

ORDINANCE NO. 2001-03

AN ORDINANCE PROVIDING FOR THE REPEAL OF BOISE COUNTY ORDINANCE NO. 98-6, THE COLLECTION AND TRANSPORTATION OF SOLID WASTE: SETTING FORTH A PURPOSE; DEFINING TERMS; REQUIRING A LICENSE; ESTABLISHING THE CONTENTS OF THE LICENSE APPLICATION; ESTABLISHING MINIMUM REQUIREMENTS FOR OBTAINING LICENSES; ESTABLISHING A LICENSE FEE; ESTABLISHING RENEWAL FEES; PROVIDING PENALTIES AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BOISE COUNTY, IDAHO:

SECTION I

REPEAL & SHORT TITLE

Boise County Ordinance 98-6 is hereby repealed. This Ordinance shall be known and cited as the Boise County Collection and Transportation Ordinance no. 2001-03.

SECTION II

PURPOSE

The purpose of this ordinance is to promote health, safety and welfare of the people of Boise County, Idaho, and to fulfill the County's responsibilities under Idaho Code Section 31-4401, et seq., by providing minimum requirements for persons desiring to engage in the business of solid waste collection and transportation.

SECTION III

DEFINITIONS

For the purpose of this ordinance, the following terms shall have the following meanings. The definitions herein may be deleted, amended, modified, or added to by resolution.

Collection Site: A County operated receptacle site for the deposit of solid waste located in Lowman, Garden Valley, Horseshoe Bend, and Warm Springs and/or other sites designated by the Board of Boise County Commissioners.

Collector: The person or entity licensed by the County to operate, conduct, and maintain a solid waste collection, removal, and hauling system in the County.

Construction & Demolition (C&D): Those materials which are the product of 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.

County: The County of Boise, State of Idaho.

Occupant: A person who resides, residential or commercial, where solid waste is created or accumulated.

Landfill: The Warm Springs Site at which solid waste is disposed.

Solid Waste: Any ashes, garbage, refuse, rubbish, or any combination thereof.

Transfer Station: A site developed near Horseshoe Bend for the purpose of transferring solid waste collected in Boise County to an approved Landfill.

SECTION IV

LICENSES REQUIRED

No person, partnership, association, firm or corporation shall collect, transport or dispose of any solid waste of others, for hire or other consideration, in any area of Boise County, including incorporated areas within the County which are not currently providing their own or contracting for solid waste collection, without first having obtained a license for the same from the County. The provisions of this section shall not be construed so as to prohibit any person from transporting solid waste when such solid waste is collected and transported from the premises of which such person is the occupant.

SECTION V

License Application:

All applications for licenses shall be made to the County Commission. Each application shall state the following:

1. Name and address of applicant.
2. Business name and address.
3. Federal and State Tax Numbers.
4. Proposed area to be serviced.
5. Type of waste to be collected.
6. Proof of insurance.
7. Additional information as may be required by this Ordinance.

SECTION VI

License Requirements:

1. Insurance: No license shall be issued unless the applicant files with the County Clerk a Certificate of Insurance, issued by a duly authorized insurance company authorized to do business in the State of Idaho, stating that the applicant is insured in the sum of at least \$1,000,000.00 against liability on account of bodily injuries and/or death of any person or persons, and for the sum of at least \$1,000,000.00 Commercial General Liability.

The liability limits may be increased in accordance with Idaho Code Section 6-926.

The policy of insurance shall contain the following endorsement:

It is agreed that no cancellation of the policy at the request of the named insured or the company shall become effective until after sixty (60) days written notice of such proposed cancellation has been filed with the County Commissioners and that the insurer will notify the County Clerk at least thirty (30) days prior to the expiration date fixed on the policy of the expiration thereof.

