

Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 Garbage and Rubbish**
- 8.08 City Container Site**
- 8.12 Nuisances**
- 8.16 Fireworks**
- 8.20 Miscellaneous Fire Protection Regulations**
- 8.24 Noxious Weeds**
- 8.28 Prohibition Against Community Decay**

Chapter 8.04

GARBAGE AND RUBBISH

Sections:

- 8.04.010 Definitions.
- 8.04.020 Disposal required in general.
- 8.04.030 Sanitation director to determine user classification.
- 8.04.040 Residential garbage fees.
- 8.04.050 Residential/commercial garbage fees.
- 8.04.060 Nonresidential garbage fees.
- 8.04.070 Commercial rates.
- 8.04.080 Minimum commercial fee.
- 8.04.090 Commercial classification—Sanitation director authority.
- 8.04.100 Refuse bill included in water billing.
- 8.04.110 Failure to pay bill constitutes lien.
- 8.04.120 Removal of bulky items not required.
- 8.04.130 Certain matter not to be placed in receptacles.
- 8.04.140 Unauthorized use of receptacles prohibited.
- 8.04.150 Charges for locations and accumulations.
- 8.04.160 Simultaneous service when.
- 8.04.170 Parking interfering with containers prohibited.
- 8.04.180 Damaging containers prohibited.
- 8.04.190 Doors and lids to be kept closed.

- 8.04.200 City to provide sufficient containers.
- 8.04.210 Dump fees.
- 8.04.220 Accumulation of rubbish in public places prohibited.
- 8.04.230 Use of city dump truck permitted when.
- 8.04.240 Collection by city exclusive.
- 8.04.250 City service fees and charges.

8.04.010 Definitions.

“Garbage” means and includes animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It is composed largely of organic matters and their natural moisture content. The term does not include within its meaning food processing wastes from canneries, slaughterhouses, packing plants or similar industries, or large quantities of condemned food products. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels, and other places where food is stored, cooked, or consumed.

“Inflammable rubbish” or “combustible rubbish” means miscellaneous flammable materials. Generally it is the organic component of rubbish, such as paper, rags, cartons, boxes, wood, excelsior, furniture, bedding, rubber, leather, tree branches, yard trimmings and similar material.

“Noncombustible rubbish” means miscellaneous refuse materials that are nonflammable at ordinary temperatures. For the most part it is the inorganic component of rubbish, such as tin cans, metals, mineral matter, glass, crockery, dust, metal furniture, etc.

“Rubbish” means all refuse not included in garbage and ashes. It consists of a great vari-

ety of combustible and noncombustible waste materials from households, stores and institutions. This waste is defined more specifically as "combustible rubbish" and "noncombustible rubbish," but whenever the word "rubbish" is used alone, it means a mixture of both. "Trash" is synonymous with rubbish. (Prior code § 8.12.010)

8.04.020 Disposal required in general.

The disposal of garbage, rubbish and other wastes shall be as the city council orders by ordinance and regulation.

A. Any out of city resident or inhabitant may not use any city trash containers for depositing garbage, rubbish, trash, etc.

B. Any person violating the terms of this chapter shall be guilty of a misdemeanor and punished according to this code.

C. Nothing herein shall prohibit any bona fide tourist or transient from using such trash collectors. (Prior code § 8.12.020)

8.04.030 Sanitation director to determine user classification.

The sanitation director shall determine the average volume of garbage and rubbish produced, the amount of service provided and degree of use for all business, commercial, educational and other institutions, and shall recommend to the city council the proper classification of such users. (Prior code § 8.12.040)

8.04.040 Residential garbage fees.

A. The residences of the city are divided into fair and reasonable types according to their structure and uses for the purpose of garbage and trash accumulation and removal. All collections will be made either from the alley, where alley exists, or from a place easily ac-

cessible to the street from which the collections are made. No collections shall be made from inside structures or other enclosures.

B. The annual residential refuse collection fees shall be as established by resolution of the city council, and may be changed or amended by subsequent resolution of the council from time to time as the council deems necessary. A copy of the residential fee schedule shall be on file in the office of the city clerk-treasurer and shall be open to inspection by any person. (Ord. 97-2 § 4 (part), 1997; prior code § 8.12.030)

8.04.050 Residential/commercial garbage fees.

Refuse fees at residences where a portion of the building or premises is used for commercial or business purposes shall be increased by the minimum amount of the commercial user class. (Prior code § 8.12.032)

8.04.060 Nonresidential garbage fees.

A. All business, commercial, educational and other nonresidential buildings and other institutions shall be placed into fair and reasonable classes for the purpose of establishing rates for garbage and rubbish accumulation and removal through resolution of the city council.

