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LEWIS & CLARK COUNTY COMMISSION

JUL 16 1998

BY \_\_\_\_\_  
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**ORDINANCE #2 - 1991**

**LEWIS AND CLARK COUNTY COVERED-LOAD ORDINANCE**

WHEREAS, the authority to promulgate this ordinance is provided in Article XI, Section 4(B), of the Constitution of the State of Montana; and

WHEREAS, this ordinance is necessary for the protection of the health and welfare of the people of Lewis and Clark County; and

WHEREAS, the intent of this ordinance is to reduce the level of solid waste along roadways, to reduce the improper and unregulated disposal of waste, to protect the public health and safety, and to conserve natural resources whenever possible; and

WHEREAS, this ordinance applies to all persons, agencies, institutions, businesses, industries or governmental entities living in, or located within, the area of Lewis and Clark County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY, STATE OF MONTANA:

1. It shall be unlawful for any person to drive or move any vehicle on a public highway, road, or street, unless the vehicle is so constructed or unless the vehicle's load is so secured as to prevent its contents from dropping, blowing, or otherwise escaping therefrom.
2. Open loads and overloads of any material must be secured with an effective cover. This cover may be a tarp or net held firmly in place with rope, straps, bungee cords, or other securing device. An effective cover can also be a layer of heavier material, including lumber, brush or garbage containers so positioned that lighter material is prevented from exiting the vehicle. Waste contained in securely tied plastic garbage sacks, and garbage cans with tied-down lids, will not constitute a violation of this ordinance.
  - (a) The criterion for any cover is the effectiveness of its use. A leaking, poorly tarped load is a violation of this ordinance.
  - (b) "Overloads" include vehicles which are spilling or on the verge of spilling the contents thereof from the vehicle.

Facility Fee

3. Any person delivering a load of solid waste without cover to any licensed solid waste facility will be charged \$5.00 by the facility attendant.

Penalties For Violation

- 4. A person or entity who is convicted of violating this ordinance shall be subject to a penalty of not more than \$25.00. For second conviction under this ordinance, a person or entity shall be subject to a penalty of not more than \$50.00. Upon a third or subsequent conviction under this ordinance, a person or entity shall be subject to a penalty of not more than \$75.00.
  - (a) Only those convictions that have occurred within five (5) years of a violation may be considered as a prior conviction under this ordinance.

Severability

- 5. If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

PASSED on first reading this 12<sup>th</sup> day of March, 1991, by the Board of County Commissioners, Lewis and Clark County, State of Montana.

LEWIS AND CLARK COUNTY  
BOARD OF COUNTY COMMISSIONERS

David E. Fuller  
David E. Fuller, Chairman

Linda Stoll-Anderson  
Linda Stoll-Anderson

Blake J. Wordal  
Blake J. Wordal

(S E A L)

ATTEST:

Martha McGee  
Martha McGee, Clerk of the Board

PASSED on final reading this 26<sup>th</sup> day of March, 1991, by the Board of County Commissioners, Lewis and Clark County, State of Montana, to be effective thirty (30) days after passage.

LEWIS AND CLARK COUNTY  
BOARD OF COUNTY COMMISSIONERS

David E. Fuller  
David E. Fuller, Chairman

Linda Stoll-Anderson

Blake J. Wordal  
Blake J. Wordal

(S E A L)

ATTEST:

Martha B. McGee  
Martha McGee, Clerk of the Board

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MARTHA B. MCGEE,  
CLERK

LEWIS AND CLARK COUNTY GOVERNMENT

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Charley McGee  
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