

SENATE BILL NO. 236

INTRODUCED BY E. BUTTREY

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SOLID WASTE MANAGEMENT LAWS RELATED TO POWERS AND DUTIES OF LOCAL GOVERNMENTS; CLARIFYING A LOCAL GOVERNMENT'S AUTHORITY TO CONTROL THE DISPOSITION OF SOLID WASTE GENERATED WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT; AMENDING SECTIONS 7-14-4105 AND 75-10-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-14-4105, MCA, is amended to read:

"7-14-4105. Lighting and cleaning of trafficways and public grounds. The city or town council has power to:

- (1) provide for lighting and cleaning the streets, alleys, and avenues;
- (2) regulate the disposition and removal of ashes, garbage, or other offensive matter in any street or alley, on public grounds, or on any premises, except that a city or town council may not require a private motor carrier that is authorized to collect or transport solid waste within the city or town to enter into a contract with the city or town as a condition of providing solid waste transportation services within the city or town;
- (3) regulate the use of sidewalks and require the owners of the adjoining premises to keep the same free from snow or other obstruction."

Section 2. Section 75-10-112, MCA, is amended to read:

"75-10-112. Powers and duties of local government. A local government may:

- (1) plan, develop, and implement a solid waste management system consistent with the state's solid waste management and resource recovery plan and propose modifications to the state's solid waste management and resource recovery plan;
- (2) upon adoption of the state plan by the board, pass an ordinance or resolution to exempt the local jurisdiction from complying with the state plan and subsequent rules implementing the state plan. The ordinance or resolution must include a means to provide solid waste disposal to the citizens of the jurisdiction as required

- 1 in part 2 of this chapter.
- 2 (3) employ appropriate personnel to carry out the provisions of this part;
- 3 (4) purchase, rent, or execute leasing agreements for equipment and material necessary for the
4 implementation of a solid waste management system;
- 5 (5) cooperate with and enter into agreements with any persons in order to implement an effective solid
6 waste management system;
- 7 (6) receive gifts, grants, or donations or acquire by gift, deed, or purchase land necessary for the
8 implementation of any provision of this part;
- 9 (7) enforce the rules of the department or a local board of health pertaining to solid waste management
10 through the appropriate county attorney;
- 11 (8) apply for and utilize state, federal, or other available money for developing or operating a solid waste
12 management system;
- 13 (9) borrow from any lending agency funds available for assistance in planning a solid waste management
14 system;
- 15 (10) subject to 15-10-420, finance a solid waste management system through the assessment of a tax
16 as authorized by state law;
- 17 (11) sell on an installment sales contract or lease to a person all or a portion of a solid waste
18 management system that the local government plans, designs, or constructs for the consideration and upon the
19 terms established by the local governments and consistent with the loan requirements set forth in this part and
20 rules adopted to implement this part;
- 21 (12) procure insurance against any loss in connection with property, assets, or activities;
- 22 (13) mortgage or otherwise encumber all or a portion of a solid waste management system when the local
23 government finds that the action is necessary to implement the purposes of this part, as long as the action is
24 consistent with the loan requirements set forth in this part and rules adopted to implement this part;
- 25 (14) hold or dispose of real property and, subject to agreements with lessors and lessees, develop or alter
26 the property by making improvements or betterments for the purpose of enhancing the value and usefulness of
27 the property;
- 28 (15) finance, design, construct, own, and operate a solid waste management system or contract for any
29 or all of the powers authorized under this part;
- 30 (16) control the disposition of solid waste generated within the jurisdiction of a the local government,

1 except that, in the absence of an imminent threat to public health, safety, or the environment, a local government
2 may not adopt a flow control or similar ordinance to require use of a specific transfer station or landfill for disposal
3 of solid waste;

- 4 (17) enter into long-term contracts with local governments and private entities for:
5 (a) financing, designing, constructing, and operating a solid waste management system;
6 (b) marketing all raw or processed material recovered from solid waste;
7 (c) marketing energy products or byproducts resulting from processing or utilization of solid waste;
8 (18) finance an areawide solid waste management system through the use of any of the sources of
9 revenue available to the implementation entity for public works projects, by the use of revenue bonds issued by
10 the city or county, or by fees levied by a solid waste management district, whichever is appropriate;
11 (19) enter into interlocal agreements in order to achieve and implement the powers enumerated in this
12 part;
13 (20) regulate the siting and operation of container sites."

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15 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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