B. All resolutions approved by the city council under this section shall be placed on file in the office of the city clerk-treasurer for public inspection while in force. (Ord. 04-8 (part), 2005; Ord. 97-2 § 4 (part), 1997; prior code § 8.12.034)

8.04.070 Commercial rates.

The calendar year refuse collection fee for businesses and commercial, educational and other nonresidential buildings and other institutions shall be equal to the rates and fees established from time to time by resolution of

the city council. No collections shall be made from inside any structure or other enclosure. (Ord. 04-8 (part), 2005: prior code § 8.12.042)

8.04.080 Minimum commercial fee.

The minimum fee for each business, commercial, educational, and other nonresidential building and other institution shall not be less than the minimum annual residential fee. (Ord. 04-8 (part), 2005: prior code § 8.12.044)

**8.04.090 Commercial classification—
Sanitation director
authority.**

A. Each business, commercial, educational, and other nonresidential building and other institutions shall be placed in a commercial classification upon the recommendation of the sanitation director after determination of the type of garbage, the volume of garbage, the degree of usage and the required service of the user. Such classification shall be adopted through city council resolution.

B. User classification, and user's volume of garbage and degree of use may be reviewed by the sanitation director upon request of a commercial, educational or other nonresidential user, but no more than one such request per calendar year shall be allowed. (Ord. 04-8 (part), 2005: prior code § 8.12.046)

**8.04.100 Refuse bill included in water
billing.**

The annual refuse fee shall be payable in twelve equal monthly installments. The refuse fee shall be included within the water bill each month, and the city water department is directed not to accept payment of the water bill unless such payment is in the total amount billed which shall include the appropriate refuse fee as herein provided. Owners or occupants of premises which do not use water shall

be billed monthly by separate billings for the appropriate refuse fee for their premises. (Ord. 1005, 1991: prior code § 8.12.048)

**8.04.110 Failure to pay bill
constitutes lien.**

The charges fixed in this chapter for the collection, removal and disposal of all garbage or trash shall be entered in their respective amounts as charges against each owner, manager, occupant, tenant or lessee in the amount so fixed and charged shall be collected monthly in connection with and as a part of the water bill of the city. Should any owner, manager, occupant, tenant, or lessee of any place or abode of any business or commercial establishment fail or refuse to pay the charges fixed against him and his place of abode or place of business when due, the refuse fee remaining unpaid shall constitute a lien against the real property wherein the premises or business or commercial establishment exists and be placed on the annual property tax statement. (Prior code § 8.12.050)

**8.04.120 Removal of bulky items not
required.**

The regular collection services shall not remove such items as tires, crates, refrigerators, stoves, air-conditioners, sofas, chairs, pipe, auto parts, mufflers, tree limbs, trees and shrubbery cuttings (unless these cuttings can be placed in covered receptacles as provided by the city) and other like items. The owner or occupant of any building, house, structure or land shall have these prohibited items removed and deposited in the city disposal area or other approved disposal area at his own

expense within three days. (Prior code § 8.12.052)

8.04.130 Certain matter not to be placed in receptacles.

Items not to be placed in a city of Laurel receptacle shall be approved by the city council by resolution. A list of the material not to be placed in the receptacles shall be maintained by the public works department, and made available to the public at their request. (Ord. 03-2, 2003; Ord. 801, 1985; prior code § 8.12.054 (part))

8.04.140 Unauthorized use of receptacles prohibited.

A. It is unlawful for any person to place or permit another to place, any garbage or trash in any receptacle, at any refuse collection point or in any refuse container used in the city container collection service unless the refuse is from the premises served by the container or from the premises at which the receptacle or collection point is located.

B. City service containers at several points in city areas are provided for refuse from apartment house areas, businesses, and institutions within the city limits, and refuse from outside the city limits shall not be placed in the city service containers.

C. It is unlawful for any person to place or deposit, or permit another to place or deposit, prohibited refuse in city service containers or to put anything on the ground at these locations.

D. The owner or occupant of any building, house, structure or land shall cause to be removed all refuse items of the nature which are prohibited to the regular collection service, and which are located, owned or deposited on the property or on the public right-of-way shall be prima facie evidence that such owner

or occupant failed to remove, as provided by this ordinance, at his own expense, the refuse or other item or items so stored or located thereon. Removal within three days of notice by city is required. (Prior code § 8.12.054(A))

8.04.150 Charges for locations and accumulations.

Refuse collection and disposal service may be provided within the capabilities of the department to installations with unusual locations, types or accumulations of refuse at a charge established by the director of sanitation based on actual cost. (Prior code § 8.12.054(B))

8.04.160 Simultaneous service when.

The sanitation department shall provide regular collection or container collection system services according to the type and volume of refuse to be removed, economies of operations and capability within the department. Normally, refuse container and regular collection service will be provided to the same installation only at the discretion of the director of sanitation. (Prior code § 8.12.054(C))

8.04.170 Parking interfering with containers prohibited.

It is unlawful for any person to park a vehicle of any nature within twenty feet of any container used in the city container collection service in such manner which would interfere with the removal of refuse from such container, or block the approach to such container. Proof of ownership of any vehicle violating this section shall be prima facie proof that such owner parked such vehicle. (Prior code § 8.12.054(D))

8.04.180 Damaging containers prohibited.

It is unlawful for any person to damage, either willfully or through negligence, any property of the city used in the city container service. (Prior code § 8.12.054(E))

8.04.190 Doors and lids to be kept closed.

Except when refuse is being loaded into containers, the doors and lids shall be kept closed except at certain locations approved by the director of sanitation. (Prior code § 8.12.054(F))

