

ORDINANCE # 100

**AN ORDINANCE REPEALING ORDINANCE #64 AND AMENDING CHAPTER 8.12 OF
THE MUNICIPAL CODE REGARDING GARBAGE COLLECTION AND DISPOSAL**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARLEM, MONTANA:

Section 1: Ordinance #64, passed and adopted November 5, 1985 is repealed.

Section 2: Chapter 8.12 and Sections 8.12.010 through 8.12.110 of the Harlem Municipal Code are amended to read as follows:

Chapter 8.12

GARBAGE COLLECTION AND DISPOSAL

Sections:

- 8.12.010 Definitions
- 8.12.020 Disposal facility – City responsibility
- 8.12.030 Containers for garbage
- 8.12.040 Placement of containers
- 8.12.050 Frequency of removal
- 8.12.060 Dumping by the general public
- 8.12.070 *Not in use at this time*
- 8.12.080 Refuse disposal guidelines-Container site
- 8.12.090 Dumping outside disposal facility prohibited
- 8.12.100 Deposit of smoldering or burning material prohibited
- 8.12.110 Violation – Penalty

8.12.010 Definitions. The following words and phrases when used in this chapter shall have the meanings given in this section.

“Apartment” means two or more rooms which are occupied or which are intended or designed to be occupied by one family for living and sleeping purposes.

“Apartment house” means any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in such a building, and shall include flats and apartments.

“Household” means a single family dwelling.

“Business” means a place where garbage is generated in which business transactions occur and where a business license with the City is required.

“Garbage” means and includes all refuse and vegetable matter, house, office and store sweepings, ashes and waste paper, and dead dogs, cats, and fowls.

“Service” means the service by the City or private contractors in the removal and disposal of garbage.

8.12.020 Disposal facility – City responsibility. The City shall be responsible to contract for or provide the disposal of all garbage collected within the City and to that end the City Council and the Mayor shall provide the necessary supervision for the efficient and satisfactory performance of such disposal.

8.12.030 Containers for garbage. The City will provide garbage containers for all residences and businesses. If container becomes damaged due to property owner negligence, the property owner will be responsible for the cost of container replacement.

A. The burning of garbage is prohibited. Garbage, unless collected daily, shall be drained free of water and placed in suitable plastic bags before placing it in the containers. Empty cartons and cardboard boxes shall be flattened.

B. Rocks, sod, concrete, or waste building material are not classed as garbage and shall not be placed in garbage containers. Magazines, newspapers and other paper materials shall be tied in a neat bundle or placed in cardboard boxes securely fastened and placed near containers. Tree branches and shrubbery cuttings shall be securely tied in bundles not exceeding four feet in length and grass clippings shall be securely fastened in small containers.

C. No material which is of value to the household and which could be interpreted as garbage shall be placed by garbage cans, as such material will be considered as intended for removal and no damage claims will be recognized if such material so placed is removed.

D. No flammable or explosive material shall be placed with other garbage to be hauled.

8.12.040 Placement of containers. Garbage containers shall be placed as appropriate for collection. Individual containers must be returned to household after collection.

8.12.050 Frequency of removal. Garbage shall be collected and removed as follows:

A. Private dwellings, residences, abodes, apartment houses and units: at least once weekly.

B. Restaurants, beer parlors and bars, grocery stores, rest homes: at least twice weekly or as needed.

C. All other businesses: at least twice weekly or as needed.

8.12.060 Dumping by the general public. The City container site shall be open for the use of City residents and residents of the Blaine County garbage district, according to the schedule set by the Unified Disposal board and other persons possessing permits. Non-district use of the container site is prohibited. Any commercial entity must haul garbage to the landfill East of Havre.

8.12.070 Not in use at this time.

8.12.080 Refuse disposal guidelines-Container site.

A. **Acceptable** disposal items:

1. Household refuse;
2. Trees, lumber, shrubs, and poles cut in lengths of four feet or less, placed length wise;
3. Small quantities of treated grain and empty chemical barrels;
4. White goods (washers, dryers, refrigerators, freezers, hot water tanks);
5. Tires;
6. Small quantities of concrete, rock, etc.

B. Items **not** to be disposed at any time:

1. Chemicals;
2. Liquids;
3. Large quantities of heavy material;
4. Items on fire, warm burn barrel ashes, etc.
5. Drugs or drug by-products.

Other items, such as large carcasses, small structures, or other materials must be hauled to the landfill East of Havre.

8.12.090 Dumping outside container site prohibited. It is unlawful to dump or place any refuse in front of, adjacent to or immediately outside of the containers located at the City disposal facility. Items separated from refuse for recycling purposes may be left in designated areas, for example: tires, white ware.

8.12.100 Deposit of smoldering or burning material prohibited. It is prohibited for any person to deposit within any refuse container or within any disposal facility, any smoldering or burning matter or to cause the combustion of any material in such facility.

8.12.110 Violation – penalty. Any violations of this chapter shall be punished by a fine not exceeding three hundred dollars or by imprisonment not to exceed thirty days or by both fine and imprisonment.

Section 3: This Ordinance was passed, approved, and adopted by the City Council on the 13th day of May, 2013, and was approved by the Mayor on the 13th day of May, 2013.

Section 4: This Ordinance shall be effective thirty (30) days after its passage by the City Council and approval by the Mayor of the City of Harlem.

William J. Taylor
Mayor of the City of Harlem

Attested to by:

Rebecca Skoyen
Clerk of the City of Harlem