

SUMMARY OF ORDINANCE 2007-5

AN ORDINANCE PROVIDING FOR A SOLID WASTE DISPOSAL SYSTEM THROUGHOUT THE COUNTY OF ELMORE; DEFINING TERMS; MAKING IT COMPULSORY TO USE ELMORE COUNTY SOLID WASTE DISPOSAL SYSTEM; PROVIDING THAT IT SHALL BE UNLAWFUL TO ALLOW GARBAGE, REFUSE AND RUBBISH TO ACCUMULATE IN SUCH A MANNER AS TO CREATE A PUBLIC NUISANCE; PROVIDING FOR USE OF APPROVED CONTAINERS FOR STORAGE OF GARBAGE, REFUSE AND RUBBISH UNTIL PICKED UP OR TRANSPORTED TO ELMORE COUNTY SANITARY LANDFILL SITE; PROVIDING FOR 'SERVICE FEES; PROVIDING METHOD OF COLLECTION OF SERVICE FEES; ESTABLISHING A SOLID WASTE FUND; PROVIDING THAT BOARD OF COUNTY COMMISSIONERS FOR ELMORE COUNTY SHALL HAVE SOLE AUTHORITY TO CONTRACT FOR SERVICES PERTAINING TO A SOLID WASTE DISPOSAL SYSTEM, EXCLUDING CERTAIN MATERIALS FROM COLLECTION; ESTABLISHING MISCELLANEOUS RULES AND REGULATIONS; PROVIDING FOR INSPECTION; PROVIDING A PENALTY FOR VIOLATION OF PROVISIONS OF THIS ORDINANCE; PROVIDING THAT ELMORE COUNTY COMMISSIONERS MAY BRING ACTION TO OBTAIN AN INJUNCTION TO ENFORCE THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

The following is a list of sections contained in the Ordinance. A copy of the entire Ordinance is available upon request at the Recorder's Office, Elmore County Courthouse, 150 South 4th East, Mountain Home, Idaho.

- Section 1. Definitions
- Section 2. Responsible Authority
- Section 3. Compulsory Use of Solid Waste Disposal System
- Section 4. Refuse Accumulation Unlawful
- Section 5. Refuse Containers
- Section 6. Fees
- Section 7. Method of Collection
- Section 8. Solid Waste Fund
- Section 9. Materials Not Accepted
- Section 10. Miscellaneous Rules and Regulations
- Section 11. Injunction
- Section 12. Enactment Clause
- Section 13. Licensing and Contracting
- Section 14. Inspection
- Section 15. Penalty
- Section 16. Separability

Passed, at a regular meeting of the Elmore County Board of Commissioners, on August 20, 2007. This Ordinance will be in full force and effect from and after its passage, approval and publication.

ELMORE COUNTY COMMISSIONERS
/S/ LARRY E. ROSE Chairman
/S/ ARLIE SHAW, Commissioner
/S/ CONNIE CRUSER, Commissioner
ATTEST: /S/ MARSA GRIMMETT, Clerk

1 Publication August 22, 2007

ORDINANCE NO. 2007-5

AN ORDINANCE PROVIDING FOR A SOLID WASTE DISPOSAL SYSTEM THROUGHOUT THE COUNTY OF ELMORE; DEFINING TERMS; MAKING IT COMPULSORY TO USE ELMORE COUNTY SOLID WASTE DISPOSAL SYSTEM; PROVIDING THAT IT SHALL BE UNLAWFUL TO ALLOW GARBAGE, REFUSE AND RUBBISH TO ACCUMULATE IN SUCH A MANNER AS TO CREATE A PUBLIC NUISANCE; PROVIDING FOR USE OF APPROVED CONTAINERS FOR STORAGE OF GARBAGE, REFUSE AND RUBBISH UNTIL PICKED UP OR TRANSPORTED TO ELMORE COUNTY SANITARY LANDFILL SITE; PROVIDING FOR SERVICE FEES; PROVIDING METHOD OF COLLECTION OF SERVICE FEES; ESTABLISHING A SOLID WASTE FUND; PROVIDING THAT BOARD OF COUNTY COMMISSIONERS FOR ELMORE COUNTY SHALL HAVE SOLE AUTHORITY TO CONTRACT FOR SERVICES PERTAINING TO A SOLID WASTE DISPOSAL SYSTEM, EXCLUDING CERTAIN MATERIALS FROM COLLECTION; ESTABLISHING MISCELLANEOUS RULES AND REGULATIONS; PROVIDING FOR INSPECTION; PROVIDING A PENALTY FOR VIOLATION OF PROVISIONS OF THIS ORDINANCE; PROVIDING THAT ELMORE COUNTY COMMISSIONERS MAY BRING ACTION TO OBTAIN AN INJUNCTION TO ENFORCE THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF ELMORE COUNTY:

