

SUMMARY OF FREMONT COUNTY ORDINANCE NO. 2005 - 3

Fremont County Ordinance No. 2005-3, which was adopted by the Board of County Commissioners of Fremont County, Idaho, on the 10<sup>th</sup> day of January, 2005, may be summarized for publication as follows:

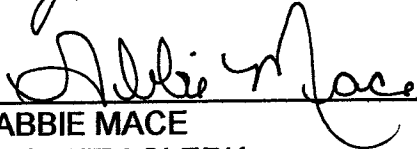
An ordinance amending that portion of Fremont County Code, Chapter 13.12, by adding the definition of "Out of County Generator" in section 13.12.010; by amending section 13.12.030, paragraph (B) by changing the fees for disposing of animals and excessive loads and adding the section for the punishment for animal abandonment; paragraph (C) by changing the fees for disposing of tires; paragraph (E) by changing the fees for disposing of refrigerators/freezers; adding section 13.12.080, Amendments; and, establishing the effective date hereof.

The full text of this ordinance is kept on file at the Fremont County Clerk's Office and may be reviewed or purchased at the Fremont County Clerk's Office, located at 151 W. 1<sup>st</sup> N., St. Anthony, Idaho, during regular business hours.

CLERK'S STATEMENT

I, Abbie Mace, the County Clerk of Fremont County, Idaho, hereby state that I have read the foregoing Summary of Fremont County Ordinance No. 2005-3, which summary is true and complete and provides adequate notice to the public.

Dated this 10<sup>th</sup> day of January, 2005.

  
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ABBIE MACE  
COUNTY CLERK

ORDINANCE NO. 2005-3

AMENDED LANDFILL USER FEES

AN ORDINANCE AMENDING THAT PORTION OF FREMONT COUNTY CODE CHAPTER 13.12, BY ADDING THE DEFINITION OF "OUT OF COUNTY GENERATOR" IN SECTION 13.12.010; BY AMENDING SECTION 13.12.030, PARAGRAPH (B) BY CHANGING THE FEES FOR DISPOSING OF ANIMALS AND EXCESSIVE LOADS AND ADDING THE SECTION ON THE PUNISHMENT FOR ANIMAL ABANDONMENT; PARAGRAPH (C) BY CHANGING THE FEES FOR DISPOSING OF TIRES; PARAGRAPH (E) BY CHANGING THE FEES FOR DISPOSING OF REFRIGERATORS/FREEZERS; ADDING SECTION 13.12.080, AMENDMENTS; AND, ESTABLISHING THE EFFECTIVE DATE HEREOF.

Chapter 13.12

LANDFILL USER FEES

Sections:

13.12.010	Definitions
13.12.020	Assessed
13.12.030	Amount - Collection
13.12.040	Exceptional Users
13.12.050	Municipal Entities
13.12.060	Low-Income Users
13.12.070	Petition for Determination of Waste Generated
<u>13.12.080</u>	<u>Amendments</u>

13.12.010 Definitions: As used in the Chapter:

A. "Exceptional Users" means those landfill users with occasional loads of solid wastes in excess of one-half (½) ton.

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

C. "Landfill users" include each individual residence, place of business, or other entity in the County which generates solid waste, and shall be further defined and categorized as set out in other subsections of this Section.

D. "Multi-family dwelling unit" means any building or other structure or portion thereof occupied by two (2) or more families living independently of each other.

E. "Out of County Generator" means any individual or entity that does not reside in Fremont County or is not located in Fremont County but which generates or hauls waste from within Fremont County.

F. F. "Residence" means any building, trailer or other structure occupied exclusively by one family.

F. G. "Solid waste unit" is defined as one ton of bulk weight of solid waste.

G. H. "Tax-exempt users" means any landfill user which would otherwise be tax exempt, and includes religious organizations, schools and governmental entities. (Ord. 92-2 §1; Ord. 85-1 §2)

13.12.020 Assessed: An annual user fee for the use of the County landfill sites shall be assessed on each landfill user located in the County as defined in this Chapter. The 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 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. (Ord. 85-1 §1)

13.12.030 Amount – Collection: The landfill user fee provided for in Ordinances 85-1 and 85-2 shall be amended and assessed in two (2) categories which shall be defined and assessed a fee as follows:

A. All residential users as further defined in Fremont County Ordinance 85-1, which definitions are incorporated herein and shall be charged a landfill user fee of twenty dollars (\$20.00) per year.

