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Ordinance No. 1-2001

AN ORDINANCE OF BUTTE COUNTY, IDAHO, AMENDING BUTTE COUNTY ORDINANCE NO. 2-1996 AND 1-1994 AS ADOPTED AND PASSED BY BUTTE COUNTY. THIS ORDINANCE IS TO CONSOLIDATE ALL ORDINANCES OF BUTTE COUNTY RELATED TO SOLID WASTE, TO PROVIDE FOR ASSESSMENT OF FEES, ADDITIONAL FEES, CLARIFYING AN EXEMPTION FOR DEPARTMENT OF ENERGY LANDS AND AGENCIES, DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Butte County, Idaho:

I. General Provisions:

1. Declaration of Policy and Purposes:
It is the purpose of this ordinance to institute within the County of Butte, State of Idaho, an orderly solid waste disposal system, and to provide for the protection of public health, environmental quality, public safety and welfare.

2. Definitions.

2.1 System means land, sites, facilities, equipment and manpower necessary for storage, treatment, processing, reuse, recycling, or other means necessary for the disposal of solid waste.

2.2. Solid Waste means all solid material that is considered to be useless, unwanted or discarded by any person in possession of it. This includes but is not restricted to garbage, trash, rubbish, dead animals, tires, and construction waste.

2.3 Disposal means the act or process of final placement, distribution or arrangement in an orderly manner of solid waste so as to deal with it conclusively in compliance with Idaho Code and the rules and regulations of the Idaho Department of Health and Welfare relating to solid waste.

2.4 User means

a) All commercial and public establishments in Butte County, Idaho, including but not limited to motels hotels, resorts, automobile repair garages, churches, schools, office buildings, recreational vehicle parks, restaurants, campgrounds, bars, taverns, grocery stores, gas stations, retail stores beauty shops, barber shops, hospitals, laundry and dry cleaning establishments;

b) All private residences; and

c) Public agencies or governmental entities, e.g., U.S. Forest Service, Bureau of Land Management, Fish and Game, U.S. Post Office, National Park Service, ASCS, FmHA and Soil Conservation Service, and others.

d) Private contractors and entities located within Butte County on lands owned by the United States Department of Energy, who apply for and obtain a User Permit in accordance with Article VI, herein.

2.5 Household means one family or a group of related individuals living together in one residential unit, apartment, or house.

2.5 Collection Site means a designated point, which may be either a disposal site or a dumpster or other means of temporarily containing and transporting solid waste.

2.6 Unit of Use means the amount of garbage or solid waste produced by an average household in one year.

2.7 Household Waste means garbage, trash, refuse and other solid wastes normally disposed of by a household and includes paper products, plastic products, cans, etc.

3. Designated Disposal and/or Collection Sites are:

3.1 Disposal Sites. The following are established disposal sites in Butte County:

a) The principal disposal site in Butte County shall be the site previously known as the Arco Sanitary Landfill located Northwest of the City of Arco and described as follows:

An area approximately 1.5 miles East of the City of Arco and approximately located in the E ½ of Section 32, Township 4 North, Range 27 East Boise Meridian.

b) A secondary disposal site to be known as the Howe Sanitary Landfill which is located North of the Howe town site and described as follows:

An area approximately one-half mile North of the Howe town site and approximately located in the NW 1/4 of the SW 1/4 of Section 4, Township 5 North, Range 29 East Boise Meridian

3.2 Establishment of other Disposal Sites. The Board of County Commissioners may designate other disposal sites or modify the

established disposal sites by resolution. All new designated sites and modifications to existing sites shall be in accordance with the solid waste laws of the State of Idaho and the rules and regulations established by the board of Health and Welfare of the State of Idaho.

3.2 Collection Sites. The Board of County Commissioners may establish collection sites as needed by resolution. Resolutions establishing collection sites shall be published in a newspaper of general circulation within the County. The resolution shall state the location of the collection site and limitations on the refuse, garbage and waste allowed at the collection site. Further, the Board of County Commissioners may alter, add to or delete from the list of collection sites by resolution, which shall also be published in a newspaper of general circulation within the County.

II. DISPOSAL AT DESIGNATED SITES IN COMPLIANCE WITH RULES AND REGULATIONS OF DEPARTMENT OF HEALTH AND WELFARE REQUIRED. All disposal of solid waste shall only be at designated disposal sites, and shall be done in such a manner as to comply with rules and regulations promulgated and adopted by the State Board of Health and Welfare. It shall be a violation of the Ordinance for any person, except at a designated disposal site, to throw away, dump, or discard any type or nature of solid waste on any public lands, rights of way of any kind, or private land of another.

III. UNLAWFUL TO NEGLIGENTLY TRANSPORT SOLID WASTE FOR DISPOSAL. It shall be unlawful for any person transporting solid waste to a collection site or disposal site to discard, intentionally or negligently, any solid waste, garbage or refuse along the public highways of this County.

III. TIRES NOT TO BE ACCEPTED AT SOLID WASTE DISPOSAL SITES OR COLLECTION SITES. Tires shall not be accepted at any Butte County solid waste disposal site or collection site. It shall be a violation of this Ordinance for any person to throw away, dump, or discard any tires at any Butte County solid waste disposal site or collection site. Tires shall be taken to a tire dealership for disposal.

IV. ESTABLISHMENT OF FEES.

A. Establishment of Fee Schedule. The Board of County Commissioners shall establish a fee schedule. The fee schedule shall be established by Resolution of the Board of County Commissioners. The Fee Schedule shall be published in a newspaper of general circulation of Butte County.