Section 1: DEFINITIONS: For the purposes of this Ordinance, the following words shall have the meanings indicated, unless the context clearly indicates otherwise. Words not defined herein shall be given the meaning ordinarily applied to such words.

"Collection Site" means a disposal collection site as may be determined by the Elmore County Board of County Commissioners, including the Pine/Featherville collection site.

"Commercial Collector or Contract Hauler" means any person who hauls or transports for other persons or another person, any garbage or receivable through or up on the highway, road or street of this County for a fee or other consideration.

"Commercial Solid Waste" means solid waste generated by stores, offices, restaurants, warehouses, printing shops, service stations, and other non-manufacturing or non-household sources.

"Disposal Site" means a board-approved location where any treatment, utilization, processing or final deposition of solid waste occurs, including, but not limited to, collection sites, sanitary landfills, waste transfer stations, and public tipping areas.

"Garbage" shall include all putrescible waste, except sewage and body waste, including waste accumulated of animal food or vegetable matter, and including waste that attends the preparation, use, cooking, dealing in or storing meat, fish, fowl, fruit and vegetables, and shall include all such wastes or accumulations of vegetable matter of residences, restaurants, hotels, and places where food is prepared for human consumption.

"Garbage" shall not include recognized industrial byproducts.

"Hazardous Waste" means a waste or combination of wastes of a solid, liquid, semisolid, or contained gaseous form which, because of its quantity, concentration or characteristics (physical, chemical or biological) may:

(a) Cause or significantly contribute to an increase in deaths or an increase in serious, irreversible or incapacitating reversible illnesses; or

(b) Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitable, or reactive, or materials which may have mutagenic, teratogenic, or carcinogenic properties but do not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to national pollution discharge elimination system permits under the federal water pollution control act, as amended, 33 U.S.C., section 1251 et seq., or source, special nuclear, or byproduct material as defined by the atomic energy act of 1954, as amended, 42 U.S.C., section 2011 et seq.

"Infectious Waste" means medical waste generated at health care facilities, laboratories or mortuaries that contains any disposal equipment, instruments, utensils, or substances that carry pathogenic organisms from rooms of patients who have been diagnosed or are suspected of having communicable disease; laboratory wastes such as tissues, blood specimens, excreta, and secretions from patients or laboratory animals; disposable substances that carry pathogen organisms; and surgical operating room pathologic specimens, substances that carry pathogenic organisms, and other materials from outpatient areas in emergency rooms.

"Owner" and "Occupant" wherever herein may be used interchangeably, and shall mean every person in possession, charge or in control of any dwelling, flat, rooming house, or any eating place, shop, place of business, manufacturing or business establishments where garbage or other refuse is created or accumulated.

"Operator" wherever herein used, shall mean the person who holds a license or contract with the County, or is employed by the County, and is thereby authorized and designated by the County to collect, handle, transport and dispose of refuse and waste.

"Public Tipping Area" means a specifically designated location within a sanitary landfill where waste is deposited for final disposal.

"Putrescible Material" means solid waste that contains material capable of being decomposed by microorganisms.

"Refuse" means any waste product composed wholly or partially of such materials as garbage, trash, rubbish, litter, accumulated waste material, cans, containers, tires, junk or other substance, which may become a nuisance.

"Rubbish" means leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, Excelsior, wooden ware, printed matter, paper, paper board, pasteboard, grass, hay, straw, boots, shoes, hats and all other combustible materials not included under the term "garbage."

