

ORDINANCE NO. 8

LITTER

WHEREAS, the Board of Commissioners is authorized, pursuant to Sections 7-5-102 through 7-5-107 and 7-5-2109, M.C.A., to adopt an ordinance to control litter in Flathead County, and adopted a Litter Ordinance on July 20, 1998;

WHEREAS, the Board of Directors of the Flathead County Solid Waste Management District has requested that the Board of Commissioners amend that ordinance to require that persons hauling garbage to the Landfill and container sites operated by that District without covering or otherwise controlling their loads in order to prevent littering on the roadways leading to said facilities, be subject to fine;

WHEREAS, the Board of Commissioners passed a proposed amendment on first reading to delete subsection D of Section 2 in order that persons hauling uncovered or uncontrolled loads to the landfill would be subject to fine; and

WHEREAS, the Board of Commissioners recognizes that littering along roadways to the Landfill and container sites operated by the Flathead County Solid Waste Management District is substantial and requires labor to clean up and control, and has determined that the proposed amendment should be adopted.

NOW, THEREFORE, BE IT RESOLVED that, effective 30 days after the second and final adoption, the following Ordinance shall be in force and effect in Flathead County.

Section One: Definitions

(a) "Litter" is defined as trash, wastepaper, garbage or other material that is strewn about any roadway or property.

(b) "Roadway" is defined as any forest road, private road, city street, county road, or public highway in Flathead County.

Section Two. Violation of Ordinance - Penalties

A. It is a misdemeanor for any person to throw litter, deposit litter or cause litter to be left on any roadway or other land in Flathead County.

B. It is a misdemeanor for any person to haul garbage or trash to the Landfill or a container site operated by the Flathead County Solid Waste Management Board without containing, covering or otherwise controlling the load such that no garbage or trash may blow or fall from the vehicle.

- C. Every person convicted of a violation of this ordinance may be fined up to \$200 for each violation.

Section Three. Jurisdiction.

This ordinance applies to all of Flathead County outside of the city limits of the Cities of Columbia Falls, Kalispell and Whitefish.

Section Four. Severability.

If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision. To this end the provisions of this ordinance are declared to be severable.

DATED this 24th day of October, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By /s/Robert W. Watne
Robert W. Watne, Chairman

By /s/Diana Kile
Deputy

- 1. Adopted July 20, 1998
- 2. Amended October 24, 2006