

65. (Amends Ord. #58) 2019 Solid Waste

IDAHO COUNTY ORDINANCE NO. 65

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF IDAHO COUNTY ORDINANCE NO. 58 REMOVING LIMITATIONS ON SOLID WASTE FEES FOR RESIDENTS AND COMMERCIAL BUSINESSES IN INCORPORATED CITIES.

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

Idaho County Ordinance No. 58 passed and adopted on the 29th day of September, 2009 shall be amended to read as follows:

ARTICLE I: AUTHORITY, PURPOSE AND SCOPE

SECTION 1: Authority and Purpose.

The purpose of this ordinance is to continue a solid waste disposal system in Idaho County, Idaho, compliant with current Federal and Idaho State rules and regulations pursuant to the authority of and in compliance with Title 31, Chapter 44 of the Idaho Code.

SECTION 2: Short Title.

This ordinance shall be known and cited as “The 2009 Solid Waste Ordinance of Idaho County.”

SECTION 3: Scope of Ordinance.

This ordinance shall apply to all lands and premises in Idaho County, Idaho, including those lands within the corporate limits of cities even if they are operating and maintaining a solid waste disposal system of their own. It is the finding of the County Commissioners that all citizens within the County contribute to solid waste production, and should contribute financially as herein described to the overall County solid waste system. A continuing exception to the scope of this ordinance shall be lands held in trust by the United States for Native Americans.

In selecting and agreeing with solid waste contractors the County shall have the right to divide the County into geographic areas and assign portions of the County to different contractors. Geographic areas assigned to the contractors at the date of this ordinance shall be continued, until further amendment of this ordinance.

ARTICLE II: DEFINITIONS

SECTION 4: Definitions:

For purposes of this ordinance the following words and phrases shall have the following meanings:

A. Ashes: The residue from the burning of wood, coal, or other combustible materials.

B. Board: The Board of County Commissioners of Idaho County, Idaho.

C. Bulky Items: Any items exceeding 3' in length, width or height.

D. Commercial Premises: Multi-family dwellings, rooming houses, apartment houses, hospitals, nursing and convalescent homes, hotels, motels, restaurants, drive-in establishments, mobile home parks, trailer courts, schools, kindergartens, and any other place of habitation, office, shop, farming or ranching operations, or establishment or place of conducting a business, trade, profession, or occupation.

E. Contractor: A person or entity holding a license or contract with the County or employed by the County and thereby authorized or designated by the County to collect, handle, transport, and dispose of solid waste.

F. County: The County of Idaho, State of Idaho.

G. Generator: The term generator shall mean any resident of a residential unit or business unit who creates any solid waste of any kind, including but not limited to "hazardous" or "infectious" wastes.

H. Hazardous Waste: Hazardous waste shall mean any chemical, compound, mixtures, substance or article which is designated by the United States Environmental Protection Agency or other appropriate agency of the Federal Government or the State of Idaho to be "hazardous" as that term is commonly defined or defined pursuant to law to include certain petroleum products.

I. Industrial Waste: Includes all waste from industrial, agricultural, logging or other business that is not acceptable for collection as being too bulky, hazardous or inflammable.

J. Infectious Waste: The term infectious waste shall mean any material, chemical, compound, mixture, substance, or article known to be infectious by the producer or which is designated by the United States Environmental Protection Agency or other appropriate agency of the Federal Government, or the State of Idaho to be “infectious” as that term is commonly defined or defined pursuant to law.

K. Person: The United States or agencies thereof, any state or public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate, or any other entity.

L. Premises: Land and all buildings and structures thereon, including, but not limited to, single or multi-family dwellings, rooming houses, apartment houses, hospitals, nursing and convalescent homes, hotels, motels, restaurants, drive-in establishments, schools, kindergartens, and any other place of habitation, office, shop, farming or ranching operations, or establishment or place of conducting a business, trade, profession, or occupation.

M. Putrescible Waste: Solid wastes capable of being decomposed anaerobically with sufficient rapidity as to cause nuisances from offensive odors or produce fly-breeding conditions.

