

**AN ORDINANCE TO CONTROL LITTER WITHIN CASCADE COUNTY;  
AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT**

WHEREAS, MCA Section 7-5-2109, authorizes counties to ordinance for the control of litter within the county; and

WHEREAS, the Cascade County Commissioners have determined there is a continuing need to control littering in Cascade County;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF CASCADE COUNTY, STATE OF MONTANA:

Definitions

1. (a) "Agency" means the Cascade County Sheriff's Office.
- (b) "Litter" means the scattering of rubbish, debris, junk or refuse in an untidy manner resulting in conditions that are injurious to health, indecent, offensive to the senses, or obstructive of free use of property as to interfere with the comfortable enjoyment of life or property.
- (c) "Person" means an individual, firm, partnership, company, association, corporation, city or town, or any other organized for profit or not.
- (d) "Public view" is any point six feet above the surface of the center of any public road from which the litter can be seen.
- (e) "Violation" means littering by any person on land within the County and each day the violation exists is a separately punishable offense.

Powers and Duties of the Agency

2. The Agency has the following powers and duties:
  - (a) The duty to inspect when there has been a complaint by a member of the public that "litter" is present in an area or when, in the course of normal Agency operations, a potential litter violation is observed by the Agency.
  - (b) The power to determine whether or not this ordinance applies after an inspection of the property or area. The violation must be within public view.
  - (c) The duty to serve a written notice of violation to the owner of the property in violation of this ordinance.
  - (d) The duty to provide the County Attorney with written notice of the violation for the purpose of prosecuting the violation as a misdemeanor.



Penalty

3. Any violation of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine not to exceed \$200.00 per violation. Violation of this ordinance may not be punishable by imprisonment. Each day the violation exists is a separately punishable offense.

Jurisdictional Area

4. This ordinance applies to the whole of Cascade County with the exception of incorporated municipalities that have ordinance making powers.

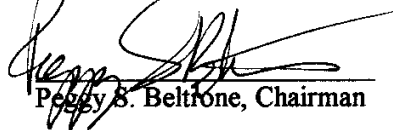
Effective Date

5. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the Cascade County Commission.

Severability

6. 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 14 day of November 2006, by the Board of County Commissioners, Cascade County, State of Montana.

  
Peggy S. Beltrone, Chairman

  
Lance Olson, Commissioner


  
Joe Briggs, Commissioner

Attest


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Peggy Carrico, Cascade County Clerk and Recorder




PASSED on second and final reading this 28 day of November 2006,  
by the Board of County Commissioners, Cascade County, State of Montana.

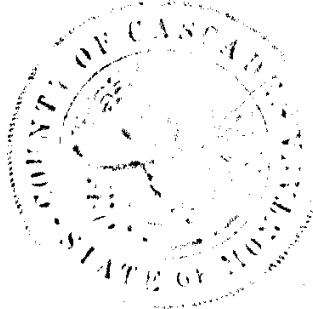
  
Peggy S. Beltrone, Chairman

  
Lance Olson, Commissioner

  
Joe Briggs, Commissioner

**Attest**

  
Peggy Carrico, Cascade County Clerk and Recorder



R0138900

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3 of 3 CASCADE COUNTY, MT OR

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**AN ORDINANCE TO CONTROL LITTER WITHIN CASCADE COUNTY;  
AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT**

WHEREAS, MCA Section 7-5-2109, authorizes counties to adopt an ordinance for the control of litter within the county; and

WHEREAS, the Cascade County Commissioners have previously established such an ordinance in 2006; and

WHEREAS, the Cascade County Commissioners have determined there is a continuing need to control littering in Cascade County; and

WHEREAS, the Cascade County Commissioners desire to amend the existing ordinance to clarify the Board's intent that both the Cascade County Sheriff's Office and the Cascade County Community Decay Program Director are authorized to act for and on behalf of the County, and to clarify the Board's intent that this ordinance applies to persons other than the owners of the property on which littering occurs;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF CASCADE COUNTY, STATE OF MONTANA:

Definitions

1. (a) "Agency" means the Cascade County Sheriff's Office or the Cascade County Community Decay Program Director.
- (b) "Litter" means the scattering of rubbish, debris, junk or refuse in an untidy manner resulting in conditions that are injurious to health, indecent, offensive to the senses, or obstructive of free use of property as to interfere with the comfortable enjoyment of life or property.
- (c) "Person" means an individual, firm, partnership, company, association, corporation, city or town, or any other entity, whether organized for profit or not.
- (d) "Public view" is any point six feet above the surface of the center of any public road from which the litter can be seen.
- (e) "Violation" means littering by any person on land within the County. Each day the violation exists is a separately punishable offense.

**R0176093 OR**

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Cascade County, Rina Ft Moore - Clerk & Recorder



### Powers and Duties of the Agency

2. The Agency has the following powers and duties:
  - (a) The duty to inspect when there has been a complaint by a member of the public that "litter" is present in an area or when, in the course of normal Agency operations, a potential litter violation is observed by the Agency.
  - (b) The power to determine whether or not this ordinance applies after an inspection of the property or area. The violation must be within public view.
  - (c) The duty to serve a written notice of violation on the person who owns, leases or occupies the property on which litter is present.
  - (d) The duty to provide the County Attorney with written notice of the violation for the purpose of prosecuting the violation as a misdemeanor.

### Penalty

3. Any violation of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine not to exceed \$200.00 per violation. Violation of this ordinance may not be punishable by imprisonment. Each day the violation exists is a separately punishable offense.

### Jurisdictional Area

4. This ordinance applies to the whole of Cascade County with the exception of incorporated municipalities that have ordinance making powers.

### Effective Date

5. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the Cascade County Commission.

### Severability

6. 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 18<sup>th</sup> day of June 2008, by the Board of County Commissioners, Cascade County, State of Montana.



Lance Olson  
Lance Olson, Chairman

Peggy Beltrone  
Peggy Beltrone, Commissioner

Joe Briggs  
Joe Briggs, Commissioner

Attest

Rina Fontana Moore  
Rina Fontana Moore, Cascade County Clerk and Recorder  
by deputy Messick

PASSED on second and final reading this 8<sup>th</sup> day of July 2008, by the Board of County Commissioners, Cascade County, State of Montana.



Lance Olson  
Lance Olson, Chairman

Peggy Beltrone  
Peggy Beltrone, Commissioner

Joe Briggs  
Joe Briggs, Commissioner

Attest

Rina Fontana Moore  
Rina Fontana Moore, Cascade County Clerk and Recorder  
by deputy Messick

**AN ORDINANCE TO CONTROL LITTER WITHIN CASCADE COUNTY;  
AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT**

WHEREAS, MCA Section 7-5-2109, authorizes counties to adopt an ordinance for the control of litter within the county; and

WHEREAS, the Cascade County Commissioners have previously established such an ordinance in 2006 and amended it earlier in 2008; and **06-03 R013890C**  
**06-03A R0176093**

WHEREAS, the Cascade County Commissioners have determined there is a continuing need to control litter in Cascade County; and

WHEREAS, the Cascade County Commissioners desire to amend the existing ordinance to modify the definition of and clarify the prohibited nature of littering; and to clarify the role of the Community Decay Program Director in serving notices to appear on those who violate this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF CASCADE COUNTY, STATE OF MONTANA:

Definitions

- 1. (a) "Agency" means the Cascade County Sheriff's Office or the Cascade County Community Decay Program Director.
- (b) "Litter" means any quantity of uncontainerized solid waste which may be classed as trash, debris, rubbish, refuse, garbage or junk by the Agency.
- (c) "Person" means an individual, firm, partnership, company, association, corporation, city or town, or any other entity, whether organized for profit or not.
- (d) "Violation" means littering by any person on any county road or other land, public or private, within the County. Each day the violation exists is a separately punishable offense.

Duties of private property owners

It shall be unlawful for an owner, lessee or occupant of private property to allow litter on his or her property. It shall also be unlawful for any person to scatter litter on public property, including county roads. This prohibition applies to loose litter as well as litter that is trapped at fences, wall bases and other lodging points.

Powers and Duties of the Agency

- 2. The Agency has the following powers and authority:
  - (a) The power to inspect when there has been a complaint by a member of the public that litter is present in an area or when, in the course of normal Agency operations, a potential litter violation is observed by the Agency.

(b) The power to determine whether or not this ordinance applies after an inspection of the property or area.

(c) The duty to serve a written Notice to Appear and Complaint on the person who owns, leases or occupies the property on which litter is present or who scatters litter on public property, and the duty to file the Notice and Complaint in Justice Court.

(d) The duty to provide the County Attorney with sufficient documentation to enable him or her to prosecute the violation as a misdemeanor.

Penalty

3. Any violation of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine not to exceed \$200.00 per violation. Violation of this ordinance may not be punishable by imprisonment. Each day the violation exists is a separately punishable offense.

Jurisdictional Area

4. This ordinance applies to the whole of Cascade County with the exception of incorporated municipalities that have ordinance making powers.

Effective Date

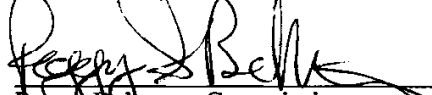
5. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the Cascade County Commission.


Severability

6. 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 25<sup>th</sup> day of November 2008, by the Board of County Commissioners, Cascade County, State of Montana.

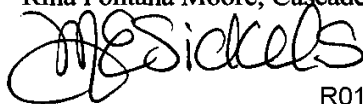
  
Lance Olson, Chairman

  
Peggy Bellone, Commissioner

  
Joe Briggs, Commissioner


Attest


  
Rina Fontana Moore, Cascade County Clerk and Recorder






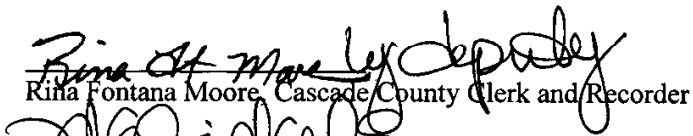
PASSED on second and final reading this 9<sup>th</sup> day of December 2008, by the Board of County Commissioners, Cascade County, State of Montana.

  
Lance Olson, Chairman

  
Peggy Beltrone, Commissioner

  
Joe Briggs, Commissioner

**Attest**

  
Rina Fontana Moore, Cascade County Clerk and Recorder