8.04.200 City to provide sufficient containers.

The city shall provide sufficient containers for all businesses and residences. It is unlawful for any person other than a duly authorized employee of the city to collect or remove any garbage or trash from garbage and trash receptacles used in the regular city collection service or from any container utilized in the city container collection service. (Prior code § 8.12.056)

8.04.210 Dump fees.

The city council shall, by resolution, establish fees to be charged for dumping by commercial contractors and noncity residents of wood; trees; uncompacted garbage, trash or rubbish; mixed loads such as wood or trees or other materials; compacted garbage, trash or rubbish; and construction or demolition materials. The city council shall also establish by resolution, fees to be charged for dumping by city residents of materials from construction or demolition projects for which a city building permit or demolition permit is required. The city council may change, alter or amend any such fee from time to time, at the coun-

cil's discretion, by further resolution. (Ord. 1072, 1993; Ord. 914, 1987; prior code § 8.12.058)

8.04.220 Accumulation of rubbish in public places prohibited.

No person shall accumulate any rubbish including any dry leaves, dead limbs, or old lumber and allow the same to be stored in any street, alley or public place. (Prior code § 8.12.060)

8.04.230 Use of city dump truck permitted when.

City residents may avail themselves of a city dump truck for disposing of garbage or refuse not allowed in city garbage containers at a rate established by the garbage committee. Spot trucks are made available through the city engineer's office. (Prior code § 8.12.065)

8.04.240 Collection by city exclusive.

It is unlawful for any person other than the city to engage in the business of collecting, removing and disposing of refuse 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:

- A. As provided in Section 8.04.120;
- B. For drop box service for certain matter not to be placed in receptacles (8.04.130);
- C. For drop box service for demolition material with or without a building or demolition permit required; or
- D. For drop box service for the disposal of shingles. (Ord. 1075, 1993)

8.04.250 City service fees and charges.

The city council shall establish fees and charges for additional solid waste related services by resolution. (Ord. 06-04 (part), 2006)

Chapter 8.08**CITY CONTAINER SITE****Sections:**

8.08.010 City to operate container site.

8.08.020 Solid waste fees for noncity residents.

8.08.010 City to operate container site.

The city shall operate a container site for garbage and debris. The director of public works shall be the officer in charge of the container site, and shall adopt such rules and regulations as may be required in the operation of the container site. Such rules shall be posted at the entrance of the container site and must be obeyed by all persons using the container site. (Ord. 1073, 1993; Ord. 1022, 1992; prior code § 8.16.010)

8.08.020 Solid waste fees for noncity residents.

A. The city council shall from time to time by resolution set fees for the depositing of household solid waste at the city container site by noncity residents, and the same may be changed from time to time in the council's discretion by further resolution.

B. The fees for depositing all other types of garbage, trash or rubbish shall be in accordance with dumping fees as established by resolution of the city council. (Ord. 1074, 1993; Ord. 1023, 1992; Ord. 810, 1985; prior code § 8.16.020)

Chapter 8.12**NUISANCES****Sections:**

- 8.12.010** Ice, snow, slush on sidewalks.
- 8.12.020** Lawn irrigation.
- 8.12.030** Abandoned vehicles, storage or parking of vehicles, storage of trailers and recreational vehicles, storage of salvage, inoperable vehicles or junk vehicles.
- 8.12.040** Noisome substances.
- 8.12.050** Offensive matter on premises prohibited.
- 8.12.060** Liquids allowed to become nauseous prohibited.
- 8.12.070** Cellars and drains in offensive condition.
- 8.12.080** Animal enclosures.
- 8.12.090** Outside toilets.
- 8.12.100** Reserved.
- 8.12.110** Abatement and collection of costs.

8.12.010 Ice, snow, slush on sidewalks.

It is a public nuisance for the owner, occupant or person otherwise in charge or control of any premises within the city limits to allow any ice, snow, slush, mud or other impediment to safe pedestrian travel to accumulate or remain on any sidewalk in front of or adjoining such premises. The person in charge or control of the premises must remove any such impediment from the sidewalks within twenty-four hours after its accumulation thereon, and must keep sidewalks clean and safe for pedestrian travel at all times. (Prior code § 8.04.110)

8.12.020 Lawn irrigation.

No person shall irrigate lawns or shrubbery and allow the water to collect thereon

to such an extent that the same overflows on another's property, or overflows and collects in the gutter of the city streets. (Prior code § 8.04.060)

8.12.030 Abandoned vehicles, storage or parking of vehicles, storage of trailers and recreational vehicles, storage of salvage, inoperable vehicles or junk vehicles.

A. Definitions. For the purposes of this section, the terms used above shall be defined as follows:

1. "Automobile" means a two or more wheeled or track vehicle designed to transport one or more persons or properties from one location to another including without limitation: trucks, buses, cars, motorcycles, scooters, farm and industrial equipment.

2. "Inoperable vehicle" means any automobile incapable of immediate operation under its own power safety and in concurrence with governing and applicable traffic ordinances and statues or any automobile not having current license plats lawfully affixed thereto.

3. "Junk" means any worn out, cast-off or discarded article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to old or scrap brass, rope, rags, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or nonferrous material.

4. "Junk vehicle" means any automobile, which is ruined, wrecked, partially dismantled and which is not lawfully and validly licensed.