N. Recyclable Materials: Products, including paper, cardboard, metal, glass, or other substance capable of being re-processed into consumer materials, which have served the purpose for which they were originally manufactured or produced and have passed through their end usage as consumer items, and which have been discarded or placed for collection by their owner, whether or not such products have monetary value.

O. Recycling Center: The term recycling center shall mean any materials recovery facility that receives recyclables, then sorts, bails, loads or physically alters the material and transports the commodities to markets.

P. Refuse: All garbage and rubbish, more particularly referred to as municipal solid waste (MSW) and non-municipal solid waste (Non-MSW).

Q. Resident or Owner: Every person, including lessees and occupants, in possession, charge, custody or control of any premises, residential or commercial, where solid waste is created or accumulated.

R. Residential Units: Every type of dwelling unit, including, but not limited to, houses, apartments, and mobile homes.

S. Rubbish: The term rubbish shall mean refuse other than garbage (tin cans, bottles, ashes, paper, pasteboard, cardboard, or wooden boxes, incidental, non-commercial grass and leaves, and or construction and demolition waste materials produced in the normal course of doing business or every-day living).

T. Solid Waste: All solid material that is considered to be useless, unwanted, or discarded by the person in possession of it, including but not limited to ashes, garbage, refuse, rubbish, or any other discarded material resulting from community activities. The term solid waste shall mean any garbage or refuse resulting from community activities as follows:

1. Inert waste shall mean non-combustible, non-hazardous, and non-putrescible solid wastes that are likely to retain their physical and chemical structure and have a de minimis potential to generate leachate under expected conditions of disposal.
2. Garbage shall mean all putrescible waste, except sewage and body waste, animal and human, including waste that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, and shall include all such waste or accumulations of vegetable matter of residences, restaurants, hotels and places where food is prepared for human consumption. It shall also include small animals. The term garbage shall not include recognized industrial bi-products or hazardous and infectious waste as defined by the Idaho State Department of Health and the United States Environmental Protection Agency.

U. Solid Waste Coordinator: The authorized employee of the County or individual designated by the Board as having the duty of the enforcement of this ordinance.

V. System: The lands, sites, facilities, equipment, regulation, procedures and schedules established by this ordinance for the collection, transportation, storage, treatment, processing, reuse, recycling or other means necessary for the disposal of solid waste in Idaho County, Idaho.

W. Transfer Station: A facility or portion thereof where solid wastes are transferred from a vehicle or container and subsequently transported off-site to another facility. A transfer station does not include an authorized rural drop-box or other facilities where persons are authorized to store individual waste for ultimate collection and disposal, or any other facility that stores solid waste generated at the facility for collection and disposal off-site. A transfer station shall include waste tire collection sites as defined in Section 39-6501, Idaho Code.

X. White Goods: The term white goods shall mean household appliances including, but not limited to, refrigerators, ranges, washers, dryers, etc.

ARTICLE III: DESIGNATED DISPOSAL SITE

SOLID WASTE DISPOSAL SYSTEM

SECTION 5: Designated Collection Sites.

Any Solid Waste Contractor authorized by contract with the County shall with the advice and consent of the Board designate places in the County for the location of refuse containers for the purpose of dumping and depositing refuse.

SECTION 6: Collection Site Refuse Containers.

A. At each collection site designated by the Board, there shall be located and maintained refuse containers, which shall be sufficient in size or number to receive and contain the accumulation of refuse deposited therein between collection dates. All containers shall be maintained in a good working order, clean, painted and sanitary condition by the authorized contractor.

SECTION 7: Maintenance of Collection Sites.

A. Each collection site shall be maintained in a clean and sanitary manner by the contractor serving each site unless there is abnormal abuse of any dumpster or dumpster site and then it shall be a joint effort of the contractor and the County, to enforce the provisions of this ordinance relating to dumpster abuse.

