

ORDINANCE NO. 105

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SHERIDAN, MONTANA, PROHIBITING LITTERING, DUMPING SOLID WASTE OR HAZARDOUS MATERIALS OR DEPOSITING COMBUSTIBLE MATERIALS ON PUBLIC PROPERTY AND PROVIDING A PENALTY FOR VIOLATION.

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

Section 1. It is unlawful for any person to litter by dumping, throwing, placing, depositing or leaving, or causing to be dumped, thrown, deposited or left any refuse of any kind or any object or substance which tends to pollute, mar or deface into, upon or about any public street, highway, alley, right-of-way, park or other public place, or any stream, watercourse, or other body of water, except by direction of an official of the Town authorized to direct such acts; or any private property without the consent of the owner or occupant of such property.

Section 2. It is unlawful for any person to dump or deposit solid waste matter or hazardous materials of any kind upon any public property or upon the premises or property of another, without the express permission and consent of the owner or occupant of such property or premises.

Section 3. It is unlawful for any person to dump or deposit any manure, offal, garbage or other noxious substance on any street, alley, public or private place, or to deposit or place any combustible materials, including hay or straw, in or on any street, alley or other public place.

Section 4. Any person violating the provisions of this ordinance is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25 nor more than \$500.

Absolute Liability

Section 5. 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 6. All resolutions, ordinances and sections of the Sheridan Municipal Code and parts thereof in conflict herewith are hereby repealed.

Severability

Section 7. 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 8. This ordinance shall be in full force and effect thirty (30) days after passage on second reading.

References:

75-10-212,MCA.

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.

Dean Derryberry, Mayor

ATTEST:

Gail Leary, Town Clerk

APPROVED AS TO FORM:

Douglas Smith, City Attorney