

ORDINANCE NO: 101

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SHERIDAN, MONTANA, PROHIBITING BURNING OF TRASH, GARBAGE, CONSTRUCTION MATERIALS, REFUSE OR OTHER WASTE MATTER AND PROVIDING A PENALTY FOR VIOLATION.

WHEREAS, the production of noxious contaminants by burning of trash, garbage, construction materials or refuse or other noxious waste matter is deemed to be a public nuisance; and

WHEREAS, the public health of the citizens of Sheridan requires effective control of the production of noxious contaminants created by the burning of such materials.

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Sheridan, Montana that:

Section 1. The burning of trash, garbage, construction materials, refuse or other waste matter of any kind or description that generates noxious odors when burned, including but not limited to asbestos, tires, styrofoam, or animal parts is prohibited.

Section 2. Any person violating the provisions of this ordinance is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$25 nor more than \$500.

Absolute Liability

Section 3. It is the legislative purpose of the Sheridan Town Council, pursuant to the provisions of 45-2-104, M.C.A., to impose absolute liability for the misdemeanor offenses(s) enacted by and set forth in this ordinance. Those offenses shall not require proof of the mental status described in 45-2-101, M.C.A.

Repealer

Section 4. All resolutions, ordinances and sections of the Sheridan Municipal Code and parts thereof in conflict herewith are hereby repealed.

Severability

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

Effective Date

Section 6. This ordinance shall be in full force and effect thirty (30) days after passage on second reading.

References:

45-8-111 M.C.A.

PASSED AND ADOPTED by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 13th day of August, 2007.

ATTEST:

Dean Derryberry, Mayor

Gail Leary, Town Clerk

PASSED, ADOPTED AND FINALLY APPROVED by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 27th day of August, 2007.

ATTEST:

Dean Derryberry, Mayor

Gail Leary, Town Clerk

APPROVED AS TO FORM:

Douglas Smith, City Attorney