

BOISE COUNTY ORDINANCE NO. 2008-02

AN ORDINANCE PROVIDING DEFINITIONS, RULES, REGULATIONS, AND PROVISIONS FOR THE HANDLING, HAULING, TRANSPORTING, KEEPING AND DISPOSING OF GARBAGE, REFUSE AND RUBBISH ON PUBLIC AND PRIVATE PROPERTY WITHIN THE UNINCORPORATED AREAS OF BOISE COUNTY, DESIGNATING COUNTY COLLECTION SITES AND TRANSFER STATION, PROVIDING FOR RATES AND FEES, PROVIDING FOR ENFORCEMENT, PENALTIES FOR VIOLATIONS AND AN EFFECTIVE DATE.

SECTION I: REPEAL & SHORT TITLE

Boise County Ordinance #2006-03 is hereby repealed. This Ordinance shall be known and cited as the Boise County Garbage and Refuse Ordinance.

SECTION II: PURPOSE

This Ordinance is adopted for the purpose of protecting the health of the public, providing for orderly and prompt disposition of garbage and refuse, regulating the storage of garbage and refuse on any premises, providing for sites for county sanitary collection sites and transfer station and use thereof by all parties, and to provide uniform standards for the protection of the public in handling of garbage and refuse.

SECTION III: DEFINITIONS

Administrator: Shall mean the Boise County Planning and Zoning Administrator.

Appliance: Shall mean refrigerators, stoves, washers/dryers and the like.

Board: Shall mean the Boise County Board of County Commissioners.

Board of Health or Health Authority: Central District Health, District IV or such agency or unit of government which may succeed in the powers, duties and responsibilities of said authority.

Commission: Shall mean the Boise County Planning and Zoning Commission.

Construction & Demolition (C & D): Those materials which are the product of new materials from remodeling construction, a destroyed building or partially destroyed building caused by fire, flood, act of any person or by act of God, which include but is not limited to lumber, concrete, piping, roofing, bricks, cinder blocks, pavement or other like material.

Garbage: Shall mean putrescible refuse, including waste accumulation of animal or vegetable matter, and including waste that attends the preparation, use, serving, cooking, dealing in, or storing of meats, fish, fowl, fruits and vegetables. Small dead animals not weighing over fifteen (15) pounds shall be included in this definition. The term "garbage" shall not include sewage, human body waste or recognized industrial by-products.

Hazardous Waste: Shall mean a waste or combination of wastes of solid, liquid, semisolid, or contained gaseous form which, because of its quantity, concentration or characteristics (physical, chemical or biological), may:

- a) cause or significantly contribute to an increase in serious, irreversible or incapacitation reversible illnesses; or
- b) pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such waste includes, but are not limited to materials which are toxic, corrosive, ignitable, or reactive, or materials which may have mutagenic, teragenic, or carcinogenic properties but do not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to national pollution discharge elimination system permits under the Federal Water Pollution Control Act, as amended, 33 U.S.C., Section 1251 et seq., or source special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended, 43 U.S.C., Section 2011 et seq.

Large Furniture: Shall mean any recliner, couch, mattress, desk, and chest of drawers.

Medical Waste: Waste which may contain infectious agents generated or produced as a result of the diagnosis, treatment or immunization of human beings or animals, or related research, including but not limited to non-containerized sharps, infectious laboratory waste, waste from the production of bacteria, viruses or spores, human surgery specimens, infectious animal parts, or trace amounts of chemotherapeutic agents affixed to items used for the administration of same. Excludes de minimus quantities of containerized sharps or other medical waste generated at households.

Owner and Occupants: Wherever herein used will be used interchangeably and shall mean every person in possession, charge or in control of any dwelling, flat, rooming house, apartment house, hospital, school, hotel, motel, restaurant, boarding house or any shop, place of business, manufacturing or business establishment where garbage or trash or refuse is created or accumulated.

Person: Shall mean any person, firm partnership, association, institution or corporation, and in the plural as well as the singular.

Premises: Shall be taken to mean any dwelling, flat, apartment, rooming house, hotel, motel, club, restaurant, hospital, school, boarding house, eating place, shop, and place of business or any other building or structure.

Refuse: Shall mean items of trash, litter, drugs and other leavings which by their nature are noxious, odoriferous or are subject to the development of bacteria, virus or other hazards to health, but excluding inert matters such as trees, lumber, scrap iron, ashes cinders, or similar matter.

Residence: As used in the Ordinance, shall be taken to mean the place of dwelling of one head of family and his or her dependants.

Rubbish: Shall mean items other than garbage or refuse, such as waste materials produced in the course of every day living of an inert nature, not tending to produce noxious odors or development of health hazards through the growth of bacteria or virus, being such items as ashes, cinders, lumber, trees, uncontaminated paper and cardboard, and miscellaneous waste material such as, but not limited to, coal, automobile bodies, and the like.

Disposal Site: Shall mean such areas so designated by the Board which shall be the only areas where garbage and refuse may be dumped on public or private property within Boise

County, and such private areas which have been appropriately licensed by the Board on recommendations by the health authority.

Urbanized Area: Shall mean all unincorporated areas of Boise County within one (1) mile of any municipal corporation or any government section with a density of five premises or more.

SECTION IV: CONDITION OF PROPERTY

No person shall throw, deposit or permit to accumulate any refuse, garbage, or rubbish in any building or any premises, improved or vacant, or any lot or area, either public or private, within Boise County, so that it is, or is likely:

To be a source of flies or fly breeding;

To afford food or harborage of rodents or other animals;

To be a source of noxious, odorous or of conditions detrimental to public interest, dangerous or prejudicial to health or a health nuisance.

