

ORDINANCE NO 164-94

**SOLID WASTE MANAGEMENT ORDINANCE**

AN ORDINANCE ESTABLISHING A SOLID WASTE DISPOSAL SYSTEM IN BONNEVILLE COUNTY, IDAHO, PROVIDING FOR A SHORT TITLE; DEFINITIONS; FINDINGS; APPLICABILITY; ESTABLISHMENT OF OFFICIAL SOLID WASTE DISPOSAL SITES; ESTABLISHMENT OF A SOLID WASTE FUND; MANAGEMENT OF SOLID WASTE; UNAUTHORIZED SALVAGING AT SOLID WASTE DISPOSAL SITES PROHIBITED; PERMITS FOR SOLID WASTE DISPOSAL SYSTEM COMPONENTS; RESPONSIBILITIES OF COMMERCIAL HAULERS; LOCATION AND HOURS OF DISPOSAL OF SOLID WASTE; HAULING SOLID WASTE; DISPOSAL OF HAZARDOUS WASTE, DANGEROUS OR UNAUTHORIZED WASTE MATERIAL; USER FEES; PENALTIES; SEVERABILITY; REPEALER AND EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO AS FOLLOWS:

**SECTION 1: SHORT TITLE**

This ordinance shall be known as the Solid Waste Management Ordinance.

**SECTION 2: DEFINITIONS**

- a. **Board:** The Bonneville County Board of County Commissioners.
- b. **County:** The County of Bonneville, a political subdivision of the State of Idaho.
- c. **Site:** Any official solid waste disposal site including any transfer station.
- d. **Dangerous, Hazardous Unauthorized Waste Material:** Any substance in any combination of solid, liquid or gaseous forms which, because of its quantity, concentration or characteristics, may cause or pose a substantial threat of injury to human health, or to the environment, or as otherwise defined by

federal, state or local law and including but not limited to hazardous materials, automobile batteries, white goods, large metal items, tires of any type and dead animals.

- e. **Department:** The Idaho Department of Health and Welfare.
- f. **EPA:** The United States Environmental Protection Agency.
- g. **Person:** Any natural person, firm, corporation or other entity, including municipalities, a state or federal agency, or a fraternal, educational or religious institution located within the County.
- h. **Sewage Sludge:** A semi-liquid substance consisting of settled sewage solids combined with water and dissolved material in varying amounts.
- i. **Solid Waste:** Solid Waste as defined by present Idaho Code § 31-4902 (7), or as subsequently amended.
- j. **Solid Waste Disposal System:** All lands, sites, facilities, equipment and manpower, owned or approved by the County, necessary or used for the collection, transportation, storage, treatment, processing, re-use, recycling or other means necessary for the handling and disposal of solid waste in the County. The system shall include all solid waste disposal system components approved by the County in existence at the time of and subsequent to the adoption of this ordinance.
- k. **Solid Waste Disposal System Component:** Any public or privately owned solid waste disposal site, collection location, disposal facility, transportation element, or other functioning part of the Solid Waste Disposal System for the County where one or more phases of solid waste disposal is carried out by one or more persons. A component shall not include the solid waste receptacle provided by a commercial solid waste hauler or generator for use by a single business, customer, or client, unless the receptacle is to be removed from the site where it regularly rests for transportation to or emptying at another location.
- l. **Solid Waste Disposal Site:** Any landfill or other facility and any land upon which containers are placed for public disposal of solid waste, as designated in Section 5 of this Ordinance, whether the land is publicly owned or is provided by a contractor pursuant to an agreement with the County.

### SECTION 3: FINDINGS

- a. Title 31, Chapter 44 of the Idaho Code requires counties in the State of Idaho to provide municipal solid waste disposal as deemed appropriate by the respective Board of County Commissioners.
- b. Idaho Code § 31-4406 requires counties in the State of Idaho to provide rules and regulations for their solid waste system.
- c. The Board adopts this Solid Waste Management Ordinance to further the purposes stated in Idaho Code § 31-4401. Specifically, this ordinance is designed to establish a solid waste disposal system in the County, to reduce the threat to health, safety and welfare posed by garbage, refuse and scrap, to maintain the natural and aesthetic setting of the land, water and air resources of the County, and to develop a coordinated and self-sufficient system to operate a unified solid waste disposal system.
- d. As authorized by Idaho Code § 31-4404, the County will fund the Solid Waste Disposal System with ad valorem taxes, user fees, current revenues and other sources of monies. The user fees are reasonably related to the benefit conveyed to the person charged the fee, are reasonable approximations of the cost of service, and will partially support existing and future solid waste disposal sites.
- e. The increased fees established under the Solid Waste User Fee Ordinance for solid waste from outside the County is justified because Bonneville County residents are charged an ad valorem tax and user fee to partially support the solid waste disposal system in the County while out of county residents are not charged such an ad valorem tax. Furthermore, any additional fee for solid waste generated outside of the County is justified because the County qualifies as a market participant and would not be subject to the restraints of the Interstate Commerce Clause of the United States Constitution. Any additional fee for solid waste generated outside of the County as established by the Solid Waste User Fee Ordinance only applies to the Solid Waste Disposal System, not to other landfills located in the County.

