

ORDINANCE 26-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THAT THE BILLINGS, MONTANA CITY
CODE (BMCC) BE AMENDED BY REVISING ARTICLE 21-
200 OF SAID CODE

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

Section 1. That Article 21-200 of the Billings, Montana City Code (BMCC) is amended and renumbered so that such section shall read as follows:

DIVISION 1. – GENERALLY

Sec. 21-201. Definitions.

The following words and phrases, when used in this article, shall have the following meanings:

Animals means pets, livestock, and wildlife under control of users/customers.

Ashes means the residue from the burning of wood, coal, coke, or other combustible materials in homes, stores, institutions and small industrial establishments, for the purpose of heating, cooking and disposing of waste combustible materials. Cinders produced in steam generating plants are included within the meaning of this term.

Cart means residential automated cart.

Children means persons 17 years of age and under.

Combustible waste means nonhazardous solid waste that is capable of burning under ordinary conditions, including paper, cardboard, wood, textiles, furniture, rubber, leather, tree branches, yard trimmings, and similar materials.

Commercial means any property that does not meet the definition of residential. Public Works may classify multiplex residential properties as commercial at the owner's request.

Construction and demolition debris means waste generated from the construction, remodeling, repair, or demolition of buildings or other structures, including excavated soil, stone, brick, plaster, drywall, lumber, shingles, concrete, roofing materials, and similar materials.

Container means commercial container.

Customer means a person or entity that has an established solid waste account and is billed directly by the Public Works Department for collection of solid waste.

Infectious waste is waste defined as "infectious waste" in MCA 75-10-1003.

Landfill means the Billings Regional Landfill including all access roads, tipping areas, and operational zones under the control of the Public Works Department.

Noncombustible waste means nonhazardous solid waste that will not readily burn under ordinary conditions, including metals, glass, ceramics, mineral materials, concrete, and similar materials.

Operator means any person driving or operating a vehicle at the Landfill.

Residential means any property used as a permanent dwelling or abode by one or more families including but not limited to single and multi-family, multi-plex, townhouse, apartment house, condominium, or any other housing unit, which receives once-a-week automated collection of solid waste carts provided by the Public Works Department. Transient quarters, generally used as temporary residences, such as motels and hotels, are specifically excluded from the residential classification.

Residential service is defined as once-a-week automated collection of solid waste carts provided by the Public Works Department from residential properties.

Solid waste means nonhazardous discarded materials generated by residential, commercial, institutional, or agricultural activities, including garbage, recyclable materials, organic waste, yard waste, and similar discarded materials accepted by Public Works. Solid waste does not include hazardous waste, infectious waste or other materials prohibited by this article.

Solid waste cart means an automated collection cart designated for residential solid waste, provided by Public Works.

Solid waste hauler means any person, business, governmental entity, or other organization that collects or transports solid waste generated by others for delivery to Landfill. The term does not include the City of Billings or persons transporting solid waste generated from their own residence or property.

Speed limit means maximum speed while traveling on landfill roads/open areas as posted (e.g. 15 mph).

User/customer means any person bringing waste to the Landfill.

Yard waste means leaves, grass clippings, weeds, garden waste, tree, shrub, and branch trimmings, not exceeding three (3) feet in length, twigs, limbs, and trunks, not exceeding three (3) feet in length and six (6) inches in diameter at the largest end. Yard waste does not include dirt, sod, rocks, animal waste, or construction debris.

Yard waste cart means an automated collection cart designated for residential yard waste, provided by Public Works.

Yard waste service means the city's seasonal collection service for residential yard waste using yard waste carts provided by Public Works. The service period shall be established by the Public Works Department.

Sec. 21-202. Duty of owner or occupant.

- (a) It shall be the duty of the owner or occupant of any premises within the city limits to keep such premises and one-half of the alley immediately adjacent thereto and the gutter in front of or adjoining their property clean, open and free of wastepaper, cans, leaves or any unhealthy materials of any kind.
- (b) Before a complaint can be filed charging a violation of Section, 21-202(a), the person to be charged must first be given written notice of the violation, setting forth in the notice the nature of the violation, and a period of ten (10) days after receiving such notice to remedy the violation.

Sec. 21-203. Infectious waste.

