

**ORDINANCE #324**  
**LATAH COUNTY SOLID WASTE ORDINANCE**

AN ORDINANCE ESTABLISHING A SOLID WASTE DISPOSAL SYSTEM AND SOLID WASTE COLLECTION SYSTEM FOR LATAH COUNTY, IDAHO; PROVIDING FOR AUTHORITY, PURPOSE, TITLE, SCOPE AND REPEAL OF PRIOR ORDINANCE; DEFINITIONS; PROVIDING REGULATIONS GOVERNING RURAL SOLID WASTE COLLECTION SYSTEM, LANDFILLS AND OTHER FUNDING OF MAINTENANCE AND OPERATION, ACCUMULATION OF SOLID WASTE, SPECIAL PERMITS, WASTE TIRE MANAGEMENT, CONTRACTS, SOLID WASTE COORDINATOR, SEVERABILITY; PROVIDING FOR ENFORCEMENT AND EFFECTIVE DATE OF ORDINANCE; PURSUANT TO AND IN COMPLIANCE WITH CHAPTER 44, TITLE 31, CHAPTER 65, TITLE 39 OF THE IDAHO CODE AND THE SOLID WASTE MANAGEMENT RULES IN IDAPA 58.01.06.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LATAH COUNTY, IDAHO;

**ARTICLE I**

**AUTHORITY, PURPOSE, TITLE, SCOPE AND REPEAL OF PRIOR ORDINANCE**

**SECTION 1: AUTHORITY AND PURPOSE**

The purpose of this ordinance is to establish a dependable, economical and environmentally safe solid waste disposal system in Latah County, Idaho, with waste reduction as a main goal, pursuant to the authority of and in compliance with Chapter 44, Title 31, Chapter 65, Title 39 and Chapter 74, Title 39 of the Idaho Code and the "Solid Waste Management Rules" in IDAPA 58.01.06.

**SECTION 2: SHORT TITLE**

This ordinance shall be known as and may be cited as "The Latah County Solid Waste Ordinance".

**SECTION 3: SCOPE OF ORDINANCE**

This ordinance shall apply to all lands and premises in Latah County, except those located within the corporate limits of any city that is operating and maintaining a solid waste disposal system in compliance with Idaho law.

**SECTION 4: REPEAL**

Latah County Ordinance #229 is hereby repealed and this ordinance #324 enacted in place thereof.

**ARTICLE II**

**DEFINITIONS**

The following definitions apply generally to the provisions of this ordinance. Additional definitions related to the County Waste Tire Management Plan may be found in Article VIII.

- A. **Accumulation:** Act or state of collection of materials resulting in a mass amount, continuously growing in size and volume.
- B. **Asbestos:** A fibrous mineral, either amphibole or chrysotile, formerly used for making incombustible or fireproof articles. Hazardous waste specified disposal requirements and disposal fees.
- C. **Ashes:** The residue from the burning of wood, coal, coke or other combustible materials;
- D. **Bags:** See Containers.
- E. **Board:** The Board of Commissioners of Latah County, Idaho.
- E. **Bulky Waste:** Items weighing over sixty pounds and any materials over four feet in length, including but not limited to, stoves, refrigerators, water tanks, washing machines, furniture, appliances, bedsprings and mattresses, carpets, demolition, commercial, industrial motor vehicle bodies/metal parts, dirt, wood, wire, tires, rock, cement, concrete, sheetrock, sod, loose branches and large dead animals (over ten pounds).
- F. **Bulky Waste Site:** A specified location, open on a limited schedule and specified waste commodities accepted throughout the year and available to rural county/rural city residents.
- G. **Bundle:** Small trees, shrub and brush trimmings or newspapers and magazines securely tied together forming an easily handled package not exceeding four feet in length or thirty-five pounds in weight.
- H. **Burning:** See Article V, Section 21.
- I. **Business:** An individual, partnership, association, corporation, company, trust, firm, estate, joint venture, unit, agent, public agency, industry, or other legal entity operating as a self-contained independent enterprise, such as a beauty shop, retail shop, professional office, etc.
- J. **Carryout Service:** Services by which contractor's employees enter a residential customer's property to convey waste and recyclable materials to the collection vehicle. This service may include additional fees.
- K. **City:** An incorporated municipality under Title 50 of the Idaho Code.
- L. **CFC Appliance:** Appliance that contains chlorofluorocarbons.
- M. **Collection Unit:** A Latah County resident and/or agent who generates waste and requires collection and disposal of that waste from a place of residence or place of business located within rural Latah County.
  - 1) **Residential Unit:** A dwelling within the County of Latah occupied by a person or group of persons. A residential unit shall be deemed occupied when either occupied or producing solid waste. Each unit within an apartment, condominium or mobile home park dwelling shall be treated as an individual residential unit.
  - 2) **Business Unit:** Each space occupied by an individual business. A business shall be deemed occupied when either occupied or producing solid waste.

