

## **BOISE COUNTY ORDINANCE 2008-01**

### **AN ORDINANCE OF BOISE COUNTY PROVIDING FOR CONSTRUCTION DEBRIS TRANSPORTATION AND TIPPING FOR NEW RESIDENTIAL AND COMMERCIAL CONSTRUCTION; FEES; APPEALS; AND EFFECTIVE DATE.**

#### **SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES**

##### **1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of Idaho has in its statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Boise County, Idaho does ordain as follows:

##### **1.2 FINDINGS OF FACT**

(1) Idaho Title 31-4401 declares it to be the public policy of the State of Idaho that solid waste disposal systems be established, maintained and operated in each of the several counties of the State for the purpose of reducing the threat to health posed by uncollected garbage, refuse and scrap; for the purpose of maintaining the natural and esthetic setting of our land, water and air resources; for the purpose of providing a means for reclamation of otherwise unusable land areas; and for the purposes of such other cultural, social, economic and sanitation reasons as may be necessary from time to time.

(2) Idaho Title 31-4404 allows for collection of fees from the users of the solid waste disposal facilities.

(3) Boise County has an established solid waste disposal system including the collection, transportation and disposal of construction and demolition debris.

(4) US EPA Report NO. EPA-530-R-98-010, Characterization of Building Related Construction and Demolition Debris in the United States and The National Association of Home Builders Research Center estimates 8,000 pounds or 50 cubic yards of waste is landfilled for a typical 2,000 square foot home.

(5) It is desirable that the generators of construction debris from new residential and commercial construction bear the cost of transportation and disposal and that those costs be collected when building permits are issued.

##### **1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize effects of the cost of the disposal of waste generated from new construction to the general public in Boise County.

(1) To provide for the disposal of construction debris;

(2) To minimize expenditure of public money to pay for construction debris disposal;

(3) To recover the costs for transportation and disposal of construction debris from the generator.

#### **1.4 OBJECTIVES**

In order to accomplish its purpose, this ordinance includes methods and provisions for:

- (1) Recovering the cost for transportation and disposal of construction debris
- (2) Requiring that fees be collected at the time building permits are issued by the Planning and Zoning department and that the fees are deposited in the Boise County Solid Waste Account less five percent (5%) retained for administration.
- (3) Except as otherwise specified, all fees shall be set by resolution of the Board. Fees are non-refundable except as approved by the Board. Disposal of Construction and Demolition Debris from a project not covered by this fee will be charged at the per cubic yard fee as set by Resolution of the Board.

#### **SECTION 2.0 DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"APPEAL" means a request for a review of any provision of this ordinance or a request for a variance.

"BOARD" means the Board of commissioners of Boise County, Idaho

"CONSTRUCTION AND DEMOLITION DEBRIS" means those materials which are the product of new materials from remodeling or construction, a destroyed building or partially destroyed building caused by fire, flood, act of any person or by act of God, which include but are not limited to lumber, plywood, concrete, piping, roofing, bricks, cinder blocks, pavement or other like material..

#### **SECTION 3.0 ADMINISTRATION**

##### **3.1 DESIGNATION OF THE ADMINISTRATOR**

The Planning and Zoning Administrator is hereby appointed to administer and implement this ordinance by collecting construction waste disposal fees as established by Resolution at the time building permits are issued. Fees will be deposited in the Solid Waste Fund less five percent (5%) retained for administration. A copy of the worksheet and / or receipt of fees paid and shall be forwarded to the Solid Waste Department. A copy of the worksheet and / or receipt shall be provided to the applicant.

##### **3.2 SOLID WASTE DEPARTMENT**

The Solid Waste Department Head shall establish procedures to track the disposal of construction debris from construction projects which have had fees paid. Fees paid are valid as long as the building permit is valid, four years from issue or until construction is complete which ever occurs first. Disposal of Construction and Demolition Debris from a project not covered by this fee will be charged at the per cubic yard fee as set by Resolution of the Board.

##### **3.3 VARIANCE PROCEDURE**

The Board of Commissioners shall hear and decide appeals and requests for variances from the requirements of this ordinance.

**SECTION 4.0 EFFECTIVE DATE**

**4.1 EFFECTIVE DATE**

This Ordinance shall take full force and effect on June 16, 2008, and publication as required by Title 31-715 Idaho Code.

**APPROVED AND ADOPTED** in Open Session on June 16, 2008.

**BOISE COUNTY BOARD OF COMMISSIONERS**

  
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**FRED H. LAWSON**, Chairman

  
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**LINDA W. ZIMMER**, Commissioner

  
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**TERRY C. DAY**, Commissioner

**ATTEST:**

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**Constance Swearingen**, Clerk to the Board