

CHAPTER 2

GARBAGE

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8-2-1: DEFINITION:

The word "garbage" as used in this chapter is intended to mean all refuse, animal and vegetable matter, ashes, store sweepings, paper and rubbish and other indestructible waste matter; but it shall not be construed to mean or include manure, basement or lawn excavations, trees or house wreckage or other like debris. (Ord. 187, 5-7-1956)

8-2-2: REMOVAL:

All garbage must be removed and disposed of in a manner approved by the Street Commissioner. (Ord. 187, 5-7-1956)

8-2-3: SUPERVISION:

The collection, removal and disposal of garbage shall be done and performed under the supervision, direction and control of the Street Commissioner and in conformity with the provisions of this chapter and with the additional rules and regulations that may be made from time to time by the Council.

The Street Commissioner, with the approval of the Mayor and Council, shall have the power to hire and discharge the collectors and such additional labor as is found necessary to collect and remove all garbage in the proper manner. (Ord. 187, 5-7-1956)

8-2-4: AUTHORITY OF CITY:

The City shall provide for the disposal of all garbage within the City and to that end shall have the power to contract with some responsible person, firm or corporation or other business organization, and/or the Council is hereby authorized and empowered to purchase equipment and hire personnel for the removal of the garbage and other refuse accumulated within the City. (Ord. 187, 5-7-1956)

8-2-5: CONTRACTS:

Before the letting of any contract for the collection and removal of garbage and other refuse within the City limits, the Council shall advertise for bids pursuant to the Revised Codes for Montana and amendments thereto. Upon the letting of such a contract, the person receiving the same shall give a bond to the City in such sum as shall be designated by the Council, which bond shall provide for the faithful performance of such contract. (Ord. 187, 5-7-1956)

8-2-6: CONTAINERS:

The City shall provide garbage containers compatible with the City's disposal system. Such containers shall be placed in the City as necessary to provide access to all occupied buildings used for human habitation or business purposes within the City. (Ord. 351, 8-15-1983)

8-2-7: DISPOSAL OF GARBAGE:

All refuse, animal or vegetable matter upon any premises in the City of Sidney which is not otherwise disposed of, shall be securely wrapped and deposited in the cans or containers above mentioned. All ashes, tin cans and other indestructible matter is to be deposited in the cans or containers above mentioned, and all waste paper to be removed by the City as garbage shall be placed either in said cans and containers or in sacks securely tied or baled. (Ord. 187, 5-7-1956)

8-2-8: COST OF COLLECTION:

The cost of collection of garbage from streets, alleys, business establishments and private premises of the City shall in all cases be assessed and taxed against the real estate from which the garbage is removed. Each lot from which garbage is removed shall, as far as is practicable, bear its share of the expense of collection and disposal of the garbage in proportion to the amount of garbage removed therefrom.

The Street Commissioner shall prepare a list of all lots or parts of lots in the City upon which there are buildings or other improvements. Except in the cases of single unit dwellings, such lists shall show, in connection with each building, the number of rooms therein and the nature of business or occupation for which the same is used. If used or occupied as a multiple dwelling, the number of apartments or dwelling units in which it is divided shall be listed. The lists shall also show the number of stories of each building, other than residences, and the character of business carried on in such building so far as it is necessary for fixing the rate of taxation hereinafter set forth. Such lists shall be filed in the Office of the Clerk and constitute the list of lots upon which Garbage Tax shall be collected each year except as later modified and revised.

It shall be the duty of the Street Commissioner each year on or before April 1 to prepare a list of all lots, fractions of lots, or other real estate in the City not theretofore taxed, upon which buildings or improvements have been erected or constructed necessitating the removal of garbage. Any addition to buildings or changes in the use thereof which shall affect the rate of taxation as hereinafter set forth shall be noted on aforesaid list to accomplish an annual revision of the list. (Ord. 187, 5-7-1956)

8-2-9: ASSESSMENT OF UNPLATTED PREMISES:

An area of twenty five feet by one hundred fifty feet (25' x 150') upon any unplatted premises within the City upon which is situated a building or part of a building which necessitates the removal of garbage under this chapter shall constitute a unit for the purpose of taxation under this chapter and shall be assessed in the same proportion and in the same manner as lots or portions of lots upon which there are buildings or parts of buildings necessitating the removal of garbage hereunder. (Ord. 187, 5-7-1956)

8-2-10: COLLECTION TAXES ESTABLISHED:

It shall be the duty of the Council to estimate as nearly as practicable the cost of collecting and disposing of garbage in the City. Such costs shall be met by a special assessment upon all occupied lots or portions of occupied lots, notwithstanding the fact that the owners or occupants thereof may privately arrange for disposal of garbage. All occupied lots shall be classified according to the use thereof designated as follows:

Class I - Single-unit residence

Class II - Business and multiple dwelling units

The assessment upon the individual lots or portions thereof shall be computed by following the rate formula as set forth in section 8-2-11 of this chapter. (Ord. 351, 8-15-1983)

8-2-11: RATE OF TAX:

The City Council shall, as equitably as possible, appraise the kind and quantity of garbage service required by each occupied lot or portion thereof, and to classify the uses according to the following schedule. The classification shall take into consideration the type of business, size of business, amount of garbage produced based on past experience, and number of times per week that garbage is picked up. Classifications shall be as follows:

