

Title 7

HEALTH AND WELFARE

Chapter:

7-1 Accumulations of Premises

7-2 Defining Nuisances

7-3 Duties of Board of Health

Chapter 7-1

ACCUMULATIONS ON PREMISES

Sections:

7-1-1 Duty of Owner

7-1-2 Violations; Penalty

7-1-1 Duty of Owner. It shall be the duty of the owner or occupant of any premises within the town limits to keep such premises and half of the street or alley immediately adjacent thereto and also the gutter in front of or adjoining his property clean, open and free from ashes, garbage, waste papers, cans and other debris, all refuse and growth or rank weeds and other offensive matter, and any and all accumulations of refuse of any kind.

7-1-2 Definitions: For the purposes of this chapter, the following words shall have the meanings set out below:

A. "Commercial garbage container" means watertight, insect-proof, durable metal or plastic containers having tight-fitting lids which are so designed as to be mechanically dumped, and so that they cannot be dumped over by children or animals.

B. "Garbage" means putrescible animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

C. "Litter" means any quantity of un-containerized paper, metal, plastic, 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 chapter by one of the following methods:

1. Delivering written notice at the place of business of the owner through which a rental agreement was made 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 them as the place for receipt of communications or, in the absence: of such designation, to there last known address;
3. Delivery of written notice by hand to owner, agent, occupant, or lessee.

E. "Person" means an individual, group of individuals, partnership, firm, corporation, association, company, county, city, village, or improvement district.

F. "Private property" includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations,, institutions or organizations: 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 publicly owned recreation facilities, and municipal waterways and bodies of water.

H. "Refuse" means all putrescible and non-putrescible solid waste except human body wastes, including garbage, rubbish, street cleanings, dead animals, yard clippings, and solid market and solid industrial wastes.

I. Residential Garbage Container. A "residential garbage container" shall be supplied by the Garbage Disposal Company, shall be watertight, insect-proof, have overlapping tight-fitting lids, and be constructed of durable metal or plastic.

J. "Rubbish" means non-putrescible solid waste consisting of both combustible and noncombustible wastes such as paper, cardboard, abandoned vehicles, tin cans, wood, glass, crockery, lawn clippings, and similar materials.

7-1-3 Jurisdiction. The provisions of this chapter shall apply to all areas within the city.

7-1-4 Enforcement Authority. A. The county health department has the primary responsibility for enforcement of all provisions of this chapter. The Sheriffs department also has authority to enforce the provisions of this chapter.

7-1-5 Containers Commercial. A. Commercial garbage containers shall be kept covered at all times.

B. Commercial garbage containers shall be placed on a hard level surface for emptying.

C. Commercial garbage containers shall be emptied at intervals of seven days or less.

D. Commercial garbage containers are required of all of the following: All trailer courts and mobile home parks with four or more units, hotels, motels, retirement homes, nursing homes, hospitals, schools, establishments selling food or drink for consumption on or off the premises, and apartments or apartment complexes having four or more living units or any other establishment which in the judgment of the city-county health officer generates sufficient refuse to warrant a commercial container. Exceptions to this requirement may be granted by the Town of Alberton upon finding that the container is unnecessary or impracticable.

7-1-6 Containers--Residential. A. Residential garbage containers shall be kept covered at all times.

B. All residential garbage containers shall be emptied at intervals of seven days or less, unless the volume of garbage generated during this interval is normally less than the capacity of the containers.

C. Installation of sunken residential garbage containers after the effective date of the ordinance codified in this chapter shall not be permitted.

7-1-7 Containers--Supply and use. A. Every person owning or in possession of property from which refuse is generated shall maintain at all times in a place easily accessible to the garbage collector, and where it will not be offensive or a public nuisance, one or more residential or commercial garbage containers shall be adequate to hold all refuse generated between collections.

B. All garbage accumulated on the premises shall be placed in the garbage containers.

C. Rubbish consisting wholly of lawn clippings, leaves, nonfood garden wastes, cardboard boxes, foliage trimmings and small pieces of waste lumber for collection may be stored in garbage containers or next to the garbage rack for pickup in plastic bags or neatly tied into bundles or placed in sturdy cardboard boxes. No rubbish or garbage shall be placed out for collection in paper bags or sacks.

D. No garbage, refuse or litter container shall be stored or set out for collection in the public right-of-way so as to impede or block public access or use or constitute a hazard or nuisance.

E. Any garbage, refuse or litter container which is not watertight, has sharp edges, which does not conform to prescribed standards or which has defects likely to hamper collections or injure the person collecting the contents thereof or the public generally, shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects. Failure to do so within ten days of notification shall constitute a violation of this section.

7-1-8 Keeping property and containers clean. A. It is the duty of the owner, agent, occupant, or lessee of property to keep premises free of litter, rubbish, and garbage. 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 and planked areas, borders, embankments, and other lodging points.