B. Modification of Fee Schedule. The Board of County Commissioners may review the Fee Schedule annually at the annual budget meeting. In the event, the Board of County Commissioners proposes to change the Fee Schedule at a time other than the annual budget meeting, the Board shall give notice of its intent to modify the Fee Schedule and the date and time of a public hearing at which interested persons may attend and present evidence and

testimony concerning the proposed change. Any amendments or modifications to the Fee Schedule shall be made by Resolution and published in a newspaper of general circulation of Butte County.

C. Contents of Fee Schedule. The Fee Schedule shall consist of the following:

(1) Fee for One Unit of Use or Household Fee.

(2) Special Fees for the disposal of waste not ordinarily considered household waste and requiring special handling by the system. Special Fees may be establish for items for disposal including but not limited to dead animals, construction waste, automobiles, industrial waste (not hazardous), etc.

V. ASSESSMENT OF ANNUAL FEES. All Users shall be assessed an annual User Fee.

A. Users Assigned Units of Use.

(1) Private Residents shall be assigned an annual user fee equivalent to the fee for one (1) unit of use. This is the fee designated as the household fee.

(2) All commercial users, government and public agencies shall be assigned units of use. The Board of County Commissioners shall base the assigned units of use upon a determination of the estimated volume of solid waste produced as compared to an average household. The assessed fee shall be the units of use multiplied by the number of assigned units of use.

(3) The County Clerk shall maintain a list of all commercial users, governmental and public agencies and the units of use assigned to each user.

(4) Any user assigned more than one unit of use may petition the Board of County Commissioners between November 1 and December 1 of any year to review the assigned units of use. The Board of Commissioners may consider changes to any User's assigned units on the first Commissioner meeting in the month of December. In the event the Board of Commissioners is considering a change to any User's assigned units who has not filed a petition, it shall give the User notice of intent to review the assigned units at least 10 days before the hearing. Any review of the assigned units of use shall be conducted according to the rules set forth in the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.

VI. COLLECTION OF FEES.

A. Collection of Annual User Fee. All assessed fees shall be a special assessment levied and assessed on the real property served, and billed with the tax notices on said properties, and due as set out in said same manner as collection of ad valorem taxes, and shall become a lien on the property assessed. Any User exempt from the payment of ad valorem taxes shall pay the assessed fee on or before January 20th of the year due. Failure on the part of any User exempt from the payment of ad valorem taxes to pay the assessed fee may result in termination of the right to dispose solid waste at the disposal sites in Butte County.

B. Collection of Special Fees. Persons, businesses and entities disposing non-household solid waste in categories designated by the Board of Commissioners pursuant to paragraph IV(C) will be assessed the fee at the time of disposal. The special fee shall be paid

within 90 days of the assessment to the Butte County Auditor's office. The Butte County Auditor is authorized to send statements to Users accordingly. Failure to pay the assessment may result in the loss of disposal privileges until the amount is paid.

VI. EXEMPTION OF INEEL PROPERTY. Lands owned and operated by the United States Department of Energy or its designated agents and known as the Idaho National Engineering and Environmental Laboratory (INEEL) shall be exempt from this Ordinance.

A. User Permit. Any contractor or governmental agency located on lands within Butte County and within the area known as the INEEL may apply to the Butte County Commissioners for a User Permit to dispose of solid waste in the system in Butte County. The Board of County Commissioners may designate the form of the application and the information needed on the application. The Butte County Commissioners shall determine whether to accept the application. Upon the acceptance of an application, the Board of Commissioners shall establish an assigned number of units of use and assessed fee in accordance with Section IV of this Ordinance.

VI. ADMINISTRATION:

1. Responsible Agency: Butte County, Idaho.

2. Functions and Power:

2.1 As defined under Idaho Code Section 31-4401 through Section 31-4411.

2.2 To establish an orderly solid waste disposal system and to establish the necessary fees and policies to adequately administer said system.

VII. UNLAWFUL TO DISPOSE OF WASTE FROM OUTSIDE COUNTY. It shall be unlawful for any person, acting for him/herself, or on behalf of any other person or any business, to dispose at any Butte County landfill, any solid waste, as that term is defined that originated from any place outside of the geographic boundaries of Butte County.

VIII. VIOLATIONS PUNISHABLE AS MISDEMEANOR AND BY CIVIL PENALTIES. Violation of the terms of this Ordinance, including non-payment of fees assessed, is hereby declared to be a Misdemeanor punishable be a fine of not to exceed THREE HUNDRED DOLLARS ($300.00) and/or imprisonment in the County Jail for a period not to exceed SIX (6) MONTHS. IN ADDITION to the criminal penalties, any person convicted of disposing of solid waste at a place other than a designated solid waste disposal site shall be assessed civil damages in an amount of three (3) times the actual damage, to be used to restore the lands to their original state; and any remainder of damages collected after restoration shall be used for maintenance and operation of the solid waste disposal system.

VIII. EFFECTIVE DATE. This Ordinance shall be in full force and effect on and after its passage, approval and publication according to law.

PASSED AND APPROVED by the Board of Commissioners of Butte County, Idaho this 13 day of AUGUST, 2001, an Emergency existing therefor, three reading have been waived.

SIGNED by the Chairman of the Board of Commissioners of Butte County, Idaho this 13 day of AUGUST, 2001.

BUTTE COUNTY IDAHO
Board of County Commissioners

By: _____
SETH E. BEAL, Chairman

ATTEST:

_____
JUDITH R. BAILEY, Clerk
Butte County Board of Commissioners