- N. **Collector:** The person holding a license, franchise or contract with the County, and/or employed by the County and thereby authorized as a collector or designated by the County to collect, handle, transport and dispose of solid waste.
- O. **Containers:**
- 1) **Bags:** Plastic sacks designed to store solid waste with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of bag and its contents shall not exceed thirty-five pounds for collection services.
  - 2) **Manual Container (Garbage Can):** A receptacle with a capacity of greater than twenty gallons, but not more than thirty-six gallons tapered so that it is larger at the top than at the bottom, made of metal, plastic, or fiberglass having a tight fitting lid which completely covers the top to the container, rodent proof and not exceeding sixty pounds of gross loaded weight and having handles of adequate strength for lifting.
  - 3) **Mechanical Container:** A receptacle designed for loose solid waste to be lifted by mechanical means so that its contents can be emptied.
  - 4) **Compactor Container:** A receptacle designed to compact solid waste and to be moved by mechanical means so that its contents can be emptied.
  - 5) **Roll Cart Container:** A receptacle of various sizes, shapes and colors, generally constructed of medium or high density polyethylene (MDPE/HDPE) plastic resin and utilized for the City's residential Solid Waste collection. Roll Cart Containers normally have handles, wheels and permanently attached closeable lids. Roll Cart Containers are universally designed to allow service by semi-automated and fully automated mechanical lifting devices.
- P. **Collection Vehicle:** A mobile collection vehicle having the capacity sufficient to receive and dispose of all household waste deposited at rural container sites or at individual collection units for disposal at a disposal site.
- Q. **Composting:** A mixture of various decaying organic substances as dead leaves or manure used for fertilizing soil. The biological decomposition of organic or natural yard waste under controlled conditions.
- R. **Containment Structures:** Any structure, framework or fence constructed or erected for the purpose of housing or retaining any containers as defined herein.
- S. **Contract:** An exclusive contract/privilege granted by Latah County to collect, handle dispose or recycle solid waste.
- T. **Contractor:** The person, firm or corporation awarded an exclusive contract to collect, handle, transport, dispose, recycle or recover solid waste.
- U. **Coordinator:** A supervisor or such other person designated by the Board.
- V. **County:** Refers to Latah County.
- W. **Customer:** A waste generator or producer served by the Latah County Collection System.
- X. **Disposal:** Discharge, deposit, injection, dumping, spilling, leaking, leaching, migration, or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into

any waters including ground water; or disposing of solid waste in a disposal site; disposal of solid waste for resource recovery or transportation to another site or facility.

- Y. **Disposal Site (dump):** A waste facility or site where solid waste is disposed of, reduced or recovered, such as sanitary landfills, transfer stations, incinerators and resource recovery facilities which are licensed or approved to receive for processing or final disposal of solid waste by all governmental bodies and agencies having jurisdiction.
- Z. **E-Waste:** Electronic Waste such as, TV's, laptops, monitors, cpu's, towers or any other electronic item with hazardous material inside. Items not included would be fax machines, telephones, radios, copiers, keyboards and power cords.
- AA. **Equipment:** Equipment used by a Franchisee within the City for the collection or Disposal of Solid Waste.
- BB. **Exemption:** A waiver of the solid waste fee, if approved by the Latah County Board of County Commissioners or the Solid Waste Coordinator.
- CC. **Franchisee:** A licensed and insured business that provides service to Latah County. Also see *Contractor*.
- DD. **Garbage:** Any waste consisting of putrescible animal and vegetable material resulting from the handling, preparation, cooking and consumption of food, including waste materials from households, markets, storage facilities, handling and sale of produce and other food products. Any matter that is no longer wanted or needed; trash.
- EE. **Generator:** Any person, business or other entity, which produces solid waste, recyclables, e-waste, tires, appliances, non-MSW waste, yard waste and hazardous waste within the collection area.
- FF. **Hazardous Waste Generator:** Any resident of a residential or business unit in Latah Collection area.
- GG. **Hazardous Waste:** Any chemical, compound, mixture, substance, or article which is designated by the United States Environmental Protection Agency or other appropriate agency of the Federal Government or State of Idaho, to be "hazardous" as that term is defined by or pursuant to law.
- HH. **Hazardous Waste, Conditionally Exempt:** Small quantities of hazardous waste generated in the household waste stream, acceptable by EPA standards for disposal in MSW landfills because of its quantity, concentration and characteristics.
- II. **Household Waste:** Any solid waste, including kitchen wastes, and trash derived from households; including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreations areas which fits into a bag, manual container or bundle less than four feet in length; does not include bulky, infectious, or hazardous waste, or any type of solid waste that is not normally collected by the Franchisee at residential or business units on individual collection routes. Inspector: The authorized employee or agent having the duty of enforcement of ordinance, regulations, and laws.

