

ORDINANCE NO. 79-2

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 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: Words not defined herein shall be given the meaning ordinarily applied to such words.

The term "waste" shall mean unwanted solid, liquid or gaseous materials.

The term "refuse" shall mean solid wastes, including garbage and rubbish.

The term "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. The terms "garbage" shall not include recognized industrial byproducts.

The term "rubbish" shall mean refuse other than garbage (tin cans, bottles, ashes, paper, pasteboard, cardboard, or wooden pasteboard, cardboard, or wooden boxes, brush, leaves, weeds, and cuttings from trees, lawns, shrubs and gardens or other waste materials produced in normal course of doing business, or every day living.) The term "rubbish" shall not include recognized industrial by products.

The term "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.

The term "system" shall mean lands, sites, facilities, equipment and manpower necessary for collection, transportation, storage, treatment, processing, reuse, recycling or other means necessary for the disposal of solid waste.

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

The term "operator" wherever herein used, shall mean the person must hold a license or contract with the County, or be employed by the County, and thereby authorized and designated by the County to collect, handle, transport and dispose of refuse and wastes.

Section 2. RESONSIBLE AUTHORITY: The Elmore 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 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 of a disposal of garbage, refuse and rubbish at the said Elmore County Sanitary Landfill Sites.

Every owner and occupant of premises 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 in locations established by the Elmore 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 to 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 in accordance with the provisions of this Ordinance.

Section 4. REFUSE ACCUMULATION UNLAWFUL: It shall be unlawful for any person to permit or to suffer to accumulate.

in or about any yard, lot, place or premises, 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, premise, owned or occupied by such person, to be or remain in such condition as to cause or create a nuisance or offensive odor or atmosphere or rodent harborage, or thereby to be or to become, or cause or create a public nuisance.

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.

For the operation and maintenance of the Elmore County Sanitary Landfills, a special annual service fee per owner of the building per category as follows, to-wit:

Class I -- per single family residential homes, mobile homes recreational homes, duplexes and similar structures, a special service fee of \$18.00 annually per living unit per owner. This annual charge is based on a charge of \$1.50 per month per living unit.

Class II -- per commercial business, a service fee of \$30.00 annually per owner of the structure where said business is maintained. This annual charge is based on a charge of \$2.50 per month. A commercial business includes the following types of businesses, restaurants, bars, grocery stores, dry goods stores, furniture stores, clothing stores, theaters, motels, hotels, gas stations, garages, and similar structures.

Class III -- multiply apartment units, labor camps, condominiums, and similar multiply living units, a service

fee of \$30.00 annually plus \$12.00 annually per living unit. This annual charge is based on a charge of \$2.50 plus \$1.00 per living unit per month.

Class IV -- per industrial structure a service fee of \$60.00 annually per owner. This annual charge is based on a charge of \$5.00 per month. An industrial structure includes mobile home factories, food processing plants, and similar industrial type factories or plants.

Class V -- per professional business a service fee of \$18.00 annually per owner of the business structure. This annual charge is based on a charge of \$1.50 per month per business. A professional business includes doctor, dentist, optometrist, lawyer, insurance, real estate, accountant, and similar type businesses.

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 in 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 are not acceptable for collection:

1. Solid wastes from construction and demolition businesses
2. Automobile bodies and parts
3. Animal carcasses
4. Highly inflammable and explosive material
5. Highly toxic and caustic materials
6. Large tree trunks and stumps
7. Human or animal excrement
8. Infectious or contagious refuse

Section 10. MISCELLANEOUS RULES AND REGULATIONS:

1. Garbage, refuse and rubbish shall be transported to the Elmore County Sanitary Landfill Site 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 wilfully 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 Landfill Site.

5. It shall be unlawful to burn materials in collection boxes.

Section 11. INJUNCTION: In addition to the criminal penalties provided for violation of the county 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.

Section 13. LICENSING AND CONTRACTING: The Board of County Commissioners of Elmore County shall be the sole authority to contract for services pertaining to disposal of garbage, refuse and rubbish, PROVIDED, HOWEVER, That the cities of Mountain Home and Glens 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 their city limits and transporting said materials to the Elmore County Sanitary Landfill Site.


Section 14. INSPECTION: The Elmore County Sheriff or such persons as may be designated as Solid Waste Coordinator, 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 Site located, maintained and operated as provided by this Ordinance, for any person to throw away, dump or discard any type or nature of refuse on any public lands, rights-of-way of any kind, or private land of another. In addition to the criminal penalties for violation of this section civil damages in an amount of three (3) times the actual damage shall be imposed upon the person so convicted to be used to restore the lands to their 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 solid waste disposal systems.

Section 16. SEPARABILITY: If the Elmore County Solid Waste Disposal Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining

portion of the Ordinance. 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 any one or more of the sections, subsections, sentences, clauses or phrases be unconstitutional.


PASSED, By the Elmore County Commissioners in session this
22 day of October, 1979.


Chairman, Board of County
Commissioners, Elmore County, Idaho


Commissioner


Commissioner

ATTEST:


Clerk of the Board of the
Elmore County Commissioners