- (a) "Infectious waste" shall not be placed with other noninfectious waste or solid waste for normal collection by the Public Works Department.
- (b) The City Administrator, or their designee, is authorized to issue written special permits to private individuals or entities permitting them to collect and remove infectious waste within the city.
 - (1) Permits shall be issued only to those individuals or entities holding the licenses or permits required by MCA 75-10-1006.
 - (2) Permits shall be issued on an annual basis.
 - (3) The permit fee shall be specified in the annual rate resolution. Such fee shall be paid at the time of issuance of the permit and is nonrefundable.
 - (4) All permits shall contain a provision prohibiting disposal in the Landfill of infectious waste which have not been treated so as to render them noninfectious.
 - (5) All permits shall contain a provision stating that the City may, in its sole discretion, refuse to renew the permit at the end of the annual period and elect to provide such services exclusively with City facilities and personnel.
- (c) It is unlawful for any person to dispose of or deposit in the Landfill any infectious wastes which have not been treated as described in MCA 75-10-1005, so as to render them noninfectious and no longer biological hazardous.

Sec. 21-204. Flammable waste; acids and explosives.

No person shall place or cause to be placed in or near the container provided for the removal of solid waste, any highly flammable waste, acids or explosives of any kind. All such materials shall be disposed of by the producer of the flammable waste in a manner directed by the Public Works Department.

Sec. 21-205. Yard waste.

Yard waste may include garden waste, grass clippings, leaves, shrub pruning, smaller branches or twigs, and weeds. Yard waste specifically excludes dirt, sod, rocks, and animal droppings. Plastic bags must not be included in yard waste carts.

All yard waste resulting from the work of a contractor or the like shall be removed by means provided by and at the sole expense and cost of the contractor. Yard waste service is not available for commercial customers.

Sec. 21-206. Solid waste carts and containers—Duty to provide.

Every property owner, occupant, or business generating solid waste shall provide and maintain carts or containers that comply with this article. Whenever the Public Works Department provides individual solid waste carts for collection of residential solid waste, residents shall only use these carts.

Sec. 21-207. Solid waste carts and containers—Number required.

- (a) *Residential properties.* There shall be enough solid waste carts to contain all accumulated solid waste between scheduled collections. The Public Works Department shall provide up to two carts for residential service and up to two carts for yard waste service to residential customers. Residential customers in subdivisions that do not have available on-site storage for yard waste carts are not eligible for yard waste service and will not be provided with yard waste carts. Such subdivisions are designated as ineligible by the Public Works Department.
- (b) *Commercial properties.* There shall be sufficient containers to hold all solid waste generated between scheduled collection times. More frequent collections, additional or larger receptacles may be required at the direction of the Public Works Department if there is insufficient capacity to contain the solid waste generated.
- (c) Except as provided in Section 21-218, it is unlawful to cause or allow solid waste to be placed at the designated point of collection without being contained in a suitable cart or container as herein described.

Sec. 21-208. Solid waste carts and containers—Condition.

It is at all times the responsibility of the property owner or occupant to maintain carts and containers in a clean, functional, and safe condition. Commercial containers that are not provided by the Public Works Department and that have deteriorated to the extent of having jagged or sharp edges capable of causing injury to the collectors or others whose duty it is to handle the containers, or to the extent that the covers will not fit tightly or to the extent of allowing the solid waste to be scattered, will be declared unserviceable by the Public Works Department. Replacement will be required upon notification. Commercial type containers shall be in good condition at all times with proper and functional lids, wheels where applicable, not bent and free from holes. Carts and containers provided by the Public Works Department will be repaired and replaced by the Department.

Sec. 21-209. Solid waste carts—Size of residential carts.

Residential customers may be provided a 64-gallon or a 96-gallon solid waste cart. A residential customer provided a 64gallon cart may not have a second solid waste cart for residential service.

Sec. 21-210. Solid waste carts and containers—Storage.

- (a) Underground cart and container storage is not permitted. When collection is made from the street, storage of carts and containers shall not be close to the curb area except on collection days.
- (b) Commercial properties will provide suitable facilities for container storage to protect against the accidental dispersal of solid waste about the property or alleys and streets of the city.

Sec. 21-211. Preparation of solid waste for collection.

