

ORDINANCE NO. 95-05

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF SOLID WASTE DISPOSAL GUIDELINES AND REGULATIONS IN THE UNINCORPORATED AREAS OF FREMONT COUNTY, IDAHO; PROVIDING FOR THE AUTHORITY AND TITLE; PROVIDING FOR THE PURPOSE OF THE ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE MAINTENANCE OF SANITARY CONDITIONS; PROVIDING FOR STORAGE AND TRANSPORTATION OF SOLID WASTE; PROVIDING FOR ENFORCEMENT, APPEALS AND VARIATIONS; PROVIDING FOR AMENDMENTS; AND PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCE AND EFFECTIVE DATE.

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

SECTION 1- Authority and Title

- 1.1. Pursuant to the authority under Article 12, Section 2, of the Idaho Constitution, and the laws enacted by the legislature, providing that any county may make and enforce, within its limits, all such sanitary regulations as are not in conflict with its with its charter or with the general laws, it is hereby ordained:
- 1.2 This ordinance shall be known and cited as the Fremont County Solid Waste Ordinance, or the "Solid Waste Ordinance".

SECTION 2 - Purpose

- 2.1 It is hereby declared to be the duty of the Board of Fremont County Commissioners to establish sanitary standards for the unincorporated areas in Fremont County. It is the intent of the Board of County Commissioners, through the enactment of this Ordinance, to exercise all powers granted to them in the field of solid waste management by relevant provisions of the Idaho Constitution and the Idaho Code.
- 2.2 These regulations shall apply to all lands within the unincorporated territory of Fremont County, and it shall be unlawful hereafter to keep, collect, haul, transport, or dispose of solid waste except as herein provided.

SECTION 3 - Definitions

- 3.1 Board - Shall mean the Board of Fremont County Commissioners.
- 3.2 Collector - Shall mean any person holding contract with Fremont County authorized and designated by Fremont County to collect, handle, transport, and dispose of solid waste.
- 3.3 Contract - Shall mean an exclusive contract or privilege granted by Fremont County to collect, handle, dispose, recycle, or recover solid waste.
- 3.4 Owner or Occupant - Shall mean every person in possession, charge, or in control of any dwelling, flat, rooming house, apartment house, hospital, school, hotel, restaurant, boarding house, place of business, manufacturing, or business establishment where solid waste generated or accumulated.
- 3.5 Person - Shall mean any person, firm, partnership, association, institution, corporation, or non-profit entity and in plural as well as singular.
- 3.6 Premises - Shall mean any dwelling, flat, rooming house, apartment houses, hospitals, schools, hotels, restaurants, boarding houses, places of business, manufacturing, or business establishments, farm, or any other building or structure.
- 3.7 Residence - Shall mean the place of dwelling of one head of family and his own or her dependents.
- 3.8 Sanitary Landfills or Disposal Sites - Shall mean such areas of final disposal operated by the county which shall be the only area on public or private property within Fremont County, where solid waste may be disposed reduced or recovered.
- 3.9 Solid Waste - Shall mean garbage, refuse, and other discarded solid materials including solid materials resulting from industrial, commercial, and agricultural operations, and from community activities. Any and all trash or litter associated with the construction or demolition of buildings to include paper, cardboard, wood scrap, shingles, concrete, and waste materials of inert nature such as ashes, plastics, metals, old or non-operating vehicles, vehicle parts, cinders, tires, appliances, or tree parts; and those items, including liquids which by their nature are noxious, odoriferous, or

are subject to the development of bacteria, viruses, or other hazards to health including waste accumulations 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. The term "solid waste" does not include sewage, human body waste, or hazardous wastes as determined by the United States Environmental Protection Agency.

- 3.10 Street, Road or Alley - Shall mean a right-of-way which provides vehicular and pedestrian access to adjacent properties, used by the public or public travel. It shall include the terms street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land place, and other such terms.
- 3.11 Vehicle - Shall mean a machine propelled by power other than human power designed to travel along the ground or water by use of wheels, treads, runners, slides, or tracks, motor or sail, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, and snow mobile.