The burning of garbage, refuse or rubbish at any place or in any manner in Boise County shall be permitted only if done in accordance with and as permitted by State and Federal statutes, regulation and agreements, specifically those governing air quality, water quality and fire safety.

No person shall burn, incinerate, bury, dump, collect, remove, or in any other manner dispose of rubbish, garbage, or other refuse within Boise County, except as hereby provided. No person shall throw, discard or deposit any trash, garbage or other refuse in or upon any roadway, street, alley, sidewalk, vacant ground, or in or upon any canal, irrigation ditch, drainage ditch or other watercourse within Boise County.

It shall be unlawful for any person, upon vacating or moving from dwellings, storerooms, or any other building situated in an urbanized area, to fail to remove all garbage or rubbish from such buildings and premises and also the grounds pertinent thereto; or to fail to place the same in a thoroughly sanitary condition twenty-four (24) hours after the said premises shall be vacated.

Compost piles may be maintained for fertilization purposes, and matter used for fertilization purposes only may be transported, kept and used, provided the same shall not constitute a nuisance.

It shall be the duty of the owner or occupant of any place where garbage, trash or other refuse is created or accumulated to at all times keep or cause to be kept portable appurtenances consisting of metal or other approved type of container for the deposit therein of trash and garbage or other refuse and, except as otherwise provided, to deposit or cause to be deposited all trash and garbage or other refuse therein.

SECTION V: USE AND FEES

As provided all persons within Boise County will use the designated County collection sites or transfer station for all garbage, rubbish and refuse accumulated through normal every day domestic living or small business operation.

No hazardous waste or medical waste will be accepted by any Boise County facility, except as designated by resolution by the Board of Commissioners.

No household waste, construction and demolition debris or vegetative waste shall exceed six (6) feet in length when deposited in any container or bin or on the tipping floor of a transfer station.

In addition to those fees imposed by Resolution in accordance with Boise County Ordinance 82-2, relating to solid waste disposal, miscellaneous fees will be set by separate Resolution by the Board and reviewed annually.

Any exceptions to this Section shall be approved by the Boise County Commissioners.

SECTION VI: TRANSPORTING REGULATIONS

It shall be unlawful for any person hauling garbage, refuse or rubbish to do so without securing or providing a cover, bag or lid to prevent loss of garbage, refuse or rubbish. This section is to prevent littering, scattering, blowing, or loss of such material so transported. A fee may be established by resolution of the Board to be collected for each unsecured load at a Collection Site or Transfer Station. Revenue from this fee shall be divided between the Boise County Solid Waste Department and the Boise County Community Service Program, as determined by the Board, to defray the cost of litter and garbage pick up and disposal.

SECTION VII: DESIGNATED COLLECTION SITES AND TRANSFER STATION

The Board hereby designated one (1) location as the County Transfer Station and three (3) locations as Collection Sites. They are located as follows:

- a) Warm Springs Collection Site - located west of Idaho City on Warm Springs Ridge just off of Centerville Road.
- b) Garden Valley Collection Site - located north of Crouch, west of the Middle Fork Road.
- c) Lowman Collection Site - located west of Ten Mile Creek on Ten Axe Road.
- d) Horseshoe Bend Transfer Station and Collection Site - located west of Horseshoe Bend, off the old Emmett Road.

The Solid Waste Supervisor shall oversee the operation of the transfer station and collection sites, specifically including the setting of hours of operation, placement and segregation of various categories of material. The Solid Waste Supervisor will report to the Board for final approval of operation plan.

SECTION VIII: COLLECTION OF MONEY

The Board designates and appoints the Boise County Auditor to promulgate procedures for the collection of money at the solid waste collection sites and transfer stations, including the bonding of employees if appropriate in cooperation with the Solid Waste Supervisor.

SECTION IX: ENFORCEMENT

Each violation of any regulation hereunder shall be a misdemeanor. Such violations shall be punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding three hundred dollars (\$300), or by both fine and imprisonment.

Whenever the health authorities shall have determined that a violation of these provisions has occurred, or is about to occur, it shall notify the Board and make a recommendation of the action to be taken. The Board may refer the matter to the Boise County Prosecuting Attorney with a recommendation for legal action.

SECTION X: VALIDITY AND EFFECTIVE DATE

Should any section, subsection, paragraph, sentence, or clause hereof, or any particular application thereof be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provision of this Ordinance.

In the event the health authority fails to act or carry out its responsibilities hereunder, the Board may assume all such duties and responsibilities and direct the Boise County Planning & Zoning Administrator, the Boise County Sheriff, and/or Boise County Prosecuting Attorney to act accordingly.

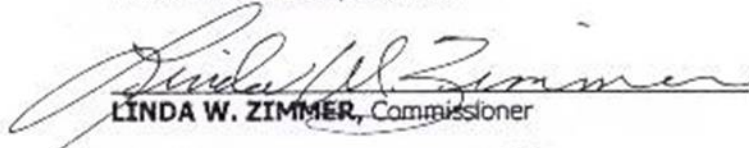
This Ordinance shall be in full force and effect immediately following the publication of same in the Idaho World.

APPROVED AND ADOPTED in Open Session on June 16, 2008 in Boise County, Idaho.

BOARD OF BOISE COUNTY COMMISSIONERS



FRED H. LAWSON, Chairman



LINDA W. ZIMMER, Commissioner



TERRY C. DAY, Commissioner

Attest:



Constance Swearingen, Clerk of the Board