5. "Permanent storage" means storage of chattel, salvage, rubbish or junk for a period exceeding five days without moving.

B. Abandoned Vehicles. All inoperable automobiles, or parts thereof, parked or

stored for a period exceeding five days shall be considered abandoned. Any such automobile that in the judgment of the code enforcement officer appears to be abandoned, including parts thereto, shall be removed and disposed of in a manner set forth by the code enforcement officer.

C. Storage or Parking of Vehicles. In all residential zoning districts, storage or parking of commercial vehicles shall be limited to one delivery or delivery type vehicle not to exceed eight thousand pounds GVW (gross vehicle weight).

D. Storage of Trailers and Recreational Vehicles. Snowmobiles, boats, motorized vehicles that are incapable of being legally operated on a public street, or other recreational vehicles and campers, camper trailers or motor homes, and utility/sport trailers whose manufacturers specifications do not exceed ten feet in width and twenty-seven feet in length shall be parked or stored as follows:

1. In rear yards; or
2. In side yards, providing that the following conditions are met:
 - a. The property does not have public alley access or other reasonable access to the rear yard,
 - b. The side yard area to be used for such parking or storage has a prepared surface of gravel, asphalt or concrete,
 - c. The unit shall not be parked any nearer than three feet from the side lot line or five feet from any door, window, or other opening of a dwelling which provides light, air, entrance to, or exit from the dwelling as needed to preserve the health, safety, and general welfare of the occupants of the dwelling, and
 - d. For purposes of this section, the side yard of a corner lot, which is adjacent to the street, is regarded as a front yard and no such parking or storage is allowed.

3. Trailers may be parked in the street if attached to a towing unit and complying with parking ordinances;

4. It is unlawful for any person or firm to park or store such vehicles in any front yard.

5. It is unlawful to occupy campers, camping trailers, or motor homes for living or sleeping purposes for longer than fourteen days per calendar year.

a. Campers shall not be connected to the city sewer system.

E. Storage of Salvage. Permanent open storage of salvage, inoperable vehicles, rubbish, lumber, furniture, appliances, used oil, can, containers, or other chattel shall not be permitted in any zoning district. Exceptions to this restrictions are principal uses of property (e.g. auto wrecking), which may be permitted in business lawfully operated in nonresidential zoning districts, where the storage of such materials is necessary to the operation of the business enterprise.

Exception: lumber may be stored in the rear yard covering no more than one percent of the lot area.

F. Inoperable Vehicle or Junk Vehicle. Storage, parking or leaving any inoperable vehicle or junk vehicle shall not be permitted in any district. This section shall not apply to: 1. Vehicles stored in conjunction with a business lawfully operated in nonresidential zoning districts, where the storage of such materials is necessary to the operation of the business; or

2. An automobile or part thereof which is completely enclosed within a building in a lawful manner and where it is not visible from the street or other public or private property.

G. Any person who allows a public nuisance as set forth in this chapter to exist shall be notified that the nuisance must be removed within ten days after the receipt of the notice. If the nuisance continues to exist

after that time, the person shall be guilty of a violation of this chapter and shall be punishable as set forth in Section 8.12.100. Such person shall be guilty of a separate offense for each day after the ten-day period that the nuisance continues to exist. Furthermore, the chief of police may abate the nuisance without prosecution, and the city may assess the expense of the abatement to the premises pursuant to Section 8.12.100. (Ord. 03-5, 2003; Ord. 1024, 1992; prior code § 8.04.100)

8.12.040 Noisome substances.

It is a public nuisance to cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected or to remain in any place in the city, or to the prejudice of others. (Prior code § 8.04.010)

8.12.050 Offensive matter on premises prohibited.

It is a public nuisance for any owner, lessee, occupant or resident of any premises to suffer or cause to be maintained on such premises for twenty-four hours or longer any unwholesome, decaying or putrid animal or vegetable matter which contaminates the atmosphere or endangers or injures the health of any person, or which is indecent or offensive to the senses, or interferes with the comfort or enjoyment of any resident in the city. (Prior code § 8.04.020)

8.12.060 Liquids allowed to become nauseous prohibited.

It is unlawful for any person to cause or permit any nauseous, foul or putrid liquor or other liquid substance to be discharged, placed or thrown, or to flow from or out of any premises into or upon any adjacent premises, or any public street, alley, road or sidewalk, or into any channel or watercourse. (Prior code § 8.04.030)

8.12.070 Cellars and drains in offensive condition.

Whoever shall suffer or cause any cellar, vault, drain, pool, privy, or sewer belonging to or controlled by him to become, from any cause, nauseous, foul, offensive or injurious to the public health, or unpleasant and disagreeable to adjacent residents or persons, within the limits of the city, shall be deemed guilty of committing a public nuisance. (Prior code § 8.04.040)

8.12.080 Animal enclosures.

It is a public nuisance for any person to keep or maintain any pen or enclosure, stable or building for animals in such a filthy or unwholesome condition as to be offensive to neighbors or passersby, or injurious to the health of the neighborhood. (Prior code § 8.04.050)

8.12.090 Outside toilets.

It is a public nuisance to build or maintain an outside toilet within the city limits. (Prior code § 8.04.090)

8.12.100 Reserved.

8.12.110 Abatement and collection of costs.

The remedies specified in this section shall be in addition to all other remedies provided by law. When a public nuisance has not been voluntarily abated within the time specified in the notice to abate, the following procedure shall apply.

