

ORDINANCE NO. 167-94

TIRE DISPOSAL/PURCHASE ORDINANCE

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO, that the following Tire Disposal/Purchase Ordinance be enacted for the purpose of providing for the control of the disposal of tires, the eradication of improper disposal, the promotion of recycling, and the health, safety and welfare of the public.

Section 1.1: POLICY: It shall be the policy of Bonneville County, Idaho and Bonneville County Solid Waste System to accept tires for disposal. Said tires will not be disposed of in landfills but instead will be disposed of by the County through various means as the County deems in its best interests. Tires will be processed for recycling to meet the requirements of Chapter 65, Title 39 of the Idaho Code, as amended.

Section 2.1. DEFINITIONS:

"Tire" shall mean any rubberized material generally used for the purpose of conveying a vehicle, implement, equipment, etc. from one location to another location, excepting therefrom bicycle and wheelbarrow tires.

"Bonneville County resident" or "business" shall mean any person or business owning or leasing property or operating a business within the confines of Bonneville County, Idaho.

"Solid waste disposal system" shall mean a division of Bonneville County authorized by the Board of County Commissioners to provide for the appropriate unlawful disposal of

tires.

Section 3.1: FEE CHARGED ON PURCHASE/NON-DISPOSAL: It is the belief of the Bonneville County Commission that most effective means of providing for the cost of disposal is to collect said cost at the time of sale of said tires. Such will provide for those tires which may be removed out of the County and disposed of, and those tires which may be illegally disposed of and for which liability or penalty cannot be established. For this purpose, the aforementioned fees shall be charged at the time any tire, whether new or used, is sold in Bonneville County, Idaho. All persons or entities selling tires shall keep accurate accounting of all tires sold and shall provide the accounting to Bonneville County on a quarterly basis with payment, as provided herein. Further, all tire sellers within Bonneville County shall be subject to an audit by Bonneville County of all of their books relating to the sale of tires for the purpose of verifying that the amounts collected are correct and have been paid over to Bonneville County.

Section 3.2: FEE ESTIMATE: Further, any seller of tires not making payment to the County in a timely fashion as provided for herein shall be assessed an estimated charge by the Solid Waste Disposal System which shall be assessed and included on a tax roll of the entity or person and shall become a lien against all property, whether personal or real property owned by the person or entity. Further, said tire seller shall be subject to a fine of \$100.00 per day for every day of late payment.

Section 3.3. TERMS AND PAYMENTS: There shall be no charge to County residents and County businesses for the disposing of tires except as specifically provided for herein. Tire sellers shall have the right to make application to Bonneville County to create a billing system for their businesses. Anyone with an account with Bonneville County shall make said payment on a quarterly basis with each quarter ending on March 31, June 30, September 30, and December 31. All fees collected shall be paid within ten (10) days after the close of each quarter. Tire sellers who do not create an account with Bonneville County shall be required to make payments on a daily basis.

Section 4.1: FEE SCHEDULE: The Board of County Commissioners of Bonneville County shall set on or before October 1 of each year a fee schedule for the calendar year 1995 shall be in such amount as is provided for in Exhibit "A" attached hereto. Prior to October 1 each year, the Commissioners shall be authorized by resolution to adopt a fee schedule which shall become effective under this Ordinance and shall become the appropriate fee schedule under this Ordinance for the subsequent calendar year. Said fee shall be charged upon the sale of any tire as described in this Ordinance. Schedule A shall be the fee schedule for the period of January 1, 1995 to December 31, 1995.

Section 5.1: PROCEDURE: Procedure Chapter 65, Title 39 of the Idaho Code defines proper disposal procedures for waste tires. Said legislation provides for a fine of \$500.00 per tire if disposed of through a landfill. The intent of the legislation is to encourage the recycling of tires and to create an available rubber source for road construction as directed

in Federal legislation. Businesses and residents of Bonneville County may dispose of tires at the Bonneville County Waste Transfer Station without charge. Non-residents and businesses of Bonneville County may dispose of tires at the Bonneville County Waste Transfer Station by making payment in the amounts set by the Bonneville County Commissioners. All persons or entities will be charged an additional cost of \$5.00 per tire for each tire mounted on a rim. Tires from bicycles and wheelbarrows and lawnmowers are exempt from recycling requirements and may be disposed of at the Bonneville County Waste Transfer Station at no charge for said bicycle and wheelbarrow tires.

