

ORDINANCE NO. 938

AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA, TO AMEND THE MUNICIPAL CODE PERTAINING TO THROWING THINGS IN THE STREET

WHEREAS, The Red Lodge City charter provides for the exercise of self-government powers; and

WHEREAS, the provisions of Montana Law allow municipal governments to regulate offenses upon streets within the corporate limits; and

WHEREAS, the City of Red Lodge has determined that littering on public ways presents a risk to the public safety, general welfare and affects the overall appearance and beauty of our city; and

WHEREAS, the City of Red Lodge wants to successfully exist with our local wildlife and litter can unintentionally feed wildlife increasing their risk in the City; and

WHEREAS, §4-1-6, the Throwing of Things in the Streets in the city limits of Red Lodge, Montana is the current code involving littering; and

WHEREAS, the current municipal code section is outdated and in need of amending and clarification.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL:

1. The Municipal Code of the City of Red Lodge, Montana is hereby amended in those parts set forth below:

A. Section 4-1-6, Throwing Things in the Street shall be repealed and readopted as Section 4-1-6, Littering.

B. Section 4-1-6, Littering shall read as follows:

4-1-6 A Definitions

4-1-6 B Littering

4-1-6 C Exception

4-1-6 D Penalties

4-1-6 A DEFINITIONS

(1) Garbage is defined as decayable animal and vegetable wastes resulting from handling, preparation, processing wild game, cooking and consumption of food.

(2) Litter is defined as any glass bottle, glass, nails, tacks, wires, cans, plastic, plastic bottles, paper or any other debris. Litter includes lighted matches, tobacco, cigarettes, cigars, ashtrays containing matches, ashes, cigarette or cigar refuse or other lighted materials.

4-1-6 B LITTERING

(1) A person may not throw or deposit upon a city street, city-owned land or park, alley, right of way or lot any garbage or litter as defined in 4-1-6A. A person may not throw or deposit on a city street, city-owned land or park, alley, right of way or lot any substance likely to injure a person or animal or damage a vehicle.

(2) A person may not throw away lighted matches, tobacco, cigarettes, cigars or other lighted material on a city street, city-owned land or park, alley, right of way or lot. A person shall not empty an ashtray containing matches, ashes, cigarette or cigar refuse or other related materials on a city street, city-owned land or park, alley, right of way or lot.

4-1-6 C EXCEPTION

During parades or other city-permitted celebratory events candy, water bottles, small toys and other items may be thrown or deposited for the duration of the event and up to one hour after the event without violating 4-1-6 B.

4-1-6 D PENALTIES

A person convicted of violating Section 4-1-6 B subsection (1) shall be fined no more than \$250.00. Upon subsequent violation a person shall be fined no less than \$100.00 and no more than \$500.00.

A person convicted of violating Section 4-1-6 B subsection (2) shall be fined no less than \$100.00 and no more than \$250.00. Upon subsequent violation a person shall be fined no less than \$150.00 and no more than \$500.00.

2. Repealer.

All other Ordinances, Resolutions and Documents pertaining to above noted Sections of the City Municipal Code are repealed upon the effective date of this Ordinance.

3. Effective Date.

This Ordinance shall be effective 30-days after approval of second reading by the City Council of the City of Red Lodge, Montana.

First Reading by the Council on the 10th day of April, 2018.

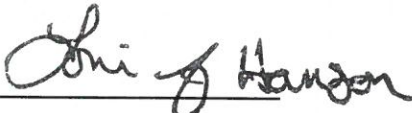
Second Reading by the Council on the 24th day of April, 2018.

PASSED and APPROVED this 24th day of April, 2018.

City of Red Lodge

By: 

William Larson, Mayor

Attest: 

Loni Hanson, City Clerk