(1) The city may bring an action in the city court to have the nuisance declared as such by the court and for an order enjoining the public nuisance or authorizing its restraint, removal, termination or abatement by the owner or the person who caused the nuisance or the person who allowed the nuisance to be caused or to continue, or an administrative officer, his authorized repre-

sentative, a police officer, a code enforcement officer, a community service officer or any person under contract with the city to perform such services.

(2) The action to declare and abate a public nuisance shall be brought by the city in the name of the people of the city, by the filing of a complaint, which shall be verified or supported by an affidavit. Summons shall be issued and served as provided by state law for civil cases.

(3) A notice of appearance shall be served with the summons with summons and complaint. The appearance date shall be not less than twenty-one days from the date of service of the summons and complaint. The trial shall be held upon the appearance date, unless the court grants a continuance for good cause shown.

(4) The respondent shall file a response on or before the appearance date set forth in the notice of appearance.

(5) Upon the date and at the time set for appearance and trial, if the respondent has filed no response and fails to appear and if the city proves that proper service was made on the respondent at least twenty-one days prior to the appearance date, the court may grant such orders as are requested by the city; except that, the court shall order that enforcement by the city be stayed for ten days and that a copy of the court's order be mailed to the respondent at his last known address. Failure to appear on any other date set for trial shall be grounds for entering a default and judgment thereon against a non-appearing party. For good cause shown, and prior to enforcement, the court may set aside an entry of default and judgment entered thereon.

(6) The judgment of the city court may be appealed to the district court.

(7) The procedure for determining the cost of abatement of a public nuisance will be as follows:

a. Code enforcement staff will secure a contract for removal of the nuisance by following the usual city procurement process.

b. Code enforcement staff will coordinate the abatement project with contractor, and oversee the work being performed.

c. After the chief administrative officer and the code enforcement staff have approved the final bill it will be forwarded to the city finance department for payment.

d. A copy of approved bill(s) and proof of disbursement is placed in the code enforcement file maintained by code enforcement staff. These documents, along with the itemized abatement expense report are used to determine the total cost of abatement for the property. Costs that may be included on the abatement expense report are shown in subsection (7)h. below. The abatement expense report is then certified and transmitted to the finance department for approval of assessment on the real property being abated.

e. The property owner will then be sent an abatement expense report for the subject property and be given notice that any assessment that is not paid shall become a lien upon the property and is enforceable in the same manner as nonpayment of property taxes. The interest fee will be waived for any payments made within thirty days of notice.

f. A summary listing of the assessments, tax codes, and property owners will be kept by the clerk and recorder through August 31st of each year, and the list shall be presented to the department of revenue for billing on the next real property tax statement.

g. A special abatement fund will be established to account for costs, collections,

and transactions necessary to the efficient operation of the program. Assessment funds collected are returned to the designated abatement account for future use on other involuntary property abatements or for transfer back to the city general fund.

h. The city shall determine the actual costs of cleanup and involuntary abatement actions and document such costs. The following expenses will be assessed as the actual costs of abatement of a nuisance condition:

1. Planning staff time/mileage/other costs.
2. Police department staff time/mileage.
3. Other involved city staff time/mileage/other cost.
4. Postage/ mailing costs.
5. Other direct costs associated with abatement.
6. An interest fee of six percent per annum computed on above costs which will be waived if the total cost of abatement is paid by the property owner within days of notice.

i. The code enforcement staff has the discretion to coordinate and incur reasonable costs and services necessary for the safe, effective, and efficient cleanup of designated involuntary abatement properties. The code enforcement staff will notify the chief administrative officer before any additional contracted costs in excess of one thousand dollars are incurred.

(Ord. No. 012-02, 5-1-12)

Editor's note—Ord. No. O-12-02, adopted May 1, 2012, repealed former §§ 8.12.100 and 8.12.110 in their entirety and enacted a new § 8.12.110 as herein set out. Former §§ 8.12.100 and 8.12.100 respectively pertained to penalty and abatements and abatement assessments and derived from prior code §§ 8.04.070 and 8.04.080.

Chapter 8.16**FIREWORKS*****Sections:**

- 8.16.010 Prohibited except in certain areas.**
- 8.16.020 Sale prohibited in city limits.**
- 8.16.030 Discharging dates and times.**
- 8.16.040 Possession illegal.**
- 8.16.050 Permissible fireworks.**
- 8.16.060 Littering illegal.**
- 8.16.070 Enforcement.**
- 8.16.080 Fireworks prohibited on all city or public property.**

8.16.010 Prohibited except in certain areas.

The discharge, firing or use of firecrackers, rockets, torpedoes, Roman candles, or other fireworks or substances designed or intended for pyrotechnic display or demonstration within the city is prohibited; except as provided in this chapter. The mayor may at any time permit a public display or fireworks under such conditions as he/she may prescribe. (Prior code § 9.08.050) (Ord. No. O11-06, 5-17-2011)

8.16.020 Sale prohibited in city limits.

It is unlawful for any person to offer for sale, expose for sale, or sell at retail or wholesale, within the corporate limits of the city, any fireworks of any nature whatsoever. (Ord. 1006, 1991: prior code § 9.08.060) (Ord. No. O11-06, 5-17-2011)

*Editor's note—Ord. No. O11-06, adopted May 17, 2011, amended Ch. 8.16 in its entirety and enacted similar provisions as set out herein. The former Ch. 8.16 derived from prior Code §§ 9.08.050 and 9.08.060; and Ord. 1006, adopted in 1991.