"Rubbish" shall not include recognized industrial by products.

"Rubble" means stone, brick, concrete, or similar organic material.

"Sanitary Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, excluding land application units, surface impoundments, injection wells or waste piles.

"Solid Waste Coordinator" or "Inspector" shall mean the authorized employee or employees of the County or some individual designated by the Commissioners as having the duty of the enforcement of this Ordinance.

"Waste" shall mean unwanted solid, liquid or gaseous materials.

"Waste Transfer Station" means a fixed intermediate facility, approved by the board for the centralized collection of solid waste and other collected material prior to transport for final disposal.

"White Goods" means appliances such as hot water heaters, stoves, washers and dryers, refrigerators, freezers and air conditioners.

Section 2: RESPONSIBLE AUTHORITY: The Elmore County Board of County Commissioners may appoint a solid waste coordinator, who shall be responsible for the enforcement of the provisions of this Ordinance, and other duties as the Commissioners may prescribe. In the absence of such an appointment, the Elmore County Board of County Commissioners shall be responsible for the enforcement of this Ordinance.

Section 3: COMPULSORY USE OF SOLID WASTE DISPOSAL SYSTEM: There is hereby established a system for the disposal of garbage, refuse and rubbish at the said Elmore County sanitary landfills, collection sites/waste transfer stations and public tipping sites.

Every owner or occupant of a premise located within the prescribed limits of Elmore County shall cause to be deposited his garbage, refuse, and rubbish in either the Elmore County sanitary landfill sites or in containers at collection sites/waste transfer stations as established by the Elmore County Board of County Commissioners.

It shall be unlawful for any person to engage in the business of collecting, transporting, hauling, or conveying any refuse over the public highways of Elmore County, or to dump or dispose of the same unless he has a current permit issued by the solid waste coordinator. This clause shall not be construed as prohibiting an individual to haul his own refuse to the Elmore County sanitary landfill or collection sites/waste transfer stations in accordance with the provisions of this Ordinance.

Section 4: REFUSE ACCUMULATION UNLAWFUL: It shall be unlawful for any person to permit or to accumulate in or about any yard, lot, place or premise, or upon any street, alley or sidewalk adjacent to such lot, yard, place or premises, owned or occupied by such person, any garbage or refuse so as to cause such yard, lot, or premise, owned or occupied by such person, to be or remain in such condition as to become, cause or create a public nuisance or offensive odor or atmosphere or rodent harborage.

Section 5: REFUSE CONTAINERS: It shall be the duty of every owner or occupant of any place where garbage or rubbish is created or accumulated to at all times keep or cause to be kept portable approved metal or plastic containers for the deposit therein of rubbish and garbage and except as otherwise provided, to deposit or cause to be deposited all rubbish and garbage therein. Such containers shall be kept in sanitary condition, with the inside and outside thereof washed at such times as to keep the same free and clean of all accumulated grease and decomposing material and so that no odor nuisance shall exist.

Section 6: FEES: For the operation and maintenance of the Elmore County sanitary disposal system, a special annual service fee per owner of the building per building category established by the Board of Commissioners. The schedule of fees is available for review in the Elmore County Assessor's Office.

Section 7: METHOD OF COLLECTION: The service fees provided for under the provisions of this Ordinance shall be a special service fee on the property served and shall be collected annually with the real estate taxes of the owner of the property served.

In the event it is a new residence or business, the assessment shall be prorated for the year in the same manner as their real property taxes are prorated.

Section 8: SOLID WASTE FUND: The proceeds from the collection of fees and charges herein provided shall be placed in a special fund to be known as the Solid Waste Fund, and all expenses of the County incurred for the operation of the solid waste system shall be paid out of such fund, and any surpluses remaining therein at the end of each fiscal year may be transferred to the General Fund of the County of Elmore.

Section 9: MATERIALS NOT ACCEPTED: The following materials shall not be disposed of at a collection site/waste transfer station, but shall be disposed of at an approved facility that accepts said materials.