B. Each person depositing refuse at such sites shall deposit all refuse in the refuse containers provided therefore and shall be responsible for cleaning up any spillage of waste caused by such person at such sites. A failure to comply with this paragraph by any person shall constitute a misdemeanor punishable by up to a \$1,000.00 fine, up to 6 months in jail, or both. If cleanup is not performed by the person causing the same, they will be charged for any cleanup costs incurred by Idaho County. If said person refuses to pay the cleanup costs a lien will be placed on the person's property for any cleanup costs.

SECTION 8: Collection Site Container Service Schedule.

The Board shall have the authority by contract to require contractors to service disposal sites with sufficient frequency to dispose of all refuse accumulated at such site allowing appropriate compensation for increased service when that occurs.

SECTION 9: Limitation on Use of Designated Collection Sites.

There shall be two types of collection sites, gated and non-gated.

A. Requirements at non-gated sites: The only dumping allowed in designated non-gated collection sites is basic household garbage and incidental non-commercial yard waste. No person shall deposit any of the following items at the designated disposal sites: industrial waste, hazardous waste, bulky items, concrete, asphalt, rocks, masonry products, metal products in excess of 6" in length, width or height; appliances: including but not limited to, refrigerators, freezers, microwaves, washers, dryers, ovens, or stoves; tires, automotive batteries, wire fencing, furniture, tree stumps larger than 12" in diameter, branches or limbs larger than 6" in diameter, or dead animals.

B. Requirements for gated sites: The only dumping allowed in designated gated facilities is basic household garbage and incidental non-commercial grass and leaves. Brush and tree limbs are not allowed.

C. All persons paying a residential fee are authorized to use the system and may create or accumulate a continuous volume of up to one cubic yard of refuse each week without being subject to paying an additional fee to the contractor, for refuse in excess of the one cubic yard.

Within cities that are served by solid waste contractors under separate contracts it is presumed that each residential household and small commercial businesses have one-half yard capacity per week available to them in either solid waste carts or garbage cans.

All persons paying one-half of a commercial fee are authorized to use the system and may create or accumulate a continuous volume of up to one cubic yard of refuse each week without being subject to paying an additional fee to the contractor, for refuse in excess of the one cubic yard.

D(1). Residents within cities within Idaho County, which cities have independently contracted for door to door pickup of solid waste shall pay a fee to the County. The rate actually charged shall be set annually by the Board of County Commissioners.

(2) Within cities and other areas that are currently receiving door to door solid waste service on properties upon which are located multifamily structures (apartments or duplexes) they shall be billed in the following manner:

They shall be billed for each unit in that structure less 10% of the calculated total as a vacancy credit.

(3) Each mobile or manufactured home unit that is used as a permanent residence shall be treated as a separate residence for billing purposes, regardless of whether the same is within a mobile home park or not.

(4) Within the rural county multifamily structures (apartments and duplexes) shall receive full County rural residential bill for each unit less 10% of the calculated total as an occupancy credit.

E. In the alternative, in the discretion of the Board, rather than adding the City's contribution to the tax bills annually, the County may reach an agreement with each incorporated City that has door to door service and an existing contractor agreements to have the City administer and pay the City's fee to the County, on a quarterly or semi-annual basis in lieu of adding the City's fee to the County tax bill.

F. The Board, in its discretion, shall be permitted to continue a solid waste levy on all applicable properties pursuant to the authority found in Idaho Code §31-4404(1).

G. No person owning or occupying premises within or upon lands held in trust by the United States for Native Americans shall deposit any solid waste from such premises at the designated disposal sites unless the Nez Perce Tribal Council has entered into a contract with the County joining the County system.

H. The current solid waste policy statement, which is Exhibit A to this ordinance, shall be applicable and is hereby adopted as part of this ordinance for hardship cases, exemption, and non-users.

I. Tires and white goods. All users authorized to use the system must dispose of white goods and tires at a transfer station or designated roll-off. Said users are allowed to dispose of four passenger car or light duty truck tires, without rims, a month. Commercial tire companies must have a disposal agreement with a solid waste contractor which addresses proper disposal of used tires. The County shall permit each contractor to charge individual users of the system a separate fee for the disposal of tires and white goods equal to the amount that the County is billed for the disposal of such items and when the contractors receive funds from users the County shall not be billed for the disposal of such items.