A.	Single-family residential (including mobile homes)	Basic rate
B.	Small business	2.25 times basic rate
C.	Small intermediate business	3.375 times basic rate
D.	Medium business	4.875 times basic rate
E.	Medium intermediate business	6.75 times basic rate
F.	Bars, large garages, drive-in food service	8.25 times basic rate
G.	Large cafes and restaurants, large stores, large bars serving food, schools	12 times basic rate
H.	Large business	18 times basic rate
I.	Supermarkets	30 times basic rate
J.	Motels, hotels, hospitals and nursing homes	Basic rate plus 0.12 times basic rate per room (this limitation shall not prevent the levy of an additional assessment in the event the hotel or motel also conducts restaurant, store or bar business within the same building or upon the same lot)
K.	Single-unit residence with apartments. (For purposes of this chapter, a duplex shall not be considered as a single-unit residence with an apartment but 2 single-unit residences and shall be assessed as such.)	Basic rate plus 0.75 times basic rate for each apartment
L.	Apartments including fourplexes	Basic rate for first unit and 0.75 times basic rate for each additional apartment

If daily pick up is required, an additional one-half ($\frac{1}{2}$) of the total assessment shall be added. (Ord. 351, 8-15-1983)

8-2-12: ASSESSMENTS:

All special assessments made and levied under this chapter shall be made and levied and collected annually in the same manner, so far as practicable, as are other special assessments and levies of the City and shall be made at the same time. Notice thereof and opportunity to be heard shall be given the same as for other special assessments and levies, all as provided for by the Revised Codes of the State of Montana with amendments thereto. Said assessments shall be a lien against the property against which they are severally assessed and levied until paid and discharged, and shall be subject to the same penalties for delinquency in payment when due and payable as are other special assessments and levies made by the City and as authorized by the laws of the State of Montana. All special assessments and levies and all other monies collected, received or paid under the provisions of this chapter shall be kept in a separate fund to be known as the Garbage Fund and shall be paid out only on warrants drawn against such fund and signed as are other warrants of the City for the disbursement of its funds and upon claims fully executed, presented, ordered and allowed, all as required by law. (Ord. 187, 5-7-1956)

8-2-13: BURNING GARBAGE PROHIBITED:

The burning of "garbage" as defined herein within the corporate limits of the City except within qualified incinerators, is hereby forbidden and prohibited, and any such burning or disposing shall be deemed a violation of this chapter. (Ord. 380, 5-18-1987)

8-2-14: DEPOSITING GARBAGE IN STREETS PROHIBITED:

It shall be unlawful for any person to throw, scatter or otherwise place or have, or cause to be thrown, scattered or otherwise placed or left, upon or along any street or other public place or upon any vacant or unoccupied lot or lots within the City any waste, paper, rubbish, refuse, debris or garbage of any kind. (Ord. 187, 5-7-1956)

8-2-15: TRANSPORTING GARBAGE UPON THE STREETS:

It shall be unlawful for any person to convey or cause to be conveyed through the streets, alleys and public places of the City any earth, manure, mortar shavings, rubbish, garbage or loose material of any description except in tight receptacles, boxes or truck bodies equipped with secure covers which prevent the escape of any material contained therein. (Ord. 187, 5-7-1956)

8-2-16: BUILDING CONSTRUCTION WASTES:

(Rep. by Ord. 563, 8-3-2015)

8-2-17: FEE FOR COLLECTING ALL OTHER WASTES:

Whenever it becomes necessary for the Garbage Department to haul waste material or rubbish that does not come under the classification of garbage as above described from any lot or parcel of land where such waste material or rubbish has been placed at or in the alley adjacent thereto, the cost of such service shall be assessed as an extra assessment against the lot or property from which it has been hauled unless paid for direct to the City garbage collector or Street Commissioner at the time of such service. (Ord. 187, 5-7-1956)

8-2-18: EXEMPTION FROM TAX WHERE PREMISES VACANT FOR ONE YEAR:

In the event that a house, apartment, store or other building is to be vacant for a year or more and the owner desires to have such house, apartment, store or other building exempted from service and subsequent taxation under this chapter, he shall notify the Superintendent of Public Works or City Clerk of his desire in writing. (Ord. 224, 3-8-1965)

8-2-19: MISCELLANEOUS VIOLATIONS:

A. It is hereby declared a public nuisance, and therefore a misdemeanor, for any person to tip over a City owned garbage container. It shall be a defense to prosecution under this section that such tipping over of a garbage container was accidental and that the person immediately restored the container to its upright position and redeposited any spilled garbage.

B. It is hereby declared a public nuisance, and therefore a misdemeanor, for any person to be in any City owned garbage container; provided, however, it shall not be an offense to be in such container for the purpose of retrieving inadvertently deposited property.

C. It is hereby declared a public nuisance, and therefore a misdemeanor, for any nonresident of the City of Sidney to deposit "garbage" as it is defined in this chapter in City owned garbage containers. For purposes of this chapter, a "nonresident" shall be defined as the owner or operator of any vehicle bearing registration with an out of town address. It shall be no defense to assert that a person other than the registered owner of such a vehicle committed this offense. Proof of ownership of real property within the City of Sidney shall be a defense to prosecution.

D. Upon conviction of an offense under this section, the offender shall be punished by a fine of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00). (Ord. 550, 11-18-2013)