8.16.030 Discharging dates and times.

1. The discharge of fireworks within the city limits of Laurel is prohibited except as follows:

- A. July 2 from 8:00 a.m. until 11:59 p.m.;
- B. July 3 from 8:00 a.m. until 11:59 p.m.;
- C. July 4 from 8:00 a.m. to 12:30 a.m. on July 5; and
- D. December 31 from 10 p.m. until 12:30 a.m. on January 1.

2. The mayor, or designee, shall determine if there are special circumstances that warrant the discharge of fireworks not provided for in this section, and authorize such use if the circumstance is community wide and of national, state and local significance.

3. Professional Fireworks Displays Using Display Fireworks. Public displays of fireworks by a licensed, bonded pyrotechnic operator are exempt from this section. Permits for any public display by a licensed bonded pyrotechnic operator from the mayor are required to conduct a public fireworks display. "Display fireworks" means an aerial shell, salute, flash shell, comet, sky battle, mine, and any similar 1.3g (display fireworks) and 1.4g (consumer fireworks) explosive as defined by the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations. (Ord. No. O11-06, 5-17-2011)

8.16.040 Possession illegal.

1. Possession of fireworks not allowed to be sold or discharged by the state of Montana is illegal.

2. It shall be unlawful for any parent, guardian, or custodian of any child, the child being age twelve or younger, to permit or consent to the possession or discharge by the child of any fireworks as defined herein, unless that parent, guardian or custodian

be in direct supervision of the child at the time of discharge. For purposes of this section "direct supervision" means the overall direction and control of an individual and requires the individual furnishing direct supervision to be present and immediately available to furnish assistance while he or she is in possession of or is discharging any and all fireworks. Direct supervision also requires the individual directly supervising to control the application of flame or other means of discharge of the firework and must be no greater than 10 feet away from the individual being directly supervised at time of the firework's discharge.

(Ord. No. O11-06, 5-17-2011)

8.16.050 Permissible fireworks.

Shall be the same as those authorized by the State of Montana.

(Ord. No. O11-06, 5-17-2011)

8.16.060 Littering illegal.

It shall be illegal for anyone to leave debris from discharged fireworks on any public place including, but not limited to, parks, sidewalks, streets, and alleys, or on private property not owned by the individual discharging the fireworks.

(Ord. No. O11-06, 5-17-2011)

8.16.070 Enforcement.

1. City police officers shall enforce this chapter.

2. Any police officer charged with enforcing this chapter may;

A. Issue a notice to appear to Laurel City Court for violations of this chapter; and/or

B. Seize fireworks that are offered for sale, sold, or in the possession of any individual in violation of this chapter.

3. Any person who violates these rules and regulations shall be guilty of a misdemeanor and subject to the following fines:

° 1st offense—Two hundred fifty dollars;

° 2nd offense—Three hundred fifty dollars;

° 3rd offense and higher—Five hundred dollars.

(Ord. No. O11-06, 5-17-2011)

8.16.080 Fireworks prohibited on all city or public property.

Fireworks may not be discharged in or on any park, city or public property.

(Ord. No. O11-06, 5-17-2011)

Chapter 8.20

MISCELLANEOUS FIRE PROTECTION REGULATIONS*

Sections:

8.20.010 Bonfires prohibited.

8.20.020 Careless conduct in smoking.

8.20.010 Bonfires prohibited.

A. Except as provided hereinbelow, no person shall build, kindle, ignite, maintain or allow any bonfire, rubbish fire, or any other open fire on any property within the city limits of the city.

B. The city fire chief may allow a special permit to a public agency to ignite and maintain a recreational-type bonfire only, within city limits. The agency shall first apply to the fire chief for such permit pursuant to Section 105.6.30 of the International Fire Code which is adopted by the city. As a condition of granting the permit, the fire chief may require that the city fire department shall stand by, at and during the recreational bonfire for which the permit is granted. The permit holder shall abide by all provisions and stipulations on the permit and obtain a Yellowstone County Open Burning Permit.

C. The city fire chief may allow an open burning permit for agricultural purposes to any person(s) requesting such. The permit holder shall abide by all provisions and stipulations on the permit and have obtained a Yellowstone County open burning permit.

D. Approved or purchased outdoor fireplaces may be used per manufacturers' specifications and in accordance with Sec-

*Editor's note—Ord. No. O10-03, adopted Aug. 17, 2010, amended Ch. 8.20 in its entirety and enacted similar provisions as set out herein. The former Ch. 8.20 derived from Ord. 926, adopted in 1987; and prior code §§ 9.08.010 and 9.08.020.

tion 307 of the International Fire Code as adopted by the city. No pit fires shall be allowed. Under the provision of MCA 50-63-103, you are liable for any and all fire suppression costs and damages resulting from an escaped or uncontrollable fire. Items prohibited to burn can be found attached to ordinance.