All persons desiring to dispose of tires must properly dispose of said items at a transfer station.

J. The County shall also have the ability to authorize the contractor to charge additionally for hazardous waste added to the County system.

K. Any person causing damage to the gates, fences or signs at the designated collection sites shall be guilty of a misdemeanor and shall be punished by a fine up to \$1,000.00 or jail up to 6 months or both.

SECTION 10: Operation of Transfer Stations.

Since federal and state law now require all non-inert solid waste to be transported to an approved Subtitle D landfill, the Board shall be permitted to agree with solid waste contractors that transfer stations shall be operated by the contractors, which will allow the transfer of solid waste from collection and private vehicles into a common location where it can then be compacted and re transferred into sufficient trailers to transport it to an approved landfill. The County shall also allow, pursuant to state and federal regulations, contractors to operate a Non-MSW, inert, or benign landfills at any sites approved by the Idaho Public Health Department or other regulatory agency in the County's discretion. Future solid waste contracts shall address the responsibility of contractors to transport non-inert or benign solid waste to approved landfills and otherwise appropriately deal with and bury Non-MSW, inert, or benign solid waste at local landfills.

A. Transfer Station Facilities.

The County shall cause contractors to provide transfer station facilities that include as a minimum a covered building with two (2) bays and a drop box. Each such facility shall be capable of handling at least 40 tons of solid waste each day and shall provide for expansion based upon growing population. All buildings must include push walls and a concrete tipping floor. The design of any building must be flexible enough to adapt to different hauling systems. Scales must be included to weigh the waste stream that is ultimately transported to an approved facility. All transfer stations will have adequate facilities for employees, including restrooms, a telephone, and an operator's station. All buildings and materials in place or hereafter constructed shall be of an adequate workmanship to comply with all current building and electrical codes and all such facilities must be certified by the Idaho Public Health Department and be operated in the future according to Health District guidelines, including as well any other applicable federal and state rules and regulations. The County shall provide in its contract for specific hours of transfer station operation and in the event of conflict within a contractor the arbitration rules described in Article III Section 5 are incorporated herein as a mechanism to solve such disputes.

In the event that the County approves contracts for solid waste disposal with contractors who own their own transfer stations the County shall have the right in any executed contracts to continue to use those transfer stations, after the termination of any contract with a particular contractor for at least six (6) months so that the County system of solid

waste disposal is not unreasonably interrupted while alternate plans are being developed and such transfer station owners shall be reasonably compensated.

B. Change of Federal or State Law.

In the event of a change in federal or state laws or regulations concerning solid waste disposal and handling the County shall be permitted to adjust and negotiate its then existing contractual obligations to remain compliant with any potential changes in laws. This will include but not be limited to Non-MSW, inert, or benign landfill operation, solid waste disposal and handling, the ultimate disposal of white goods and tires and the handling of hazardous waste or any other potential law change.

SECTION 11: Mandatory Use of the System.

A. All solid waste in Idaho County must be disposed of in the County Solid Waste Disposal System as herein provided.

B. Garbage and rubbish must be disposed of:

1. By depositing the same at the designated disposal sites or taken to the available transfer stations throughout the County. All citizens are encouraged to segregate inert waste from putrescible waste and the County shall by contract encourage its contractors to make solid waste containers available for the segregation of Non-MSW, inert, and benign waste from all other waste, or,
2. By contracting with an authorized collector for the disposal of the same if any solid waste production exceeds the maximum specified herein, or,
3. By depositing the same at the appropriate landfill area after obtaining appropriate permission from the contractor or operator of the landfill, or,
4. By disposing of the same pursuant to a special permit as herein provided and approved by the Idaho Public Health Department.

C. Industrial waste, excluding hazardous waste and bulky items shall be disposed of by dumping the same either at the transfer station or at a designated Non-MSW, inert, or benign landfill after obtaining an appropriate permit therefore and by paying any additional fees required for such excess volume.

