

ORDINANCE NO. 85-1

AN ORDINANCE ESTABLISHING AN ANNUAL COUNTY WIDE USER FEE FOR USE OF THE FREMONT COUNTY LANDFILL, TO BE ASSESSED ON THE ANNUAL TAX ROLLS OF THE REAL PROPERTY OWNER ON WHICH EACH SUCH LANDFILL USER IS LOCATED, DEFINING CERTAIN TERMS, DETERMINING HOW THE SAID USER FEE SHALL BE CALCULATED FOR EACH LANDFILL USER BY CATEGORIZING EACH USER ACCORDING TO AN ESTIMATE OF SOLID WASTE GENERATED PER MEASURING UNIT PER DAY, PROVIDING FOR RELIEF TO CERTAIN LOW INCOME USERS, AND PROVIDING FOR INDIVIDUAL DETERMINATION OF THE AMOUNT OF SOLID WASTE GENERATED BY A LANDFILL USER.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, AS FOLLOWS:

Section One. An annual user fee for the use of the Fremont County Landfill sites shall be assessed on each landfill user located in Fremont County as defined below. The said annual user fee shall be assessed on the annual county real property tax notices for the record owner of the real property on which each such landfill user unit is located, and shall be collected in the manner provided by law for the collection of all assessed real property taxes. Such a user fee shall be in addition to any other taxes or assessments for solid waste disposal.

Section Two. The term landfill user is deemed to include each individual residence, place of business, or other entity in Fremont County which generates solid waste, and shall be further defined and categorized as follows:

1. Residence means any building, trailer or other structure occupied exclusively by one family.
2. Multiple Family Dwelling means any building or other structure or portion thereof occupied by two or more families living independently of each other.

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3. Tax Exempt users shall mean any landfill user which would otherwise be tax exempt, and includes religious organizations, schools and governmental entities.

4. Home Business of office means a business or office operated by an occupant of a family dwelling which occupies part of that dwelling and which hires no more than one employee.

5. Exceptional users mean those landfill users with occasional loads of solid waste, in excess of one-half ton.

Section Three. The fee to be assessed each landfill user shall be determined annually by Ordinance of the Board of County Commissioners of Fremont County based on the cost of maintaining county landfill sites, the number of Fremont County landfill users, and the number of solid waste units generated by each such landfill user, as defined above, which fee shall in no event be less than a minimum fee to be assessed by the Board of Commissioners.

1. A solid waste unit is defined as one (1) ton bulk weight of solid waste.

2. Each landfill user's fee shall be determined according to how many solid waste units are generated by that landfill user each year. The number of solid waste units generated shall be determined according to the categories established in Section Four herein.

Section Four. The landfill user fee shall be assessed against all landfill users, according to the categories listed below for the determination of the number of solid waste units generated by each landfill user.

A. Category A - Shall include all agricultural and non-industrial special operations which shall be assessed as Exceptional Users as set out below. Such operations shall be assessed an additional fee for business offices maintained on or off the premises under the appropriate category listed below.

B. Category B - Shall include all meeting hall, storage and utility facilities. Such operations shall be assessed at the rate of 0.001 pounds per square foot of the premises per day.

C. Category C - Shall include all industrial operations and industrial warehouses and shall be assessed at the rate of 0.005 pounds per square foot of the premises per day.

D. Category D - Shall include all commercial retail or special businesses, mortuaries, professional offices, commercial offices, industrial offices, home businesses or offices, and private clubs. Operations in this category shall be assessed at the rate of .010 pounds per square foot of the premises per day.

E. Category E - Shall include all operations whose major business enterprise provides animal services, repair services, personal services, commercial services, sales and service, service stations. Operations in this category shall be assessed at the rate of .0130 pounds per square foot of the premises per day.

F. Category F - Shall include all laundries and lodges, which shall be assessed at the rate of .020 pounds per square foot of the premises per day.

G. Category G - Shall include all retail convenience operations which shall be assessed at the rate of .030 pounds per square foot of the premises per day.

H. Category H - Shall include all department stores and drugstores, which shall be assessed at the rate of .040 pounds per square foot of the premises per day.

I. Category I - Shall include all neighborhood markets which shall be assessed at the rate of .050 pounds per square foot of the premises per day.

J. Category J - Shall include all supermarkets which shall be assessed at the rate of .070 pounds per square foot of the premises per day.

K. Category K - Shall include all theaters which shall be assessed at the rate of .140 pounds per audience seat per day.

L. Category L - Shall include all bars and lounges which shall be assessed at the rate of .50 pounds per patron per day.

M. Category M - Shall include all bowling alleys which shall be assessed at the rate of 1.0 pound per patron per day.

N. Category N - Shall include all fast food services and restaurants which shall be assessed at the rate of 2.0 pounds per patron per day. Also included in this category are all motels which shall be assessed at the rate of 2.0 pounds per rental unit per day.

O. Category O - Shall include all schools which shall be assessed at the rate of 2.10 pounds per student per day.

P. Category P - Shall include all medical or other treatment institutions, which shall be assessed at the rate of 2.50 pounds per bed per day.

Q. Category Q - Shall include all hotels which shall be assessed at the rate of 3.0 pounds per rental unit per day.

R. Category R - Shall include all apartment complexes and rental cabins, which shall be assessed at the rate of 4.0 pounds per rental unit per day.

S. Category S - Shall include all trailer courts and shall be assessed at the rate of 7.0 pounds per rental space per day.

T. Category T - Shall include all investment, rural and urban residences, which shall be assessed at the rate of 8.0 pounds per residence per day.

U. Category U - Shall include all recreational residences with part time occupancy which shall be assessed at the rate of 9.990 pounds per recreational residence per day.

Section Five. Miscellaneous Provisions:

1. Exceptional users shall be assessed individually at the time their solid waste is to be disposed of based on the

weight of solid waste to be disposed of, in an amount to be determined from the single solid waste unit fee.

2. Municipal entities located in Fremont County shall be assessed a fee according to the categories above for solid waste generated by that entity, but shall not be assessed any additional fee for solid waste collected by such municipal entities as a part of their regular refuse pick up service for residents of that municipality.

3. Low income landfill users which qualify for government assistance commonly known as the "circuit breaker" assistance, may petition for assistance on their landfill user fee, which petition will be considered individually by the Board of County Commissioners.

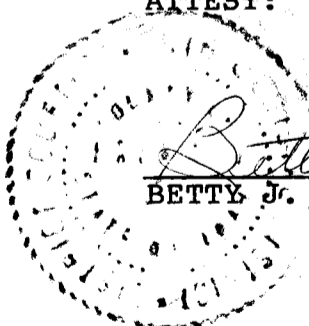
4. Any landfill user may petition for an independent determination of the number of solid waste units generated by that user, which petition will be considered individually by the Board of County Commissioners.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, THIS 25th DAY OF February, 1985.

FREMONT COUNTY COMMISSIONERS

James Siddoway
JAMES SIDDOWAY, CHAIRMAN

ATTEST:



Betty J. Hill
BETTY J. HILL, CLERK