E. The city council may from time to time by resolution, establish or change a fee to be paid to the city by the applicant, at the time of application for a special bonfire permit.

(Ord. No. 10-03, 8-17-2010)

8.20.020 Careless conduct in smoking.

A. Any person who, by reason of careless, willful or wanton conduct in smoking, or in the use of lighters or matches for smoking, sets fire to any bedding, carpet, curtains, drapes, furniture, household equipment or other goods or chattels or to any building, shall be fined in accordance with the penalties provided in Section 1.36 of the Laurel Municipal Code, or prosecuted under any other appropriate law.

B. "Careless conduct in smoking" includes, as used herein, any of the following acts, commissions, or omissions: permitting a spark from a lighted cigar, cigarette or pipe to fall upon or into anything flammable; placing any lighted smoking material on or about or in close proximity to any flammable article; falling asleep with lighted smoking material of any kind at hand; throwing lighted smoking material out of a window or into an elevator pit or elsewhere other than in a proper receptacle therefor; dropping a lighted cigarette or cigar or part thereof into a mail chute in any building; failure to extinguish the fire of a match or any kind of lighter device after use of the same; failure to destroy the lighted part of a cigar or cigarette when disposing of it; fail-

ure to destroy the burning smidgen or smidgens of tobacco from a pipe when cleaning or unloading a pipe.

C. A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of every hotel, rooming house, tourist home, tourist court or other place renting rooms for the accommodation of the public. Such notice shall be posted by the owner, proprietor, or managing agent of such establishment.

(Ord. No. 10-03, 8-17-2010)

Chapter 8.24

NOXIOUS WEEDS

Sections:

- 8.24.010** **Definition.**
- 8.24.020** **Prohibited.**
- 8.24.030** **Notice to destroy.**
- 8.24.040** **Noncompliance—City
 action.**
- 8.24.050** **Violation—Penalty.**

8.24.010 **Definition.**

“Noxious weeds” means all rank vegetable growth of every kind and nature, including but not limited to dandelions and all weeds known as Canada thistle, Scotch bull thistle, Russian thistle, sow thistle, quack grass, leafy spurge (*euphorbia esula* or *euphorbia virgato*), field bindweed, Russian knapweed (*centaurea picris*), hoary cress (*lapidium draba*, *lapidium repens*, and *humenophysa pubesens*), dodder or any similar unwanted vegetation over eight inches in height. (Prior code § 8.08.010)

8.24.020 **Prohibited.**

No owner or owners of any lot, place or area within the city, or agent of such owner or owners, shall permit noxious weeds on such lot, place or area and one-half of any road or street lying next to such property abutting thereon. The existence of such noxious weeds shall constitute a public nuisance. (Prior code § 8.08.020)

8.24.030 **Notice to destroy.**

A. Whenever noxious weeds are found to exist upon any premises within the city, the city shall notify the owner of the property or, if no such person can be found, the person in control of the premises.

B. The notice shall state that the existence of such noxious weeds constitutes a public nuisance, and shall order the owners, or persons in charge, to exterminate or remove all such weeds on any lot, place or area within the city limits and upon one-half of any adjacent street or road. The notice shall further inform such property owners, or their agents, that upon their failure to remove or exterminate such weeds within a specified time, the city may proceed to have such weeds removed or exterminated and assess the cost thereof to the property involved.

C. Personal notice of the order shall be served. In case personal service cannot be obtained, then the notice shall be published in a prominently displayed advertisement, once a week for two weeks in a newspaper in the city, or if no such paper exists, in a newspaper within the county. The last date of publication shall be not less than seven days prior to the date upon which the city shall commence the removal of weeds from such property. (Prior code § 8.08.030)

8.24.040 **Noncompliance—City action.**

Upon the failure, neglect or refusal of any owner or owners, or agent thereof, to exterminate or remove noxious weeds growing, lying or located upon the property of the owner or upon one-half of any road or street lying next to the lands before the date specified in the notice, the engineer or other responsible city official may exterminate or remove such noxious weeds. Such official shall report to the city clerk-treasurer the cost of such extermination. The city clerk-treasurer shall make an additional charge of ten percent to cover administrative costs. The total costs shall be assessed against the

8.24.040

lot or parcel of land from which or adjoining which the noxious weeds have been exterminated or removed. The city clerk-treasurer shall cause the aforesaid costs to become a lien against the property involved. (Ord. 97-2 § 4 (part), 1997; prior code § 8.08.040)

8.24.050 Violation—Penalty.

Any person violating a provision of this chapter shall, upon complaint and conviction thereof, be punished by a fine not exceeding five hundred dollars. (Prior code § 8.08.050)

Chapter 8.28

PROHIBITION AGAINST COMMUNITY DECAY

Sections:

- 8.28.010** **Violation.**
- 8.28.020** **Definitions.**
- 8.28.030** **Powers and duties of
agency.**
- 8.28.040** **Appeal of order.**
- 8.28.050** **Abatement by agency.**

8.28.010 **Violation.**

It shall be a violation of this chapter for any person to own or maintain or allow to exist any public nuisance or community decay on or adjacent to any public street or right-of-way or on any property occupied or unoccupied within the city limits. (Ord. 99-1 § 1 (part), 1999)

8.28.020 **Definitions.**

“Agency” means the city or department designated by the city to enforce the community decay ordinance.