### SECTION 4: APPLICABILITY

All solid waste generated within the County and all solid waste generated elsewhere, but proposed or destined for disposal within the County, shall comply with the standards and procedures set forth herein. All solid waste shall be managed, whether during storage, collection, transfer, transport, processing, separation, composting,

treatment, re-use, recycling or disposal, to prevent health hazards, public nuisances or pollution of the environment.

**SECTION 5: ESTABLISHMENT OF OFFICIAL SOLID WASTE DISPOSAL SITES**

The following are established as the official solid waste disposal sites to be used by the residents and visitors of the County:

- a. Bonneville County Transfer Station; (Hemert Drive)
- b. Bonneville County Landfill (Peterson Hill)
- c. Other Landfills or Transfer Stations designated by the board.

**SECTION 6: ESTABLISHMENT OF A SOLID WASTE FUND**

To finance the operation of the Solid Waste Disposal System, there is created a Solid Waste Fund to be maintained as a separate fund within the Bonneville County Budget. This fund shall support activities necessary for the continued operation of the existing and future solid waste disposal system. The Board may establish special accounts within the Solid Waste Fund to meet anticipated operational needs of the solid waste disposal system as it deems necessary and proper.

**SECTION 7: MANAGEMENT OF SOLID WASTE**

The County reserves the right to authorize recycling of material in any official solid waste disposal site or any other solid waste disposal site approved by the County in accordance with standards and conditions set by the Board. Dangerous, hazardous or unauthorized waste material or improperly handled waste shall remain in the ownership of the person depositing the material until they are disposed of in compliance with this ordinance and other applicable federal, state, and County laws, statutes, ordinances, rules and regulations.

**SECTION 8: UNAUTHORIZED SALVAGING AT SOLID WASTE DISPOSAL SITES PROHIBITED**

Except as otherwise permitted by this Ordinance, no person shall salvage or attempt to salvage materials delivered to or deposited at an official solid waste disposal site. No party shall interfere or intercede in any way with the lawful activities of residents of the County or Solid Waste Disposal System users who are delivering or depositing solid waste for disposal at an official solid waste disposal site or with commercial haulers or County employees who are removing or handling materials which have been deposited at an official solid waste disposal site.

The County may grant a permit to qualified private contractors to sort and remove specific material deposited at a gated site. To qualify for such a permit, a private contractor shall agree with several conditions, including but not limited to a) executing an agreement to indemnify Bonneville County from any and all losses and damages, b) staying 100 feet away from operating equipment, c) not interfering with person(s) depositing solid waste, d) salvaging only the solid waste specified in the permit, e) not handling any hazardous, dangerous or unauthorized waste material, and f) immediately reporting the existence of any hazardous, dangerous or unauthorized waste material, and f) immediately reporting the existence of any hazardous, dangerous or unauthorized waste material to a County employee at an official solid waste disposal site.

#### **SECTION 9: PERMITS FOR SOLID WASTE DISPOSAL SYSTEM COMPONENTS**

The County may require an operator of any solid waste disposal system component to obtain a permit from the County. Permits may be granted for operation of solid waste disposal system components upon compliance with the standards set forth in this ordinance and with the applicable rules and regulations for official solid waste disposal sites adopted by the County and applicable state and federal agencies. Permit applicants shall bear full responsibility for showing compliance with the standards applicable to their proposed operation of a solid waste disposal system component. Fees may be charged for permit issuance as established by the Board.

#### **SECTION 10: RESPONSIBILITIES OF COMMERCIAL HAULER**

Any person collecting or hauling solid waste within the County may be required to report the location of disposal, the number of containers, their size and the frequency of pickup within or outside of the County to official solid waste disposal sites. These reports shall be filed in a form and on a schedule acceptable to the County. The County may establish bond requirements or similar financial guarantees to assure performance of responsibilities established by this ordinance.

#### **SECTION 11: LOCATION AND HOURS OF DISPOSAL OF SOLID WASTE**

It shall be unlawful, except at an official solid waste disposal site, for any person to throw away, dump or discard, or allowed to be dumped or discarded, or aid or assist in throwing away, dumping or discarding, or allow to be deposited or discarded any type of solid waste or litter on any public lands, rights-of-way of any kind, or private lands.

It shall be unlawful for any person to throw away, dump or discard any type of solid waste in or upon an official solid waste disposal site, at a time other than the regular business hours and days during which such site is open.

**SECTION 12: HAULING SOLID WASTE**

It shall be unlawful for any person to cause or to permit any vehicle used to haul or transport solid waste to be so loaded, or to be of such condition so as to permit any of such solid waste to drop or fall upon or to drop upon any public lands, rights-of-way of any kind or private lands all persons weather commercial or not shall cover all solid waste. A violation of this section may result in the imposition of criminal and civil penalties set forth in this ordinance.

**SECTION 13: DISPOSAL OF HAZARDOUS, DANGEROUS OR UNAUTHORIZED WASTE MATERIAL**

It shall be unlawful and a violation of this ordinance for any person to deposit or dispose of or in any way aid or assist in the deposition or disposal of, or provide for delivery of any dangerous, hazardous or unauthorized waste material within the Solid Waste Disposal System or anywhere within the County, unless specifically authorized at an official solid waste disposal site. Nothing in this ordinance is intended to conflict with the provisions of the Idaho Hazardous Waste Management Act, Idaho Code § 39-4401 et seq. or any other state or federal law or regulation.

**A. Prohibited Disposals**

No person shall deposit or discharge any of the following substances, into or upon an official or private solid waste disposal site or anywhere within the County:

- a. Hazardous or acutely hazardous waste pesticides designated by the Department or EPA.
- b. Hazardous solid waste as designated by the Department or the EPA.
- c. Flammable or explosive liquids, solids or gasses.
- d. Acids.
- e. Radioactive materials defined as hazardous materials under federal law and applicable regulations, including any substance required by the United States Department of Transportation to have type A packaging or type B packaging, as defined in 49 C.F.R § 173.426 or as subsequently amended.

- f. Oversized tires for which the County does not have a contract or capability to remove from a solid waste disposal site.

#### **B. Controlled Disposals**

No person shall deposit or discharge any of the following substances anywhere within the County, or into or upon an official solid waste disposal site, except at designated locations within an official solid waste disposal site:

- a. Appliances-washing machines, dryers, stoves, refrigerators, freezers or other large household appliances.
- b. Vehicles.
- c. Sewage sludge.
- d. Tires of any type.
- e. Automobile batteries.
- f. Chemical cans-before being accepted, must be emptied, triple rinsed and punctured.
- g. Paint.
- h. Yard waste-trees, shrubs, limbs, leaves, grass or similar material.
- i. Construction or demolition waste.
- j. Solid waste, other than the above listed substances.

#### **C. Special Burials**

The following materials may be deposited into an official solid waste disposal site only by special permission of the County:

- a. Asbestos.
- b. Animals or any portions of animals.

#### **SECTION 14: USER FEES**

To partially fund the operations of the Solid Waste Disposal System, the Board shall establish a user fee to be assessed annually. Such user fees shall be set by Ordinance, known as the Solid Waste User Fee Ordinance.

User fees shall be paid by all persons and by municipal and commercial haulers of solid waste dumped or deposited, which is generated or picked up within the County or outside the boundaries of the County as assessed.

There shall be a separate and additional fee set by the Solid Waste User Fee Ordinance for all persons and municipal and commercial haulers for controlled disposals and special burials at any official solid waste disposal site.

#### SECTION 15: PENALTIES

A violation of any provision to this ordinance shall be a misdemeanor, punishable by a fine not to exceed \$300, or imprisonment for a period not to exceed six (6) months in the county jail, or both for each offense. Each day that such a violation occurs or continues shall constitute a separate criminal offense.

Any violation of any provision of this Ordinance may also result in the filing of a civil complaint for civil damages imposed upon any person committing such act. The civil damages shall amount to three (3) times the actual damage or cost to restore the site of disposal to its original condition, whichever is greater. Such civil action shall be filed in the County and any remainder of damages collected after restoration shall be deposited in the Solid Waste Fund. Whenever it appears to the Board that any person has engaged or is about to engage in any act or practice constituting a violation of state law or of this Ordinance, the County may bring an action to enjoin any such acts or practices and to enforce compliance with state law or with this Ordinance. Any civil action for civil damages described above shall be in addition to the criminal penalties set forth in this ordinance.

#### SECTION 16: SEVERABILITY

The provisions of this ordinance are severable and the invalidity of any part of this ordinance shall not affect the validity of the remainder of the ordinance.

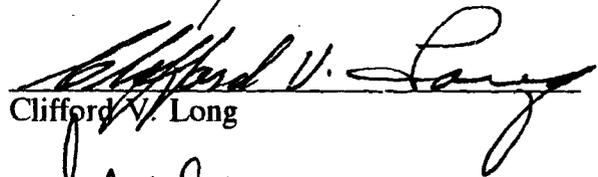
#### SECTION 17: REPEALER

Bonneville County Ordinance No. <sup>Health and Sanitary</sup> ~~of 1968~~ and all ordinances or parts thereof in conflict herewith are repealed.

#### SECTION 18: EFFECTIVE DATE

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

IT IS SO ENACTED THIS 4<sup>th</sup> DAY OF May, 1994.

  
Clifford V. Long

  
Edith Stanger

  
Lee Staker

ATTESTED BY:

  
County Clerk, Deputy

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