B. It is the duty of the owner, agent, occupant, or lessee of property to keep garbage and rubbish containers of property reasonably clean and free of offensive odors.

C. Owners, agents, occupants, or lessees 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. Owner, agents, occupants, or lessees whose properties face on alleys are responsible for keeping that half of the alley adjacent to the property free of garbage, litter and rubbish.

D. It is unlawful to sweep or push litter from sidewalks and boulevard into streets.

E. It is the duty of every owner of vacant property to keep that property free of litter.

F. If an owner, agent, occupant, or lessee of property fails to remove litter on his

or her property within ten days after notice by the county health officer or Sheriff's department, the litter may be removed by the city and the owner or his appointed agent, occupant, or lessee billed for the cost thereof.

G. If, in the determination of the county health officer 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, his appointed agent, occupant, or lessee of the property for the cost thereof after making a good faith effort to notify by telephone or in person, the owner, agent, occupant, or lessee of the problem and giving him or her a twenty-four hour period to remedy the problem.

7-1-9 Distribution of Handbills. It is unlawful for any person to throw, scatter, distribute or cause to be thrown, scattered or distributed upon or along any of the sidewalks, streets, avenues or alleys, of the city, or within or upon any of the public places within the city, and bills, posters, dodgers, cards or other advertising matter of any kind.

7-1-10 Littering. A. It is unlawful for any person to throw, discard, place or deposit litter in any manner or amount on any public or private property within city limits except in containers or areas lawfully provided therefore.

B. In the prosecution charging a violation of subsection A of this section from a vehicle, proof that the particular vehicle described in the complaint was the origin of the litter, together with proof that the defendant named in the complaint was the time of the violation the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner was the person who committed the violation.

C. It is the duty of every person distributing or causing to be distributed commercial handbills, leaflets, flyers or any other advertising and informational material to take reasonable measures to keep such materials from littering public or private property.

D. It is unlawful for any person to deposit household garbage or refuse in garbage or refuse containers maintained for the use of other residences or establishments.

7-1-12 Removal of litter at construction and other sites. A. Any owner or occupant of an establishment or institution at which litter or rubbish is attendant to the packing, unpacking, loading or unloading of materials at disposal and storage of which litter and rubbish and shall make appropriate arrangements for the collection thereof.

B. It is unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit, or allow to be 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.

C. It is the duty of the owner, agent, or contractor to have on the site adequate containers for the disposal of litter and rubbish and to make appropriate arrangements for its collection and transportation to an authorized facility for final disposition.

D. The owner, agent, or contractor may be required at anytime to show proof of appropriate collection or final disposition at an authorized facility.

E. It is the duty of the owner, occupant, contractor, or agent to remove at the end of each day any litter and rubbish which has not been containerized.

7-1-13 Transportation requirements. A. It is unlawful for any person to remove any garbage or carry it through the streets of the city except in vehicles having metallic or metal-lined bins, with covers so that the garbage shall not be offensive. The garbage must be protected from the wind and rain and be loaded in such a manner that none of it shall fall, drop, blow, or spill upon the ground.

B. It is unlawful for any person to carry any rubbish on the streets except in vehicles having bins, containers, or enclosures so designed that no material loaded within shall fall, drop, blow, or spill upon the ground or public thoroughfare. Any load containing paper must be covered while moving through the streets. All rubbish so carried must be loaded into the transportation vehicle in such a manner that none of it shall fall, drop, blow, or spill upon the ground.

C. The duty and responsibility imposed by subsections A and B of this section shall be applicable alike to the owner of the truck or other vehicle, the operator thereof and the person, firm, corporation, institution or organization from which residence or establishment the cargo originated.

7-1-14 Dumping on vacant lots. It is unlawful for any person to dump, place, or leave, or cause to be dumped, placed, or left upon public property, including any of the streets, avenues, or alleys of the city any rock, gravel, dirt, earth or soil, garbage or rubbish, unless permission to do so is first obtained from the street department of the city: or to dump, place, or leave or cause to be dumped, placed or left upon any vacant or unoccupied private lot or lots within the city, and rock, gravel, dirt, earth or soil on private property, unless permission to do so shall be first obtained from the owner or owners of the vacant or unoccupied lot or lots.

7-1-14 Burning and burying garbage. Except in case of composting, it is unlawful for any person to burn or bury any garbage, rubbish, or litter in any yard or open space within the city limits, unless a disposal site license has been obtained from the Solid Waste Bureau of the Montana State Department of Health and Environmental Sciences.

7-1-15 Violation--Penalty. It is a misdemeanor for any person to do any act forbidden or to fail to perform any act required by this chapter. Every person convicted of a violation of any provision of this chapter shall be punished by a fine not to exceed five hundred dollars for each offense. Each day any violation of any provisions of this chapter shall continue shall constitute a separate offense.