“Community decay” means a public nuisance created by allowing rubble, debris, junk or refuse to accumulate resulting in conditions that are or could be injurious to health, indecent, offensive to the senses, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property. “Community decay” as used in this chapter may not be construed or defined to apply to approved, normal farming, ranching or other permitted operations, or other approved agricultural facility, or appurtenances thereof, during the course of its normal operations.

“Person” means an individual, firm, partnership, company, association, group,

corporation, city, town or any other entity whether organized for profit or not.

“Public nuisance” means any nuisance which directly or indirectly affects a portion of, or an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted on individual persons may not be equal; and as may be defined in any other title of the Laurel municipal code.

“Public view” means community decay which is visible or detectable or noticeable from any point above the surface of the public street or right of way.

“Shielding” refers to fencing, screening or other approved man-made or natural barriers that conceal property from public view. Any shielding must conform to all local zoning, planning, building and municipal code provisions. This is not intended to require approved permanent buildings or other approved appurtenances thereto to be shielded. (Ord. 99-1 § 1 (part), 1999)

8.28.030 **Powers and duties of agency.**

A. The city of Laurel hereby designates that the department of public works or its designee or any official of the city showing proper credentials shall have the following powers and duties to enforce this chapter:

1. The duty to inspect and investigate complaints that a public nuisance or community decay exists or is present in an area or on a property within the city limits;
2. The power and authority to formulate applicable procedures, policies and standards by which to enforce this chapter;
3. The power to determine, upon inspection of a property, whether or not a violation of this chapter exists;

4. The right of entry when necessary to perform an inspection or to enforce the provisions of this chapter when a violation is believed to exist, the city may enter onto the property during reasonable times, provided that, if the property be occupied, credentials be presented and entry requested. If entry is refused, the city shall have recourse to the remedies provided by law to secure entry;

5. The duty to send or deliver written notice of violation to the owner on record of property and post a copy on property in violation;

6. The power to abate such public nuisance or community decay should compliance not be obtained through written order or no timely and proper appeal to order has been filed with the city, and to assess the property owner for all cost including administration cost of abatement made by the city.

B. When the agency receives a complaint that a public nuisance exists or has been created by allowing rubble, debris, junk, sewage or other source to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses, or obstruct the free use of property, the agency shall inspect the property alleged to be in violation to determine whether a violation of this chapter exists.

If the agency determines upon inspection that a violation exists, the agency shall:

1. Notify the owner of record of the property in writing of the violation. The notice shall be hand delivered or sent by certified mail to the owner's address on record.

2. Post a copy of the notice on the property in violation.

3. Provide a statement specifically describing the violation and the requirements

or corrections to be made in order to comply with this chapter.

4. Specify on the notice the time in which the owner has to comply with the order, or file an appeal with the city.

5. Provide the information regarding appeal of the order by the owner to the city.

C. The notice and order shall be effective from the date of hand delivery or the date of the certified mailing. The failure of any person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service of notice as provided herein shall be effective as specified.

D. The owner shall, after notification of violation and within the time specified on the notice, submit a plan of abatement to the agency, which shall include: method of abatement or shielding, if allowed; date for securing any required permits and commencement of action; person or contractor that is responsible for doing the work; date in which property will be brought into compliance with this chapter. (Ord. 99-1 § 1 (part), 1999)

8.28.040 Appeal of order.

Failure of any person to file a proper and timely appeal with the city as specified on the notice shall constitute a waiver of the right to administrative hearing and adjudication of the notice and order or any portion thereof.

The agency may accept such plan or appeal and deter further proceedings under this chapter while reserving all rights to proceed. (Ord. 99-1 § 1 (part), 1999)

8.28.050 Abatement by agency.

If after time specified in notice, such nuisance still exists and no appeal has been filed or extension of time agreed to by agency, the agency may cause the abatement of the violation without further process and assess the property and the owner for all actual cost of abatement and administration costs.

Nonpayment by the owner of the assessment imposed by the agency may be placed as a lien on the property and is enforceable, as is nonpayment of property taxes.

A. This chapter applies to the whole city of Laurel.

B. This chapter shall be in full force and effect thirty days after final passage and adoption by the city council of the city of Laurel, Montana.

C. This chapter will not affect previously enacted state, county and local statutes and ordinances if they are the most applicable to the complaint made; and nothing in the ordinance codified in this chapter may be construed to abrogate or affect the provisions of any other ordinance that may be more restrictive or provide for other remedies or penalties than this chapter.

D. If a part of this chapter is found to be invalid or unconstitutional, all valid parts that are severable from the invalid part remain in effect; if a part of this chapter is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

E. Appeals procedures to orders issued under this ordinance shall be as set forth in the abatement of dangerous building code as duly adopted by the city of Laurel.

F. Any liens upon real property created by the enforcement of this chapter and held

by the city of Laurel shall be voluntarily vacated and/or waived by the city if ownership to the particular property passes to the city of Laurel, Montana. (Ord. 99-1 § 1 (part), 1999)