2. Equipment: A list of all equipment to be used by the collector shall be furnished with the license application, and all such equipment shall be made available for inspection by the County. All vehicles to be used by the collector shall be in a clean and sanitary condition. All vehicles shall be designed and construed to be easily loaded, readily emptied, easily cleaned, and suitably enclosed or covered to prevent road littering. All vehicles shall be equipped with one (1) shovel, one (1) broom and (1) adequate fire extinguisher per vehicle. All vehicles shall comply with all state and federal regulation or laws concerning commercial licensing and marking.
3. Need for Services: All applications shall contain written information which demonstrates a need within the County for the services of a collector. Such information shall include, but not be limited to:
 - a. A description of the proposed areas to be serviced by the collector.
 - b. A statement of the types of waste to be collected. Failure of an applicant to demonstrate that a need exists for the services proposed to be offered, shall be grounds upon which to deny a license to the applicant.
 - c. The County reserves the right to deny any application for any other reasonable grounds.
4. Disposal of Collection: All solid waste must be hauled to the county landfill, collection site and/or transfer station. There will be no solid waste transported to the county landfill, collection sites and/or transfer station from outside of Boise County boundaries without approval from the Board of Commissioners. The Solid Waste Supervisor may grant interim approval in an emergency situation subject to full approval of the Board of Commissioners at the next scheduled meeting.

5. Responsibility: All contracting collection transporters are responsible for solid waste contents until delivered to County facility.

SECTION VII

Exclusivity:

The County reserves the authority pursuant to its police power and Idaho Code Section 31-4401, et. Seq. To grant an exclusive license or to enter into an exclusive contract with a licensee providing for the collection and transportation of solid waste from all areas, including cities within the County by one (1) collector.

SECTION VIII

License Fees:

An annual fee of FIFTY and NO/100 DOLLARS (\$50.00) shall be paid by the applicant, upon the granting of such license. The license shall be displayed in any vehicle engaged in hauling solid waste to the county landfill / transfer station.

SECTION IX

License Renewal

A license issued pursuant to the terms of this Ordinance shall be renewable annually, upon payment to the County of an annual renewal fee of FIFTY and NO/00 DOLLARS (\$50.00). Failure of a licensed collector to meet the requirements of this Ordinance shall be grounds to revoke or refuse to grant a renewal of the license.

SECTION X

Penalties:

The violation of any duty imposed by this Ordinance or the refusal or neglect to comply with any of the duties or conditions imposed by this Ordinance upon any person, or the obtaining of a license by a collector shall be deemed unlawful and prosecuted and punished as a misdemeanor, with imprisonment in a county jail not to exceed six (6) months, or by a fine not to exceed three hundred dollars (\$300.00) or both.

SECTION XI

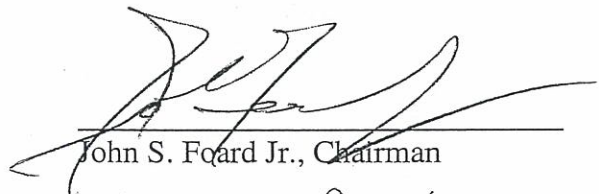
Effective Date:

The effective date of this Ordinance shall be the 7th day of May, 2001, and this Ordinance shall be in full force and effect immediately following the publication of same in the Idaho World.

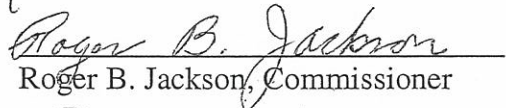
SECTION XII

This Ordinance may be amended by resolution.

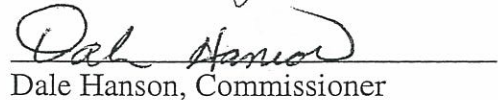
Approved and Adopted by the Board of
County Commissioners of Boise County,
State of Idaho, on this 7th day of May, 2001.



John S. Foard Jr., Chairman



Roger B. Jackson, Commissioner



Dale Hanson, Commissioner

ATTEST:



Rora A. Canody, Clerk of the Board