of \$100.00 for the first offense. Fines will double for each successive offense, up to a maximum of \$500.00.

(Prior Code, § 7.04.100; Ord. of 9-9-1996; Ord. of 9-10-2012)

State law reference—Penalty for ordinance violations, MCA 7-1-111(8), 7-5-109.

Chapter 33

RESERVED