

**ORDINANCE NO. 2013-1**

**AN ORDINANCE TO CONTROL LITTER WITHIN LEWIS AND CLARK COUNTY AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT**

WHEREAS, Section 7-5-2109(1)(a), Mont. Code Ann. (MCA), provides that a county commission may regulate, control, and prohibit littering on public and private property within a county by adoption of an ordinance; and

WHEREAS, the Lewis and Clark County Commission desires to adopt this ordinance to prohibit littering generally, to define litter, to create the Litter Control Program, and to authorize the Administrator of the Environmental Health Services Division and the Sheriff's Office to investigate reported litter and to serve Complaints accompanied by Notices to Appear on persons who violate this Ordinance;

NOW, THEREFORE, THE LEWIS AND CLARK COUNTY COMMISSION ENACTS THE FOLLOWING ORDINANCE:

1. Definitions

- (a) "Agency" means the Lewis and Clark County Sheriff's Office, the Environmental Health Services Division, or the Litter Control Program.
- (b) "Litter" (the noun) means any quantity of uncontained solid waste, such as trash, debris, rubbish, refuse, garbage, or junk. Litter does not mean:
  - i. pieces of lead, copper, or brass deposits directly resulting from shooting activities at a shooting range (§ 7-5-2109(1)(b), MCA) or
  - ii. a "notice of violation" card placed on a motor vehicle illegally parked in a disability parking space. (§ 7-5-2109(1)(c), MCA).
- (c) "Litter" (the verb) means to drop, scatter, or allow the spread or accumulation of litter (the noun) on or onto any person's property, including easements and rights-of-way.
- (c) "Litter Control Program" means the program within the Environmental Health Services Division of the Lewis and Clark City-County Health Department that applies and enforces the provisions of this Ordinance to reduce litter in Lewis and Clark County.
- (c) "Person" means an individual, firm, partnership, company, association, corporation, city or town, county, or any other entity, whether organized for profit or not, and whether governmental or not.



- (d) "Violation" means the commission of an act prohibited under Section 2 of this Ordinance.

## 2. Prohibited Acts

It shall be unlawful for:

- (a) any person to litter (verb) on any public or private property, including public or private rights-of-way, within Lewis and Clark County.
- (b) any person to litter (verb) on private property owned or occupied by the same person.

## 3. Authority and Duties of the Agency

The Agency has the following authority and duties:

- (a) duty to inspect or investigate a property or area when a member of the public or law enforcement alleges a violation of this Ordinance;
- (b) duty to determine whether there has been a violation of this Ordinance;
- (c) authority to send a Notice of Violation, in certain circumstances, to the violator, allowing thirty (30) days to remove the litter;
- (d) authority to serve a written Complaint and Notice to Appear on the person responsible for the violation, and to file the Notice and Complaint in Justice Court; and
- (e) duty to provide the County Attorney with sufficient documentation to enable him or her to prosecute the violation.

## 4. Request for Assistance

The Environmental Health Services Division or Litter Control Program may request the Sheriff's Office to assist in carrying out the duties set forth in 3(a) through 3(e), pursuant to § 50-2-120, MCA.

## 5. Penalty

- (a) A violation of this Ordinance constitutes a misdemeanor;
- (b) The Justice of the Peace may impose a fine not to exceed \$200.00 per violation;
- (c) Failure to pay the fine may result in a lien being placed on the violator's property;

- (e) Absolute liability will be imposed for a violation of this Ordinance; and
- (f) Violation of this Ordinance may not be punishable by imprisonment.

6. Jurisdictional Area

This Ordinance applies to the whole of Lewis and Clark County except in Helena, East Helena and any other incorporated municipalities that have ordinance making powers.

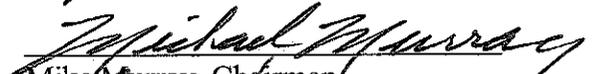
7. Effective Date

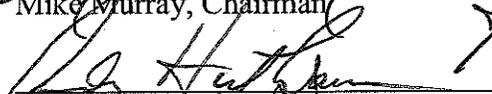
This Ordinance will take effect thirty days after its adoption by the Lewis and Clark County Commission.

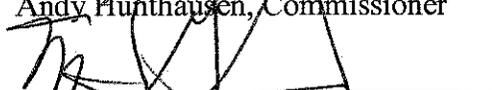
8. Severability

If any provision of this ordinance is declared invalid by any court or tribunal, the remaining provisions of this Ordinance shall not be affected thereby.

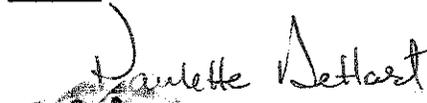
PASSED on first reading this 22 day of August 2013, by the Board of County Commissioners, Lewis and Clark County, State of Montana.

  
Mike Murray, Chairman

  
Andy Hunthausen, Commissioner

  
Susan Good Geise, Commissioner

Attest:

  
Danielle Dehart, Lewis and Clark County Clerk and Recorder



PASSED on second reading and final reading this 03 day of September 2013, by the Board of County Commissioners, Lewis and Clark County, State of Montana.

Mike Murray  
Mike Murray, Chairman

Andy Hunthausen  
Andy Hunthausen, Commissioner

Susan Good Geise  
Susan Good Geise, Commissioner

**Attest:**

Paulette DeHart  
Paulette Dehart, Lewis and Clark County Clerk and Recorder