- JJ. **Infectious Waste:** 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 by or pursuant to law.
- KK. **Landfill:** An area of land or excavation in which solid wastes are placed for permanent disposal and that is not a land application unit, surface impoundment, injection well or waste pile.
- LL. **Liquid Waste:** Any waste material that is determined to contain free liquids as described in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods, Method 9095 (EPA Pub. No. SW-846).
- MM. **Loose Yardage (Overflow):** Any solid waste placed beside, in the area of or over the top of a container.
- NN. **MSW Waste:** Means all putrescible and non-putrescible solid and semisolid wastes, including, but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof and discarded commodities.
- OO. **Non-MSW Waste:** Means solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made structures.
- PP. **Premises:** Land and all buildings and structures thereon, but not excluding by terms of enumeration, single or multiple family dwellings, rooming houses, apartment houses, hospitals, convalescent and nursing homes, hotels and motels, restaurants, drive-in establishments, schools (kindergartens, academic, trade, or industrial), mobile home parks, and any other place of habitation, office, shop or establishment or place of conducting a business, trade or occupation.
- QQ. **Producer:** Residential unit or business unit as defined herein.
- RR. **Putrescible Waste:** Solid waste which has the capacity to become rotten or foul.
- SS. **Recycling:** The reclamation of solid waste and its subsequent introduction into the industrial process by which the material is transformed into a new product in such a manner that the original identity as a product is lost.
- TT. **Resident:** Every person in possession, charge, custody or control of any premises where solid waste is created or accumulated, whether the property owner or lessee.
- UU. **Resource Recovery:** The process, including recycling, of obtaining useful material or energy resources from solid waste.
- VV. **Roadway:** That portion of right-of-way or private property adjacent to the traveled portion of the county road or State highway right-of-way used for the placement of all solid waste containers on collection days.
- WW. **Solid Waste:** Any garbage or refuse, sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial,

commercial, mining, and agricultural operations and from household, business or community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under federal law, or source, special nuclear, or by-product material as defined in the atomic energy act of 1954, as amended.

- XX. **Transfer Station:** A facility or building or location where solid waste is transferred from one container to another for hauling to another location.
- YY. **Waste Reduction:** The diversion of any portion of the waste stream for recycling, energy recovery, composting, or any other lawful process for the purpose of reducing the volume of the waste stream.

### ARTICLE III

#### RURAL SOLID WASTE COLLECTION SYSTEM

##### SECTION 10: COLLECTION OF SOLID WASTE

There is hereby established a system for the collection of solid waste in Latah County.

The Board may establish regular collection schedules for the collection, transportation and disposal of solid waste from all premises in rural Latah County, provided that the owners/occupiers of such premises comply with the provisions of this Ordinance, and all rules and regulations adopted by the Board.

It shall be the duty of the persons served by the collector at all times to keep, or cause to be kept, containers, as defined herein, and to deposit or cause to be deposited therein all solid waste, except as otherwise provided.

All containers shall be (1) equipped with close-fitting covers, (2) securely tied, or (3) otherwise closed to prevent the contents from being blown by the wind, scattered by animals, or otherwise littered.

Solid waste or recyclable materials shall not be compacted in a container to the extent of obstructing free and easy removal from the container.

All persons shall restrain their animals from spreading solid waste or recyclable materials left for collection or from interfering with pick-up personnel during collection. Owners of animals shall be held responsible for any clean-up required from the actions of their animals.

All solid waste, before being placed or deposited in sanitary containers for collection, shall have drained from it all free liquids and may be wrapped and placed in paper or plastic bags.

Tree trimmings, hedge clippings and similar materials shall be cut to a length not to exceed four feet or thirty-five pounds in weight and securely tied in bundles before being deposited for collection.

Grass clippings, leaves, and garden debris, except sod, soil, and rocks, may be placed in plastic bags or other similar covered and tied containers not exceeding 35 pounds in weight.

At premises wherein large accumulations of solid waste occur, the resident or owner of such premises may place bags in mechanical containers, provided either by such person or the collector. All such containers shall be water tight, cleaned on a regular basis, closed at all times and so constructed as to have lids or covers easily managed and operated.

#### **SECTION 11: SPECIAL SERVICES**

The Board reserves the right to, and may at its option, provide for a voluntary collection system for recyclables, which may include the separation of recyclable materials from other solid waste and require the deposit thereof in separate containers. The Board may also issue further regulations for the placement and disposal of recyclable materials.

#### **SECTION 12: PLACEMENT OF CONTAINERS FOR COLLECTION SERVICES**

All containers shall be placed for collection outside of all buildings and shall be placed as close as reasonably possible to the County or State Highway right-of-way without obstructing parking areas or pedestrian travel. When construction work is being performed in the right-of-way, containers, bags or bundles shall be placed as close as possible to an access point for the collection vehicle.

All containers shall be replaced, upright where found, with lids on them. Containers and lids shall not be placed or thrown on streets, alleys, highways, or on adjoining property. The collector shall not permit receptacles to be thrown from the truck to the pavement or parkway nor in any other way permit damage to occur by rough or improper handling thereof. Private property, public streets, alleys, or ways about the containers and the collection truck shall be the responsibility of the collector to keep clean, and the collector shall be responsible for the removal of such spillage, but shall not be responsible for cleaning up conditions created by the residents around such containers.

If containers are stored in unlocked, fenced yards, such containers will be collected only if the containers are clearly visible to the collector and not in excess of ten feet from the side of the street or alley from which collection is made. The producer may contract with the collector for carry out collection services for other locations upon payment of additional fees as determined by mutual agreement with the collector.

If there is an animal which appears to be unfriendly within a fenced area, the collector shall not be required to enter the area, and the resident or owner shall place the container outside the fence, clearly visible to the collector and not in excess of ten feet from the side of the street or alley from which collection is made.

At other than commercial and alley pickup, all containers shall be removed from public ways within twenty-four hours after collection is completed.

#### **SECTION 13: LICENSING OF COLLECTORS**

The Board shall be the sole authority to license, franchise, contract for, or perform all services pertaining to the collection and disposal of solid waste, and to establish reasonable fees for licenses, and may enter into agreements with one or more collectors or governmental entities and establish reasonable rules and regulations governing the conduct and operation of such collectors.

**SECTION 14: HAZARDOUS MATERIALS**

The collector shall not collect or transport hazardous or infectious materials to the disposal site, except as provided herein. All requests for collection of such materials shall be referred directly to the collector, who shall obtain such permits and licenses for such transportation, collection and disposal as may be required by law. Certain hazardous wastes may be disposed of during the periodic Household Hazardous Waste Collection day(s), when such day(s) are announced by the collector. In case of a hazardous materials emergency the Latah County emergency operations plan will be implemented.

**EMERGENCY CONTACT NOTIFICATION SYSTEM**

Moscow Fire Department/ University of Idaho Hazardous Materials Team . . . . . 911  
The emergency medical services dispatcher will notify the proper responders.

**SECTION 15: BULKY WASTE AND RECYCLING PROGRAMS**

Bulky waste will be controlled and sites will be open on a schedule to be established by the Board. The bulky waste sites will also provide a means of disposal for inert / demolition waste, passenger vehicle tires or large household appliances like washers/dryers, refrigerators and freezers. The sites may schedule special events or programs for Latah County residents. The sites will not accept e-waste or hazardous waste. Commercial use of the bulky waste sites is prohibited. Only waste produced from individual residences and designated small businesses located in rural Latah County and rural cities which have entered into an agreement with Latah County for the use of said sites shall be permitted to dispose of waste at said sites. City of Moscow residents are currently excluded from Latah County Bulky Waste Program. It shall be unlawful for any person to dispose of solid waste at any bulky waste site at any other time than during the established operating hours.

Rural Recycling Program consist of self-serve rural recycling drop off boxes with 24 hour availability throughout Latah County for deposit of specified recyclable only as the boxes are labeled. The box locations and commodities accepted are subject to change. The small box openings are to prevent garbage contamination. Guidelines for recycling will be posted at the recycling site Rinse containers & discard all lids (unrecyclable)

**ARTICLE IV**

**LANDFILLS AND OTHER SOLID WASTE FACILITIES**

**SECTION 16: DESIGNATED COUNTY LANDFILLS**

For the protection and preservation of the safety, health and general welfare of the inhabitants of the County, there shall be established at such places and locations as the Board may, from time to time, designate, locations for the establishment and operation of designated County landfills.