- (a) Ashes to be collected shall not contain any hot coals or ashes and shall be placed in a proper container. Containers and carts containing hot coals or hot ashes will not be collected.
- (b) Solid Waste resulting from contract operations, tree trimming or removal including earth, plaster, metal, tile, brick, terra cotta, slate, shingles, roofing, tin, iron and construction debris in general shall be removed and disposed of by the person responsible for its production and in a manner and place approved by the Public Works Department; provided, however, that small quantities of building debris resulting from minor alterations, or tree trimming done solely by the householder, will be collected by the Public Works Department if properly contained.
- (c) Combustible waste shall be securely wrapped, packed or contained in a manner that will prevent scattering by the wind and shall be deposited in a proper receptacle.
- (d) Customers shall keep the area around carts and containers clean. A minimum clearance of four (4) feet shall be maintained around each cart or container. Public Works will not pick up carts and containers that do not have appropriate clearance.
- (e) All solid waste placed in solid waste carts for residential service and all commercial containers shall be in bags, designed for the accumulation of solid waste, and tied.
- (f) Do not overfill the carts. The lids on solid waste and yard waste carts used for residential services shall be able to close to a 45-degree angle when viewed by the collection driver. Overfilled carts, (carts with lids exceeding a 45-degree angle) and carts with unbagged trash, will not be emptied and customers will not receive service until the next scheduled service day.
- (g) Solid waste and yard waste carts will be allowed to be placed for collection within, but without obstructing, the street right-of-way the night before and on the day of solid waste collection only. Carts must be stored off the street right-of-way the remainder of the time.

Sec. 21-212. Disturbing solid waste containers.

No person shall remove, handle, pick up or otherwise disturb the solid waste containers or the contents thereof which have been properly placed for collection. This Section shall not apply to the owner, occupant, lessee of residence, dwelling or other building placing the solid waste and cart or container or to others whose legal duty it is to handle the carts, containers, or contents, or to those who have been issued a permit

for such purpose. This Section shall not restrict the authority of law enforcement officials to conduct a search of solid waste carts and containers. It is unlawful for any person or business to dump or place solid waste in a solid waste cart or container belonging to another person or upon any other premises without the consent of the owner of such cart, container, or premises.

Sec. 21-213. Use of Landfill by persons other than City.

- (a) Only solid waste that originates within Yellowstone County and adjacent counties, including Big Horn, Carbon, Golden Valley, Musselshell, Stillwater, and Treasure counties may be hauled to or deposited in the Landfill. Use of the Landfill by persons or entities hauling solid waste from other Montana counties or other states shall be in accordance with use agreements between the City and other entities. Use of the Landfill shall be subject to the fees set forth in an annual rate resolution. Solid waste shall be acceptable to the Public Works Department and be deposited in strict accordance with all rules and regulations governing the Landfill.
- (b) City residents hauling non-business waste from their primary residence will not be charged if the waste is hauled in a vehicle no larger than a one-ton pickup truck, or equivalent size trailer. Fees will apply for special waste in accordance with the rate resolution adopted by the City Council annually.
- (c) Public Works Department employees authorized to operate the Landfill may require any person using the Landfill to present a valid driver's license, vehicle registration, proof of residency, proof of waste origin, or other identification necessary to verify the identity of the user, the origin of the waste, eligibility to use the Landfill, or the applicable disposal fees.. Failure to provide requested documentation may result in denial of access to the Landfill.
- (d) Any solid waste hauler delivering waste to the Landfill must enter into a written agreement with the City. The agreement shall establish the terms and conditions for use of the landfill and may include, but is not limited to, requirements regarding proof of insurance, identification of the geographic service area or waste origin, reporting requirements, billing procedures, and compliance with applicable federal, state, and local laws and landfill operating rules. Payment of landfill fees by private solid waste 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 solid waste at the Landfill until the account is paid in full.

Sec. 21-214. Collection by City exclusive.

- (a) It is unlawful for any person other than the City to engage in the business of collecting, removing and disposing of solid waste within the jurisdiction of the city, or for any person other than the City, its agents or employees to do or perform any of the things herein required to be done or performed by the City, except:
 - (1) As provided in Sections 21-215 and 21-203;
 - (2) For drop-box service for construction and demolition debris per a written agreement approved by the city council; and

- (3) As provided by MCA 7-2-4736, preservation of existing garbage or solid waste service in the event of annexation.
- (b) The City Administrator, with the consent of the City council, may call for bids on any areas that may be opened for competitive bidding by private haulers.

