

ORDINANCE NO. 14-5619

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED REVISING SECTIONS 21-213 and 21-241 UPDATING AND CLARIFYING SOLID WASTE REGULATIONS AND REPEALING SECTIONS 21-230, 21-235, 21-236, and 21-237 AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS MONTANA:

*Section 1.* That Section 21-213 of the Billings, Montana City Code be amended to that such section shall read as follows:

**Sec. 21-213. Use of landfill by persons other than the City.**

- (a) Use of the landfill by persons other than the city shall be in accordance with the ~~annual landfill use agreements between the City and all other entities. the city and other cities, town, and counties within the city service area.~~ Use of the landfill shall be subject to the fees set forth in an annual resolution ~~this chapter.~~ Refuse shall be acceptable to the city and be deposited in strict accordance with all rules and regulations governing the city landfill.
- (b) City residents hauling non-business waste from their primary residence will not be charged if the waste hauled in a vehicle no larger than a three-fourths-ton pickup, or equivalent size trailer. Fees will apply for special waste in accordance with the disposal fee resolution adopted by the city council annually.
- (c) Employees of the city in charge of maintaining the landfill are authorized to request of any person to produce proper registration of a vehicle, issued by the state, to certify that the vehicle is owned by a resident or nonresident of the city. Employees in charge of maintain the landfill re further authorized to request any other suitable identification from operators or owners of vehicles to determine whether such person is a resident or nonresident.
- (d) Payment of landfill fees by private refuse haulers and contractors shall be allowed by monthly billing after establishment of acceptable credit. Any account which is delinquent more than sixty (60) days shall be refused the right to dispose of any refuse at the city landfill until the account is paid in full.

*Section 2.* That Section 21-230 of the Billings, Montana City Code is hereby repealed and declared null and void and of no effect.

**Sec. 21-230 Annual extension by city administrator.**

~~It is the duty of the city administrator each year immediately after passage of the assessment resolution on the list of properties liable for the assessments, the total amount to be charge against each property under provision of this article.~~

*Section 2.* That Section 21-235 of the Billings, Montana City Code is hereby repealed and declared null and void and of no effect.

**Sec. 21-235 Certification of tax list.**

~~When the city clerk has incorporated the changes required by section 21-234, the clerk shall certify the charges on the list so amended to be collected in the same manner as other special taxes and assessments.~~

*Section 2.* That Section 21-236 of the Billings, Montana City Code is hereby repealed and declared null and void and of no effect.

**Sec. 21-236 Change in assessment.**

~~If the service for which assessment was made changes, whether because of an exorbitant quantity of refuse, lack of sufficient number of receptacles, or a requested change in service by the property owner or occupier, and the assessment made against the property is no longer proper for the service provided, an additional assessment for a refund of a portion of the prior assessment as appropriate, will be made for the period beginning from the first day of the month following the date of change until the last day of the fiscal year for which the assessment is being changed. If there is an additional assessment, the additional amount will be billed by the city direct for the balance of the assessment period. The additional assessment shall be due and payable upon billing.~~

*Section 2.* That Section 21-237 of the Billings, Montana City Code is hereby repealed and declared null and void and of no effect.

**Sec. 21-237 New assessment.**

~~If, for whatever reason, a property was not assessed for collection and/or disposal service, and the service is initiated during the tax year for which no assessment was made, and assessment will be established from the first day of the month in which service is provided until the last day of that fiscal year. Such assessment will be due and payable immediately.~~

*Section 2.* That Section 21-241 of the Billings, Montana City Code be amended to that such section shall read as follows:

**Sec. 21-241. Removal of refuse at owner's expense.**

Nothing contained in this article shall prevent the city council from requiring the owner or occupant of premises to remove therefrom the refuse or a portion thereof at his or her own expense, under the supervision or control of the city and adjusting the fee. ~~assessment as provided in section 21-236.~~

PASSED by the City Council on first reading this 14<sup>th</sup> day of April 2014.

PASSED, ADOPTED, and APPROVED on second reading this 28<sup>th</sup> day of April 2014

THE CITY OF BILLINGS:



ATTEST:

BY: Thomas W. Hanel  
Thomas W. Hanel, Mayor

BY: Cari Martin  
Cari Martin, City Clerk