B. All commercial and exceptional landfill users shall be assessed a base landfill usage fee of twenty-five dollars (\$25.00) per year. In addition to the base fee, all commercial and exceptional landfill users shall pay an additional fee, per load pursuant to the following schedule:

	County Resident	Out of County <u>Generator</u>
Dead Animals: <del>Weight to 500 lbs.</del>	<del>\$10.00</del>	\$20.00
Above 500 lbs.	\$25.00	\$50.00
<u>Dogs and Cats</u>	<u>Free</u>	\$20.00
<u>Small: (sheep, pigs, calves)</u>	<u>Free</u>	\$20.00
<u>Large: (Over 500 lbs.)</u>	<u>\$5.00</u>	\$50.00

Animal abandonment is a misdemeanor under State law of cruelty to animals in Idaho Code Title 35. Punishment may include a fine of not less than One Hundred Dollars (\$100.00) or more than Five Thousand Dollars (\$5,000.00), and up to six (6) months in jail or both for the first offense.

	<u>County Resident</u>	<u>Out of County Generator</u>
Excessive load:		
Pickup	\$ 5.00	\$10.00
<u>Trailer</u>	<u>\$ 5.00</u>	<u>\$10.00</u>
<del>Bobtail</del>	<del>\$10.00</del>	<del>\$20.00</del>
<u>Six wheel-bob tail</u>	<u>\$10.00</u>	<u>\$20.00</u>
<del>Ten-wheeler</del>	<del>\$15.00</del>	<del>\$30.00</del>
<u>Ten wheel except asphalt or concrete</u>	<u>\$15.00</u>	<u>\$30.00</u>
<u>Ten wheel asphalt or concrete</u>	<u>\$50.00</u>	<u>\$100.00</u>
<u>End dump</u>	<u>\$25.00</u>	<u>\$50.00</u>
<u>Eighteen wheel end dump except asphalt or concrete</u>	<u>\$25.00</u>	<u>\$25.00</u>
<u>Eighteen wheel end dump asphalt or concrete</u>	<u>\$75.00</u>	<u>\$150.00</u>

C. A fee shall be assessed for each and every tire brought for disposal to the Fremont County Landfill. This fee shall be collected from the individual landfill user seeking to deposit the tire, and shall be collected by the operator of the landfill, and turned over by that operator to the office of the Fremont County Treasurer, within five (5) days after collection. Rims shall be removed from all tires deposited, and no tires which have rims shall be accepted at the landfill. The specific fee shall depend on the type of tire, and shall be as follows:

- ~~1. Automobile tires - \$1.00 per tire.~~
1. Car tires - \$2.00 per tire.
- ~~2. Truck tires - \$3.00 per tire.~~
2. Pick-up tires - \$3.00 per tire.
3. Truck/Semi tires - \$15.00 per tire.
- ~~4. Tractor tires - \$15.00 per tire.~~
4. Heavy Equipment tires - \$25.00 per tire.
- ~~5. Earth-moving equipment tires - \$37.50 per tire.~~
5. Earthmoving Equipment tires - \$40.00 per tire.

D. All annual fees assessed in subsections A and B of this Section, shall begin to be assessed immediately upon the issuance of a building permit for the construction of a residential or commercial structure.

E. ~~A fee of three dollars (\$3.00) per unit shall be assessed for each and every white good brought for disposal to the Fremont County Landfill. "White goods" are defined as washers, dryers, water heaters, freezers, refrigerators and other such appliances. A fee of Twenty-five Dollars (\$25.00) per unit shall be assessed for each and every refrigerator or freezer brought for disposal to the Fremont County Landfill. Appliances such as washers, dryers, water heaters, are defined as "White goods." White goods disposal is free.~~ (Ord. 96-03 §1: Ord 95-04 §1: Ord 92-2, §4: Ord. 91-1: Ord 85-4: Ord. 85-2: Ord. 85-1 §§3,4)

13.12.040 **Exceptional Users:** 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. (Ord. 85-1 §5 (1))

13.12.050 **Municipal Entities:** Municipal entities located in the County shall be assessed a fee according to the categories set out in this Chapter 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 pickup service for residents of that municipality. (Ord. 85-1 §5 (2))

13.12.060 **Low-Income Users:** Low-income 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 County Commissioners. (Ord. 85-1 §5 (3))

13.12.070 **Petition for Determination of Waste Generated:** 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. (Ord. 85-1 §5 (4))

13.12.080 Amendments:

A. The Board of County Commissioners for Fremont County shall periodically review the fees established by this ordinance and may, upon its own motion or upon recommendation, make amendments to the fees established by this Chapter through resolution.

B. 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 Chapter. (Ord. 95-05 §9)

This amendment to the ordinance shall be in full force and effect, from and after its passage and publication, as provided by law.

PASSED THIS 10<sup>th</sup> DAY OF January, 2005.

BOARD OF COUNTY COMMISSIONERS  
FREMONT COUNTY, IDAHO

Donald B. Trupp  
DONALD TRUPP, CHAIRMAN

ATTEST:

Abbie Mace  
ABBIE MACE, CLERK