D. Hazardous materials and dead animals shall be disposed of in accordance with the rules, regulations and directives of the Idaho Public Health Department or the Idaho Department of Health and Welfare.

SECTION 12: Operation and Maintenance of System.

The Board reserves the right to perform the maintenance and operation of the solid waste disposal system in any of the ways authorized by Section 31-4403 of the Idaho Code, or any combination thereof.

SECTION 13: Funding or Maintenance and Operation.

A. In addition to and explanation of Section 9 above, the maintenance and operation of the solid waste disposal system shall be funded by the assessment and collection of a fee upon each residence or commercial property and any mobile trailer, storage shed/container sited for long-term and/or occasional use on any State, Federal or privately owned property within Idaho County, Idaho.

All property owners who receive an agricultural exemption on their ad valorem taxes shall pay a solid waste fee as described in this ordinance unless they are specifically exempted pursuant to Section 16B of this ordinance.

B. The solid waste fee for those receiving agricultural tax exemptions, shall be equal to one half of the then existing commercial rate set by the Board. The amount of the fee shall be determined by the Board and may include potential surcharge increases for increases in costs, including but not limited to proven fuel, insurance, and ultimate tipping fees.

C. All such fees and any levy charges authorized in Section 9 hereof, shall be billed annually by the Idaho County Treasurer with the annual tax statement or as otherwise directed by the Board. All fees and taxes levied by the Board shall be payable and collected in the same manner as are real and personal property taxes under Title 63 Chapters 11, 12, and 13 of the Idaho Code.

D. All fees collected shall be placed in a special fund to be known as the Solid Waste Fund, and all expenses of the County in the establishment and operation of the system shall be paid therefrom so long as funds are available therein. Any funds from fees collected for solid waste service remaining therein at the end of each fiscal year shall be retained in the Solid Waste Fund. In the event the funds in the Solid Waste System are at any time insufficient to maintain and operate the system, such expenses may be paid by order of the Board from current revenues of the County, in accordance with Section 31-4404 of the Idaho Code.

SECTION 14: Unlawful Accumulation of Solid Waste.

It shall be unlawful and a misdemeanor punishable as herein described for any person to accumulate or to permit or to cause the accumulation in or about any premises or

upon any road, street, alley, or public way adjacent to such premises owned or occupied by such persons, any solid waste in any amount or manner that will contribute to or result in danger to public health, or the creation or existence of a nuisance or safety hazard, or the pollution of water or air or excessive land abuse.

In addition to the criminal penalties for violation of this section civil damages in an amount of up to three (3) times the actual damage shall be imposed upon the person so convicted to be used to restore the lands to the original state. Such civil actions shall be brought in and for the County of Idaho and any remainder of damages collected after restoration shall be used for maintenance and operation of the solid waste disposal system.

SECTION 15: Littering Unlawful/Securing Loads.

It shall be unlawful for any person to throw, discard, deposit or litter any solid waste upon any private or public property or right-of-way in Idaho County not authorized by any county, city, or the owner of such property. All persons shall properly secure their loads for transportation of their disposable waste to a dumpster site or to a transfer station. Any person causing disposable waste to be deposited along any public road or highway and who did not have his load properly secured shall be guilty of a misdemeanor and punished in accordance with Section 21. Any person causing disposable waste to be deposited along any public road or highway who properly secured his load shall be guilty of an infraction and shall receive a penalty of \$50.00.

SECTION 16: Special Exemptions.

A. The Board shall have the authority to issue special exemptions pursuant to the application of Exhibit A to persons who apply therefore, exempting such persons from payment of all or a part of the fees imposed to fund the maintenance and operation of the system, upon satisfactory proof that, because of unusual circumstances which effect their ability to pay, such persons should be relieved from paying such fees in order to avoid undue hardship, which undue hardship must be determined by the Board. Such exemptions shall be for the current fee year only and premises exempt hereunder shall be billed and assessed for the ensuing fee years as other premises. Claimants seeking exemption under this provision must apply each year.