SECTION 4 - Applicability

From the date of approval and publication of this Ordinance as required by law, all solid waste generated within Fremont County and all solid waste generated elsewhere, but destined for disposal within Fremont County, shall comply with the standards and procedures set forth herein. All solid wastes shall be managed, whether during storage, collection, transfer, transport, processing, separation, incineration, composting, treatment, re-use, recycling, or disposal to prevent health hazards, public nuisances, or pollution of the environment.

SECTION 5 - Maintenance of Sanitary Conditions

- 5.1 No person shall throw, deposit or permit to accumulate any solid waste in any building or on any premises, improved or vacant, or any lot or area either public or private, within unincorporated Fremont County, so that it is or is likely:

a) To attract flies or fly breeding;

- b) To afford food or harborage for rodents;
 - c) To be a source of noxious or offensive odors or conditions inimical to public interest or health;
 - d) To render vehicle or pedestrian unsafe.
- 5.2 It shall be unlawful for any person to permit or to allow to accumulate in or about any yard, lot, place or premises, or upon any adjacent street, alley, or sidewalk, owned or occupied by such person, solid waste so as to cause or create a nuisance, offensive site and/or odor or atmosphere.
- 5.3 No section or provision of this ordinance shall be construed to prohibit anything, permitted or authorized under other applicable ordinances, regulations or codes.
- 5.4 It shall be unlawful for any person upon vacating dwellings, storerooms, or any other building in a residential or commercial area to fail to remove all solid waste from such buildings and premises and grounds appurtenant thereto; or to fail to place the same in a sanitary condition within twenty-four (24) hours after the said premises shall be vacated.
- 5.5 Backyard compost piles utilizing clean tree-trimmings and lawn and garden wastes 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. Any other composting operations must be conducted in compliance with applicable federal, state, and local rules regulations and standards and must have prior approval from the appropriate permitting agency.

SECTION 6 - Storage and Transportation of Solid Waste

- 6.1 It shall be the duty of every owner or occupant of any place where~~is~~ created or accumulated, to at all times keep or cause to be kept sanitary containers, and except as otherwise provided, to deposit or cause to be deposited all solid waste therein. The

aforesaid containers shall be maintained in a secure condition so as to avoid offensive odors, health hazards and the scattering or spilling of solid waste.

- 6.2 It shall be unlawful for any person transporting solid waste over public streets, roads, alleys, or right-of-ways to do so without providing a cover and/or securing to the vehicle all solid waste being transported. Covering loads of solid waste shall be for the purpose of preventing the scattering, blowing, or loss of said waste so transported.
- 6.3 It shall be unlawful for any person to dispose of solid waste anywhere in Fremont County except at sanitary landfills and disposal sites that have been authorized by the Board and/or appropriate state and/or local regulatory agencies.
- 6.4 It shall be unlawful for any person to throw, discard, or deposit any solid waste in or upon any road, right-of-way, street, alley, sidewalk, or vacant ground, or in or upon canal, irrigation ditch, drainage ditch, or any other water course.
- 6.5 It shall be unlawful for any person in charge or control of any property within any unincorporated area of Fremont County, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or discarded vehicle to remain on such property longer than forty-eight hours; and no person shall leave any such vehicle on any property within any unincorporated area within the county for a longer time than forty-eight hours; except that this chapter shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place of depository maintained in a lawful place and manner by the county.

SECTION 7 - Improper Disposal At An Approved Disposal Site

Any person who deposits or disposes of any hazardous or otherwise dangerous waste matter at, or provides for delivery of same to an approved solid waste disposal site, shall be held liable for the full costs of controlling and eliminating any posed health hazard and/or properly disposing of said dangerous materials, as may be incurred by Fremont County or any other public agency.

SECTION 8 - Enforcement, Appeals and Variations

- 8.1 Where the Board finds that extraordinary hardship will result for a strict compliance with the provisions of this ordinance the Board may vary the standards and regulations in this ordinance for the accomplishment of the public interest secured hereby.
- 8.2 Violation of any regulation hereunder, the provisions of any permit issued thereto, shall be a misdemeanor. If the violation has not been corrected within three (3) days after the citation has been issued or arrest made by the proper enforcing officer, said violation shall constitute a new and separate offense. All such violations shall be punishable as provided in section 18-113 Idaho Code, and as such will be enforced by Fremont County.