Sec. 21-215. Special permits.

In the case of isolated premises or where reasonable access cannot be had by truck, solid waste therefrom may, upon written special permission of the Public Works Department, be collected, removed and disposed of in such manner as the City shall in and by such permit approve and direct.

Sec. 21-216. Supervision of disposal.

All matters relating to the collection, removal and disposal of solid waste, unless specifically placed under the direction of the City/County Board of Health, shall be done and performed under the supervision, direction and control of the City Administrator or designee, and in strict conformity with the provisions of this article and with any additional rules and regulations that may be made from time to time by the City Administrator.

Sec. 21-217. Load security.

No person for themselves or on behalf of any other person shall operate a vehicle within the city or between the city and the Landfill disposal site transporting material or solid waste of any kind or nature which is not fully secured. "Unsecured loads" are defined as a load of any quantity of any material or solid waste that is not fully tied, covered or enclosed in such a manner that material being transported cannot be spilled, blown, dropped or otherwise lost from the transporting vehicle. Any person violating this Section on load security shall pay the uncovered load fee as designated in the rate resolution.

A person operating a loaded vehicle on a public highway with an unsecured load shall also be subject to a misdemeanor as specified in MCA 61-8-370.

Sec. 21-218. Additional residential collection and special pickups.

The Public Works Department will collect extra and bulky solid waste from residential customers on an on-call basis. Extra solid waste includes items equivalent to a 32-gallon container or approximately two (2) feet by two (2) feet and will be charged per the annual rate resolution. Yard waste can also be collected as an on-call extra item. Yard waste should be securely tied in bundles not heavier than seventy-five (75) pounds, no more than four (4) feet in length, and no more than two (2) feet in diameter. Bulky solid waste includes items greater than seventy-five (75) pounds or larger than a 32-gallon container or two (2) feet by two (2) feet size such as furniture, televisions, and mattresses.

Sec. 21-219. Outdoor dumping of solid waste prohibited.

Any deposit of solid waste upon the city right-of-way, city property or the premises or property of another without the express permission or consent of the city, owner, or

occupant of such premises is forbidden and prohibited. A violation of this Section is designated as a municipal infraction and punishable by civil penalties as specified in Section 18-1304.

Sec. 21-220. Contaminated materials and asbestos.

Disposal of all contaminated material is regulated by the Landfill Acceptance Criteria for total and/or toxicity characteristic leaching procedure (TCLP) concentration limits to determine if the material qualifies as hazardous or non-hazardous material. Any material characterized as hazardous material per Resource Conservation and Recovery Act (RCA) regulations will not be accepted.

Disposal of asbestos containing material greater than one (1) percent both friable and non-friable is regulated by the Montana DEQ Asbestos Control Program, EPA, OSHA, and Landfill disposal requirements.

Sec. 21-221. Speeding/vehicle movement at Landfill.

- (a) A maximum speed limit of 25 miles per hour (MPH) is hereby established for all vehicles operating within the main road of the Landfill premises. All other roads have a maximum speed of 15 MPH.
- (b) All operators shall comply with posted signage and directions given by Public Works Department personnel regarding traffic movement and speed limits.
- (c) Operators must drive cautiously when other vehicles staff, or pedestrians are present, including yielding to heavy trucks and equipment.
- (d) Vehicles must stay on designated roads/travel paths.

Sec. 21-222. Landfill Safety Equipment/Behavior.

- (a) Users/customers may not consume or be under the influence of alcohol or controlled substances while on Landfill property.
- (b) Users/customers may not engage in reckless conduct while on Landfill property.
- (c) Users/customers must use caution around scales, trucks, heavy machinery, and the drop-off building.
- (d) Only the operator of the vehicle can get out of the vehicle in the drop-off building and Class IV.
- (e) Children must remain in the vehicle and be supervised by an adult at all times.
- (f) Children are not permitted in active dumping, compacting, or moving equipment zones.

- (g) Domestic animals (pets) must remain inside a vehicle.
- (h) No unattended animals are permitted in the Landfill.
- (i) Owners must keep control of their pets.
- (j) Public Works shall post clear and visible signage at all Landfill entrances and appropriate locations within the site to notify users of speed limits, warnings about children and animals, directions, prohibited behaviors, hours of operation and contact information for management.