B. The Board shall have authority to issue special exemptions to persons who apply therefore, exempting such persons from payment of all or a part of the fees imposed to fund the maintenance and operation of the system upon satisfactory proof that because of unusual circumstances, such persons do not create or accumulate solid waste upon the premises owned by such persons who do not use the solid waste disposal system, all as is described in Exhibit A. Such exemption shall be for the current fee year only and premises exempt hereunder shall be billed and assessed for the ensuing fee years as

other premises. Claimants seeking exemption under this provision must apply each year.

SECTION 17:

A. Currently, the County through the Idaho County Assessor Office has adopted a set of criteria for half rate occupancy of certain residences throughout the County. That policy is attached to this ordinance as Exhibit A and incorporated herein and is adopted as part of this ordinance.

All persons owning more than one residence in the County shall pay a full solid waste residential rate for their first residence and a one-half rate for each additional residence owned by that person or entity unless the additional residence or residences qualify for full rates pursuant to the terms of Exhibit A.

B. As new properties are added to the tax rolls under the Idaho County Assessor's current policies, which include Exhibit A, the questionnaire portion of Exhibit A shall be used by the Assessor's Office to make an initial determination of whether a half rate applies to the particular property or whether a whole rate applies.

C. Any person, firm, or entity falsely reporting information pursuant to any exemption pursuant to this section shall be guilty of a misdemeanor, and shall additionally, permanently be disqualified thereafter from qualifying for such exemption on that specific property for as long as that violator owns such property.

**ARTICLE IV: CONTRACTS, COORDINATOR, SEPARABILITY,
ENFORCEMENT, AND EFFECTIVE DATE**

SECTION 18: Contract Authorization.

A. The County, subject to franchises existing at the effective date of this ordinance, may contract for the collection, removal and disposal of solid waste and materials, the operation and maintenance of disposal sites, the availability of transfer stations and designated Non-MSW, inert, or benign landfills or, any combination thereof.

B. The County may contract with the Nez Perce Tribal Council for the purpose of permitting such Council to join the County solid waste disposal system or the County solid waste collection system hereby established, or any combination of the same, as well as with the U.S. Forest Service, the U.S. Bureau of Land Management, the State of Idaho, any organized school districts, and Adams County.

SECTION 19: Solid Waste Coordinator.

The Board shall have authority, should the need arise, to appoint a Solid Waste Coordinator and to employ such additional persons as it shall deem necessary to administer the solid waste disposal and collection system. All salaries paid from the Solid Waste Fund shall be determined and fixed by the Board. All duties and responsibilities of the Solid Waste Coordinator shall be determined by the Board and fixed by the Board.

SECTION 20: Separability.

Should any section, subsection, paragraph, sentence, or clause of this ordinance be held, for any person, by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be deemed severable and valid, notwithstanding such partial invalidity.

SECTION 21: Violation of Ordinance. Criminal Penalties and Injunction.

A. A willful violation of any provision of this ordinance shall be a misdemeanor, punishable by fine of not more than \$1000.00 or imprisonment in the county jail for not more than six months, or both such fine and imprisonment. A continuing violation of any such provision is hereby declared to be a public nuisance. A failure to comply with Section 7(B) shall constitute a misdemeanor punishable by up to a \$1,000.00 fine, up to six (6) months in jail, or both. If cleanup is not performed by the person causing the same, they will be charged for any cleanup costs incurred by Idaho County. If said person refuses to pay the cleanup costs, a lien will be placed on the person's property for any cleanup costs. Any person causing damage to the gates, fences or signs at the designated collection sites shall be guilty of a misdemeanor and shall be punished by a fine up to \$1,000.00 or jail up to 6 months or both.

B. Injunction. In addition to the criminal penalties provided for violation of a County ordinance, whenever it appears to the Board of County Commissioners that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this ordinance or any ordinance enacted pursuant to this ordinance, the Board may bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this ordinance or any ordinance hereunder. Upon a showing that a person has engaged or is about to engage in an act or practice constituting a violation of this ordinance hereunder, a permanent or temporary injunction, restraining order or writ of mandamus shall be granted. The Board of County Commissioners shall not be required to furnish bond.