SECTION 9 - Amendments

- 9.1 The Board may, upon its own motion or upon recommendation make amendments to this ordinance.
- 9.2 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 or the remaining provisions of this ordinance.

SECTION 10 - Repeal of Conflicting Ordinance and Effective Date

10.1 All ordinances or parts of ordinances in conflict with this Fremont County Solid waste Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

10.2 This Ordinance shall be in full force and effect upon publication following passage and approval.

PASSED THIS 28 DAY OF August, 1995.

This Ordinance shall be in full force and effect _____ 199__.

BOARD OF COUNTY COMMISSIONERS
FREMONT COUNTY, IDAHO

Grant Chandler
GRANT CHANDLER, CHAIRMAN

ATTEST:

Mickie Funke
MICKIE FUNKE, CLERK

Summary of Ordinance No. 95-05

On the 28 day of August, 1995, the Board of County Commissioners of Fremont County, Idaho, passed Ordinance No. 95-05, the title of which is the "Fremont County Solid Waste Ordinance," or the "Solid Waste Ordinance". A summary of the provisions of that ordinance is as follows:

SECTION 1- Provides the Authority and Title;

SECTION 2 - Provides the Purpose;

SECTION 3 - Provides Definitions;

SECTION 4 - Provides for Applicability;

SECTION 5 - Provides for Maintenance of Sanitary Conditions;

SECTION 6 - Provides for the Storage and Transportation of Solid Waste;

SECTION 7 - Provides for consequences upon Improper Disposal At An Approved Disposal Site, and that violators shall be held liable for the full costs of controlling and eliminating any posed health hazard and/or properly disposing of said dangerous materials;

SECTION 8 - Provides for Enforcement, Appeals and Variations, and that Violation of any regulation hereunder, shall be a misdemeanor. All such violations shall be punishable as provided in section 18-113 Idaho Code;

SECTION 9 - Provides for Amendments; and

SECTION 10 - Provides for Repeal of Conflicting Ordinance and that the ordinance shall be in full force and effect immediately after publication.

A copy of the full text of this ordinance is available at the Office of the Fremont County Clerk, at the Fremont County Courthouse, 151 West 1st North, St. Anthony, Idaho, Monday through Friday from 9:00 a.m until 5:00 p.m.

I, Mickie Funke, Fremont County Clerk, hereby declare that the foregoing is a true and complete summary of Fremont County Ordinance No. 95-05, and provides adequate notice to the public.

Dated this 8 day of September, 1995.

Mickie Funke
Mickie Funke, County Clerk

Summary of Ordinance No. 95-06

On the 23 day of October, 1995, the Board of County Commissioners of Fremont County, Idaho, passed Ordinance No. 95-06, the title of which is the "Fremont County Waste Tire Management Plan Ordinance." A summary of the provisions of that ordinance is as follows:

SECTION 1 - Provides Definitions;

SECTION 2 - Provides how waste tires shall be disposed;

SECTION 3 - Provides for illegal tire piles;

SECTION 4 - Provides for Approval of Waste Tire Facilities, Including Application Requirements, Site Requirements, Management, Closure, Financial Assurance for Such Facilities, and Denial or Suspension of Facility Approval;

SECTION 5 - Provides for Registration of Waste Tire Haulers;

SECTION 6 - Provides for Enforcement, and that Violation of any regulation hereunder, shall be a misdemeanor. All such violations shall be punishable as provided in section 18-113 Idaho Code;

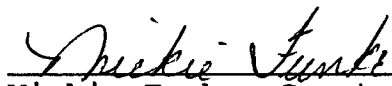
SECTION 7 - Is a Reserved Section, for eventual Waste Tire Dealer Fees, Accounts and Use of Funds;

SECTION 8 - Provides that the ordinance shall be in full force and effect immediately after publication.

A copy of the full text of this ordinance is available at the Office of the Fremont County Clerk, at the Fremont County Courthouse, 151 West 1st North, St. Anthony, Idaho, Monday through Friday from 9:00 a.m until 5:00 p.m.

I, Mickie Funke, Fremont County Clerk, hereby declare that the foregoing is a true and complete summary of Fremont County Ordinance No. 95-06, and provides adequate notice to the public.

Dated this 23 day of October, 1995.



Mickie Funke, County Clerk