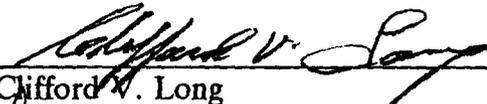
Section 6.1: ENFORCEMENT: Any private residents and businesses whether or not a resident of Bonneville County disposing of tire(s) in a manner which does not conform to the procedures outlined above may be denied disposal until proper procedures are followed. Failure to follow disposal as set forth herein shall be deemed inappropriate and unlawful disposal.

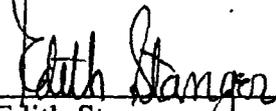
Any person unlawfully depositing or disposing of, or in any adding or assisting in the disposing or depositing of or providing for delivery of any tire within the Bonneville County Solid Waste Disposal System, or anywhere within Bonneville County in an improper manner, shall be civilly liable for the full cost and expense of the cleanup, control, elimination, abatement, radication, decontamination and other remediation which is undertaken by Bonneville County or any other public agency to properly correct damage or potential damage associated with said violation and/or (a) civil responsibility for the violation, (b) criminal misdemeanor liability for maximum of six (6) months imprisonment and/or \$300.00 fine, and/or (c) civil liability for cleanup costs.

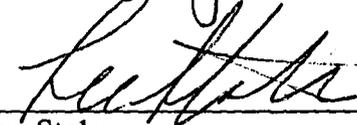
Section 7.1: CIVIL AND CRIMINAL REMEDIES: The prosecution of any civil remedy of this Ordinance set forth shall not bar the prosecution of any criminal proceeding herein provided.

Section 8.1: PENALTIES: Any person violating any provision of this Ordinance shall be guilty of the greater of a Five Hundred and no/100 Dollar (\$500.00) fine for each tire improperly disposed of as provided by Chapter 65, Title 39 of the Idaho Code or shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided under the definition of misdemeanor and misdemeanor convictions in Idaho Code.

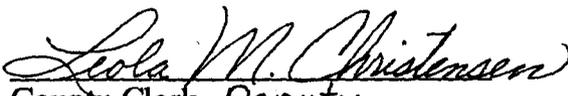
IT IS SO ENACTED THIS 26th DAY OF October, 1994.


Clifford V. Long


Edith Stanger


Lee Staker

ATTESTED BY:


County Clerk, Deputy

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TIRE FEE SCHEDULE
Bonneville County

Businesses and residents of Bonneville County may dispose of tires at the Bonneville County Waste Transfer Station at the charges as set forth herein. The proposed fees are for tires with the rims removed, an additional fee of \$5.00 will be assessed per tire for automobile and light truck tires still on the rim. Large truck, agricultural implement, and earth moving equipment tires will not be accepted if the tires are still on the rim.

Automobile and Light Truck tires:	\$1.50 per tire.
Large Truck tires:	\$3.00 per tire.
Agricultural implement tires:	\$20.00 per tire.
Earth Moving equipment tires:	\$50.00 per tire.

Tires to be disposed of will be accepted at the Bonneville County Waste Transfer Station located at 2455 Hemmert Avenue, Idaho Falls, during normal working hours of 07:00AM until 07:00PM Monday through Saturday.

Tire dealers will collect said fees at the time of sale of said tires at the time any tire, whether new or used, is sold in Bonneville County, Idaho. All persons or entities selling tires shall keep accurate accounting of all tires sold and shall provide the accounting to Bonneville County on a quarterly basis with payment, as provided herein. Quarterly payments shall be made within 10 days of the end of each quarter. The end of the quarters are considered to be March 31, June 30, September 30, and December 31. All tire sellers within Bonneville County shall be subject to an audit of their books relating to the sale of tires by Bonneville County for the purpose of verifying that the amounts are correct and have been paid over to Bonneville County.

This fee schedule is considered to be "Exhibit A" as referenced in Bonneville County Ordinance No. 167-94, and titled "Waste Tire Disposal Fee".