Sec. 21-223. Enforcement and Penalties.

A violation of the provisions in this article is designated as municipal infractions and punishable by civil penalties as specified in Section 18-1304.

Landfill management and staff are authorized to:

- (a) Enforce this Ordinance and all Landfill rules and policies.
- (b) Deny access or eject persons violating rules.
- (c) Stop vehicles for safety checks and load inspections.
- (d) Direct traffic on site.
- (e) Recover costs associated with the clean-up of any waste disposed of at the Landfill in violation of Landfill Acceptance Criteria.

The Public Works Director may also issue verbal warnings, written warnings, temporary suspensions, or permanent prohibitions from use of the Landfill, depending on the nature and severity of the violation.

Any person subject to a suspension or prohibition may appeal the decision in writing within ten (10) business days to the City Administrator. A final written decision shall be issued within thirty (30) days of the filing of the appeal.

Secs. 21-224—21-225. Reserved.

DIVISION 2. – COSTS

Sec. 21-226. Assessment against property; monthly billing authorized.

The cost of collecting and/or disposing of solid waste, from the streets, alleys and private premises of the city shall be billed at the monthly rate established by this division

to each customer on the monthly public works utilities water and wastewater billing statements.

Sec. 21-227. Costs borne proportionately.

Each property from which solid waste is produced or collected shall, as far as practicable, bear its share of the expense of collecting and/or disposing of the solid waste in proportion to the amount of solid waste collected and/or disposal of and the frequency of collection.

Sec. 21-228. Cost estimate.

Public Works shall annually provide the City Council an estimate, as near as practicable, of the cost of collecting and disposing of solid waste in the city.

Sec. 21-229. Annual determination of charges for services rendered.

The City Council shall hold a public hearing annually and pass and adopt a resolution setting the commercial and residential services collection and disposal rates, landfill fees and any other miscellaneous fees or charges deemed appropriate and necessary. The resolution shall list the fee schedules.

Sec. 21-230—233. Reserved.

Sec. 21-234. Hearing of objections; changes; final passage.

At the time set for hearings objections to the final passage of the resolution referred to in Section 21-229, or at a time to which such meeting may be adjourned, the City Council shall pass upon all objections and make such changes in the assessments as it shall deem necessary and proper after hearing such objections, and shall adopt such resolution. Thereafter, the City Clerk shall incorporate such changes in the list of charges as extended.

Sec. 21-235. Delinquent bills.

Bills shall become delinquent twenty-five (25) days from the date of billing if not paid. If the bill is not paid within forty (40) days after the billing date, the solid waste service to the customer shall be discontinued after written notice is mailed to the customer until the delinquent assessed amount is paid. The City may invoke the use of the procedures set forth under MCA 7-13-4108 for collection of delinquent assessed bills, which imparts the payment as a tax against the property involved and also permits the City to bring suit to collect payment of delinquent solid waste charges.

Secs. 21-236—21-237. Reserved

Sec. 21-238. Refunds.

No refunds of charges collected under this division shall be made except in cases of obvious error or change of service.

Sec. 21-239. Residential lots involving off-street collection.

For each residential property where the collection is made from beyond the curb, sidewalk or alley area in which a documented medical necessity is obtained from the

resident, the monthly charge shall be equal to the monthly residential service rate established under this division. For each residential property where collection is required to be made from beyond the curb, sidewalk or alley area due to the way in which the property was constructed, one hundred (100) percent shall be added to the residential rate established under this division.

Sec. 21-240. Solid waste requiring special handling.

Disposal of solid waste of a kind for which other provision is not made shall be made pursuant to this Section. Any solid waste placed upon the alleys or streets which does not come within the provisions of this article may be removed therefrom at the expense of the owner of the property from which such solid waste originates. The City may submit a bill to the persons liable for the removal of such solid waste. If the amount is not paid within ten (10) days after the bill is submitted, then the charge shall be collected in the same manner as the collection of other solid waste fees, as provided in this chapter.

Sec. 21-241. Removal of solid waste 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 solid waste or a portion thereof at their own expense, under the supervision and control of the city and adjusting the fee.

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading the _____ day of _____, 2026.

PASSED, ADOPTED and APPROVED on second reading this _____ day of _____, 2026.

CITY OF BILLINGS

BY: _____
Mike Nelson, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk