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ORDINANCE NO. 3-90

Butte County Solid Waste Disposal

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BUTTE COUNTY, IDAHO, PROVIDING FOR THE NECESSARY RULES AND REGULATIONS FOR THE OPERATION AND MAINTENANCE OF SOLID WASTE DISPOSAL SYSTEMS: RESTRICTING DISPOSAL OF SOLID WASTE TO APPROVED SOLID WASTE DISPOSAL SITES: PROVIDING THAT FUNDS TO ACQUIRE, OPERATE AND MAINTAIN SOLID WASTE DISPOSAL SITES BY THE COLLECTION OF FEES FROM THE USERS OF THE SOLID WASTE DISPOSAL SITES WILL BE SET BY RESOLUTION: PROVIDING THAT VIOLATIONS ARE MISDEMEANORS: PROVIDING FOR CIVIL PENALTIES, PURSUANT TO I.C. 31-4410; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATE.

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

I. General Statements:

1. Declaration of Policy and Purposes: It is the purpose of this ordinance to institute within the County of Butte 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 lands, 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, 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 rules

and regulations 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 drycleaning 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, National Park Service, ASCS, FmHA and Soil Conversation Service, and others.

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.

3. Designated Disposal and/or Collection Sites are:

3.1 Disposal Sites. The principal disposal site shall be the site previously known as the Arco Sanitary Landfill located Northwest of the City of Arco: other disposal sites may be designated in the future by resolution of the Board of County Commissioners.

3.2 Collection Sites. Collection sites will be selected as soon as practicably possible, and confirmed by a resolution of the Board of County Commissioners, and their location published in a newspaper of general circulation within the County; collection sites will be established at various geographic locations within the County, including but not limited to Howe area. Any or all of these sites may be designated by resolution of the Board of County Commissioners as disposal sites. PROVIDED THAT: Nothing in this subsection shall prevent the Board of County Commissioners from altering, adding to, or deleting from, the above list of

designated collection sites, by resolution in open meeting.

II. DISPOSAL AT DESIGNATED SITES IN COMPLIANCE WITH RULES AND REGULATIONS OF DEPARTMENT OF HEALTH AND WELFARE REQUIRED. All disposal of solid waste shall at designated disposal sits, 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. COLLECTION OF FEES FROM USERS TO FUND OPERATION; FEES SET BY ANNUAL RESOLUTION. All users of the designated solid waste disposal sites shall be assessed an annual fee which fees shall be set by Resolution of the Board of County Commissioners. Beginning with fiscal year 1990-1991, and subsequent years, the County Commissioners shall set the fees by Resolution at their annual budget meeting, and said 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 person assessed under this Ordinance shall have the right to appear before the Board of County Commissioners at its regular December meeting, to protest and/or request adjustment of said assessment; this protest appearance shall be conducted according to the rules set forth in the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.

IV. EXEMPTIONS. There shall be exempted from this ordinance property located in the part of Butte County known as Idaho National Engineering Laboratory.

V. 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.

VI. VIOLATIONS PUNISHABLE AS MISDEMEANOR AND BY CIVIL PENALTIES. Violations of the terms of this ordinance, including non-payment of fees assessed, is hereby declared to be a Misdemeanor punishable by 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 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.

VII. 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 November 1990 an Emergency existing therefor, three readings have been waived.

Those voting aye 3; Those voting nay 0.

SIGNED by the Chairman of the Board of Commissioners of Butte County, Idaho this 13 day of November 1990.

BUTTE COUNTY IDAHO
Board of Count Commissioners

By: James O. Andreason
JAMES O. ANDREASON, Chairman

ATTEST:

Judith R. Bailey
JUDITH R. BAILEY, Clerk
Butte County Board
of Commissioners