C. The injunctive powers granted to the County shall include such injunctions against any contractors that are not complying with any contracts or franchises granted to contractors and will allow the County to bring such actions as will keep the solid waste

system operating, on a continuous basis to provide safe County services to the County citizens.

SECTION 22: Ownership of Infectious and Hazardous Waste.

The ownership of hazardous and infectious waste as defined in this ordinance shall always remain with the generator and the generator always remains responsible for such waste, under all circumstances.

SECTION 23: Commercial Accounts and Demolition Expenses.

A (1). The assessed fees and levy amounts described earlier in Article III shall be assessed against all non-exempt properties and households throughout Idaho County. In addition, each permanent business will be charged a minimum commercial charge and any appropriate levy amount as well. Any commercial account which produces more than one two cubic yards of solid waste per week shall also be required to independently agree with the contractor for such extra service as the generator might from time to time need. Billings for those commercial accounts, if within rural Idaho County, will be based upon a schedule of container and dumpster services available from the County's hired contractors. That list of charges shall be retained by the Idaho County Clerk as changed from time to time and be available to commercial customers. Any commercial business that disagrees with the charges levied by a contractor shall have the right of appeal to the Board of County Commissioners concerning charging grievances and the Board of County Commissioners decision shall be final after hearing.

(2) Each commercial business that is already paying a solid waste fee for door to door pickup and also receives a personal property tax bill from the County shall pay a County solid waste fee.

(3) Commercial users receiving door to door pickup but not receiving personal property tax bills (e.g. governmental agencies, schools, hospitals, churches and benevolent agencies) each city's commercial solid waste billing list shall be used to determine such users, and those accounts shall pay the fee described above in Section 23A(2).

(4) Within incorporated cities that have separate agreements with the County's authorized contractors the cities shall reserve the right to arbitrate disputes between the contractors and commercial account holders, that from time to time might arise.

B. (1) In the event that a contractor or another builder, including an individual of a substantial structure or one who engages in demolition of a previous structure, which actions significantly adds to the solid waste stream, such person or entity shall make private arrangements for any such substantial construction job, remodeling project, or for the demolition of any existing buildings. In the event that a substantial construction

job, qualifying remodeling project or demolition project occurs without previous arrangements having been made with the appropriate solid waste contractor, said party shall be deemed guilty of a misdemeanor and be subject to the general misdemeanor penalties described in the ordinance. Upon an application for a sewer permit within the County, if it is tied to future construction it shall be the duty of the County Recorder to provide such information to the applicant of the requirements of this ordinance and that potentially a dumpster is required for that project. All solid waste contractors shall likewise be entitled to information concerning sewer permit applicants, which will help them monitor the flow of construction waste.

(2) A qualifying substantial construction project, or qualifying remodeling project, shall be one that involves construction of 400 square feet or more of any structure within the County.

(3) Each solid waste contractor shall develop a formula for charging for the construction wastes as are described in this article and deliver those fee schedules to the County so that they can be delivered to inquiring citizens.

C. The dispute resolution provisions described above and in Section 23A shall be applicable to resolve disputes over the appropriate applicability and costs applicable to any construction or demolition project under this article.

D. In any building project for which a sewer permit is required, or for which electricity will be required from either Idaho Power Company, Avista Utilities, or Idaho County Light and Power, the Health Department offices in Orofino, Idaho, Kamiah, Idaho and Grangeville, Idaho and the appropriate Idaho County offices of the electrical utilities shall be regularly supplied with the provisions of this article and this ordinance so that those builders will be familiar with the requirements of this ordinance. The County shall be permitted to reach agreements with the three (3) utilities and the Idaho Public Health Department, concerning the affirmative duty to disseminate information to the public, as described in this article.

E. Any contractor or individual not complying with the provisions of this article shall be deemed guilty of a misdemeanor and subject to the misdemeanor penalties described herein.

SECTION 24: Independent Contractor.