1. Industrial and/or Commercial Waste;
2. Automobile bodies and other automobile parts;
3. Dead livestock or other dead animal carcasses;
4. Highly inflammable and explosive material;
5. Hazardous or caustic waste;
6. Large tree trunks and stumps;
7. Raw sewage, sludge, septic tank pumpings, or human or animal excrement;
8. Infectious or contagious waste;
9. Lead acid batteries;
10. Pesticides and other unexpended pesticide containers;
11. Waste tires;
12. White Goods, including appliances; and
13. Loose paper or other loose material.

Section 10: MISCELLANEOUS RULES AND REGULATIONS:

1. Garbage, refuse and rubbish shall be transported to the Elmore County sanitary disposal sites in a covered container that will not permit said materials to blow from the container or vehicle.

2. It shall be unlawful for any person to willfully turn over any container and spill the contents on any road, highway, street, alley, canal, ditch, irrigation structure, public ground, public water or public right-of-way.

3. It shall be unlawful to interfere with refuse collectors or refuse collection equipment.

4. It shall be unlawful to deliver burning materials to collection boxes or to the Elmore County sanitary disposal sites.

5. It shall be unlawful to burn materials in collection boxes/waste transfer stations.

Section 11: INJUNCTION: In addition to the criminal penalties provided for violation of this Ordinance, whenever it appears to the Board of County Commissioners that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this Ordinance or any Ordinance enacted pursuant to this Ordinance, the Board may bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this Ordinance or any Ordinance hereunder. Upon a showing that a person has engaged or is about to engage in an act or practice constituting a violation of this Ordinance hereunder, a permanent or temporary injunction, restraining order or writ of mandamus shall be granted. The Board of County Commissioners shall not be required to furnish bond.

Section 12: ENACTMENT CLAUSE: This Ordinance shall be in full force and effect from and after the date of its passage, approval and publication; provided that the effective date for implementation of the operation of the Elmore County landfills shall be the effective date of the contract between Elmore County and operator of the landfill.

Section 13: LICENSING AND CONTRACTING: The Board of County Commissioners of Elmore County shall have the sole authority to contract for services pertaining to disposal of garbage, refuse and rubbish, PROVIDED, HOWEVER, that the cities of Mountain Home and Glenns Ferry are expressly exempt from the provisions of this Ordinance insofar as it relates to providing for the collection of garbage, refuse and rubbish within the respective city limits and transporting said materials to the Elmore County sanitary landfill sites.

Section 14: INSPECTION: The Elmore County Sheriff or the Solid Waste Coordinator or his designee, or any other person concerned with the enforcement of laws shall have the right of ingress or egress to any premises for the purpose of inspecting all places and containers where rubbish and garbage is accumulated or kept.

Section 15: PENALTY: It shall be a misdemeanor, except at collection boxes or the Elmore County sanitary landfill sites located, maintained and operated as provided by this Ordinance, for any person to throw away, dump or discard any type of refuse on any public lands, any kind of right-of-way, or private land of another. A misdemeanor conviction shall be punishable by a \$1,000.00 fine, 180 days in jail or both such fine and jail.

In addition to the criminal penalties provided for violations of this section, civil damages in an amount up to three (3) times the actual damages suffered shall be

imposed upon the person so convicted to be used to restore the lands to the original state. Such civil actions shall be brought in and for the County of Elmore and any remainder of damages collected after restoration shall be used for maintenance and operation of the Elmore County solid waste disposal system.

Section 16: SEPARABILITY: If any clause, sentence, paragraph, section or phrase of this Ordinance or any part thereof is declared and adjudged to be illegal, invalid, or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.


The Elmore County Commissioners hereby declare that they would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof separately and irrespective of the fact that anyone or more of the sections, subsections, sentences, clauses or phrases be unconstitutional.

All ordinances and parts thereof which are in conflict with the provisions of this ordinance are repealed.

That this ordinance shall be in full force and effect from and after its passage, approval and publication.

Dated this 20th day of August, 2007.




Larry Rose, Chairman


Connie Cruser, Commissioner


Arlie Shaw, Commissioner

ATTEST:


Marsa Grimmatt, County Clerk