Chapter 7-2

DEFINING NUISANCES

Sections:

- 7-2-1 Public Nuisance
- 7-2-2 Unwholesome Matter
- 7-2-3 Inflammable or Combustible
- 7-2-4 Clean Atmosphere
- 7-2-5 Private Yards will be Kept Clean
- 7-2-6 Obstruction of Sidewalk, Street or Alley
- 7-2-7 Awning
- 7-2-8 Duty of Occupant
- 7-2-9 Care of Dead Animals
- 7-2-10 Keeping of Swine
- 7-2-11 Persons Maintaining a Nuisance

7-2-1 Public Nuisance. The existence of any unwholesome or decaying or putrid animal or vegetable matter, the nature and condition of which tends to contaminate the atmosphere, or endanger or injure the health of persons, or which is indecent or offensive to the senses, or interferes with the comfortable enjoyment of life and the happiness of any residents or sojourners in this town, upon the premises of any residents or sojourners in this town, whether such premises be occupied by the owner or lessee thereof, is a public nuisance.

7-2-2 Unwholesome Matter. Unwholesome liquids and refuse matter, or either, kept in vats, barrels or other vessels for the space of twenty-four (24) hours, or any unwholesome liquids or refuse matter placed in cesspools or thrown upon the earth, either upon private premises or public streets or alleys, or other place within the limits of this town, which tends to contaminate the atmosphere or injure or endanger the health of persons, or which is indecent or offensive to the senses, or interferes with the comfortable enjoyment of life and the happiness of any residents or sojourners in this town, is a public nuisance.

7-2-3 Inflammable or Combustible. Any inflammable or combustible debris, hay, straw, shavings or other inflammable matter, so situated upon or about any private premises as to endanger the buildings thereon or thereabouts by communicating fire thereto, is a public nuisance.

7-2-4 Clean Atmosphere. Any barn, stable, building, shed, yard or other place wherein any animal is or has been kept, which barn, stable, building, shed, yard, or other place is suffered to become filthy or offensive to neighbors or passersby or injurious to the health of any neighborhood, or tends to contaminate the atmosphere in any place in this town, is hereby declared to be a nuisance.

7-2-5 Private Yards will be Kept Clean. Any cellar, cesspool, privy vault, private sewer drain, or yard or premises in this town, suffered to become unwholesome, filthy, foul, or offensive to any person or persons within this town, or which is injurious to the health or offensive to the senses of any inhabitants of this town, or which tends to contaminate the atmosphere, is hereby declared to be a nuisance.

7-2-6 Obstruction of Sidewalk, Street or Alley. Any person who shall willfully and unnecessarily obstruct any sidewalk, street or alley without permission of the Mayor first had and obtained, or who shall fail to remove any obstruction placed in or upon any street, sidewalk or alley, whenever any permission previously given has been withdrawn, or when notified so to do by the Town Marshal, shall be deemed guilty of maintaining a nuisance.

7-2-7 Awning. Every person who shall maintain, or cause to be maintained, any awning projecting over any public street in this Town, which said awning shall be less than seven feet (7') above the walk, shall be deemed guilty of maintaining a nuisance.

7-2-8 Duty of Occupant. It shall be the duty of the occupant of any premises within the town limits, or in case the same are unoccupied, then the owner or his agent, to keep the sidewalks in front of and adjoining his agent, to keep the sidewalks in front of and adjoining his premises clean and safe for pedestrians, and to repair the same from time to time, and such occupant, owner or agent shall, with all reasonable dispatch, remove snow, ice, slush, mud and other impediment to safe and convenient foot travel, and to prevent the continuance and accumulation of the same. Every person failing to comply with the provisions of this section shall be deemed guilty of committing a nuisance and each day that such nuisance shall be continued shall be a separate offense.

7-2-9 Care of Dead Animals. Any dead animal suffered to remain unburied upon any private premises, or placed or left upon any street, alley, public or private grounds within this Town, or within two (2) miles in any direction from the Town Hall, except such as may from time to time be designated by the Council as the town dumping ground, is hereby declared to be a nuisance and any person being the owner of, or in charge of, or responsible for the care of such animal when the same died, who shall neglect or refuse to bury the same at least two feet (2') deep at some point more than one (1) mile from the corporate limits of the town, or at the town dumping ground, within twenty four (24) hours after death of such animal, shall be deemed guilty of maintaining a nuisance.

7-2-10 Keeping of Swine It shall be unlawful for anyone to keep any swine upon their premises or other enclosed or non-enclosed lot within the town limits of the Town of Alberton, Montana.

7-2-11 Persons Maintaining a Nuisance. Any person or persons who shall maintain or cause to be maintained any nuisance shall be deemed in violation of this Chapter and upon conviction thereof shall be punishable as set forth in Section 1-7 of this Code.

Amended Chapter 7-1 Accumulation of Premises: replace our ordinance with Missoula's Keeping our violations: Penalties. Chapter 7-3 Deleted this section. No longer pertains to us. 10-26-94.