Unless the County shall independently determine to have employees, all contractors, will, under Idaho law, be independent contractors. The County shall require in any franchise or contract issued to solid waste contractors, appropriate workers compensation and liability insurance in such amounts as from time to time are reasonable under all circumstances. Any such policy will have provisions that it cannot

be cancelled until at least 30 days prior notice has been given to the County. Minimum liability rates shall be \$1,000,000 for any accident and \$2,000,000 in the aggregate with the contractor being required also to carry excess liability or umbrella coverage with an additional \$1,000,000 policy limit covering Idaho County as an additional named insured.

SECTION 25: Recycling.

The Commissioners reserve the right to investigate and promote recycling and all issues associated therewith to protect the environment, and to properly reuse recyclable materials.

SECTION 26:

This Ordinance shall be effective for the calendar year of 2020 with rates as set by the Board of County Commissioners taking effect on October, 1, 2019.

This ordinance passed on the 17th day of September, 2019.

IDAHO COUNTY BOARD OF COMMISSIONERS



R. SKIPPER BRANDT,
Chairman



MARK FREI



DENIS B. DUMAN

ATTEST:



KATHY M. ACKERMAN, Clerk

EXHIBIT A

SOLID WASTE POLICY STATEMENT

Pursuant to current County ordinances, solid waste fees shall apply to all residences and businesses, including agricultural business within the County and a partial rate shall be applicable to City residents. Current charges per year per residence will appear on the annual tax notice. Individual fees for larger commercial and industrial properties will be determined by the Board.

Exemptions may be granted for uninhabited residences. To qualify, no one may reside in the residence even on an occasional basis – from January 1 to December 31. Residences are generally not considered to be vacant unless emptied of personal living effects. Residences where the owner is away because of work, travel, vacation, etc. are generally considered to be occupied. Residences considered to be occupied for purposes of the “Home Owner Exemption” are considered to be fully occupied for solid waste purposes.

Exemptions of one-half rate may be granted for residences that serve as summer cabins or recreational cabins or are used on an occasional basis, from one day up to six months per year. The minimum charge for such additional residences in this category is half the regular rate. However, said part-time residence owners must pay the full rate on their Idaho County residence before they can receive the half-rate on their second residence.

Exemptions in whole or in part may be granted for financial hardship. No exemption will be granted for any person earning \$8,500.00 or more per year or owning \$50,000.00, or more, in assets. Assets to include, but are not limited to real property, personal property, financial accounts or any beneficiary to a trust in excess of \$50,000.00. NO financial hardship will be considered until said person has made a good faith effort to make payments through the treasurer’s office. A financial statement must accompany any request. A statement of pertinent facts concerning ability to pay should also accompany the application. Exemption in whole or in part may be granted to residences the Board believes to be outside the service area of the county collection system.

Commercial and industrial properties in areas covered by the Solid Waste Ordinance will be charged yearly solid waste fees by the county. They may independently contract with the garbage hauler for additional service. These additional services will not affect the fees charged by the County. Solid waste fees will appear on the annual tax bill.

Solid waste fees for mobile homes will be billed with the mobile home tax bill. Mobile homes leaving the County after January 1, will be billed on a pro-rated basis provided that taxes are paid and a license is purchased for the mobile home.

It is understood that the per residence fee covers all residences in the service area unless specifically exempt from solid waste charges. It is further understood that the hauler may ask an additional fee for his services above the County fee for house to house service.

Residences constructed or moved into the area covered by the Ordinance after January 1 will be billed on a pro-rated basis.

Applications for exemption or reduction of solid waste fees must be submitted before the fourth Monday of June.

A. The County, subject to franchises existing at the effective date of this ordinance, may contract for the collection, removal and disposal of solid waste and materials, the operation and maintenance of disposal sites, the availability of transfer stations and designated Non-MSW, inert, or benign landfills or, any combination thereof.

B. The County may contract with the Nez Perce Tribal Council for the purpose of permitting such Council to join the County solid waste disposal system or the County solid waste collection system hereby established, or any combination of the same, as well as with the U.S. Forest Service, the U.S. Bureau of Land Management, the State of Idaho, any organized school districts, and Adams County.