All landfill sites shall be chosen with regard to Federal landfill sighting criteria, state and county regulations, and in cooperation with the North Central Health District and the Idaho Division of Environmental Quality.

The Board may make and enforce rules and regulations governing the operation and maintenance of landfills.

Landfills shall be maintained and operated in accordance with applicable federal state and local law.

#### **SECTION 17: OTHER FACILITIES**

Other solid waste facilities, including transfer stations, incinerators, commercial or community composting facilities, recycling, and processing or treatment facilities must meet applicable regulations promulgated by the state, North Central Health District, and the County.

### **ARTICLE V**

#### **MANDATORY USE OF SYSTEM, UNLAWFUL DISPOSAL**

#### **SECTION 18: MANDATORY USE OF SYSTEM**

All solid waste generated in or transported to Latah County must be disposed of in the County Solid Waste Disposal System as herein provided.

Solid Waste must be disposed of:

- 1) By depositing the solid waste at the designated rural container sites, subject to the limitations on use of designated rural container sites herein provided; or,
- 2) By contracting with a collector for the collection and disposal of the solid waste; or,
- 3) By depositing solid waste at a designated landfill or waste processing facility; or,
- 4) By depositing the solid waste at a designated recycle/resource recovery center; or,
- 5) By disposing of the solid waste pursuant to a special permit as herein provided.

Industrial waste and bulky items shall be disposed of by dumping the same at a designated landfill or waste processing facility.

Hazardous materials shall be disposed of in accordance with the rules, regulations and directives of the North Central District Health Department of the Idaho Department of Health and Welfare, all federal and state hazardous waste regulations; the federal Resource Conservation and Recovery Act (RCRA) and the rules, regulations and directives of the Idaho Department of Health and Welfare, Division of Environmental Quality.

#### **SECTION 19: UNLAWFUL DISPOSAL OR TRANSPORTATION OF SOLID WASTE**

It shall be unlawful for any person in Latah County to bury, dump, throw, discard, deposit or in any other manner dispose of solid waste other than into the Latah County Solid Waste Disposal System without first obtaining a permit under the specific provisions for special permits, provided that nothing herein shall be constructed to prevent the maintenance of a compost pile for fertilization purposes or the use of solid waste for fuel in lawful stoves, furnaces or fireplaces or the use of solid waste for feed for animals or the use of solid waste for fertilization, or the use of out-door fireplaces, barbecue pits, or grills, in preparing food, or for recreational purposes, or giving or selling that portion of the solid waste stream that is recyclable, provided the same does not contribute 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.

Nothing herein shall be deemed as prohibiting any person from hauling solid waste or recyclable materials to sites designated by the County for receiving such materials, and provided, further, that such person shall not thereby be relieved of payment of any fees or charges required therefor, and provided further that all solid waste or recyclable material shall be secured in such manner that it will not litter any public or private property.

It shall be unlawful for any person, other than a collector, to remove solid waste from rural containers or from collection containers placed on individual or special collection routes.

No person shall transport solid waste over public highways or roads of Latah County unless such vehicle is equipped with a canvas top or other device effective to prevent the waste from being strewn or littered about the highway or roads.

No person, contractor, franchisee, commercial business, unit of government or other agency or party shall dispose of solid waste produced or generated outside of Latah County at the designated Latah County landfill or landfills without prior written approval from the Board.

It shall be unlawful for any person to engage in the business of collecting, handling, transporting, hauling, conveying, or in any manner disposing of any solid waste in Latah County unless and until such person is an collector for Latah County as herein defined, except that portion of the waste stream that includes recyclables and resource recovery materials.

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 Latah County, or to allow any solid waste to become deposited on or carried by wind, water or air upon any private or public property or right-of-way in Latah County.

It shall be unlawful for any person to discard, deposit or litter any solid waste on their property that will contribute 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.

#### **SECTION 20: LAND SPREADING DISPOSAL AND STORAGE PILE**

Seasonal or temporary storage of agricultural or other solid wastes in piles can be an acceptable practice provided that the pile is adequately protected from surface run off, appropriate measures are taken to prevent odors, control vermin and insects, and other measures are taken as may be specified by the Solid Waste Department, North Central District Health department of Idaho, Health and Welfare Department and Division of Environmental Quality to protect the public health.

#### **SECTION 21: ANIMAL AND GAME WASTE**

Animal and game waste in Latah County are classified as MSW waste. It shall be unlawful for any person in Latah County to bury, dump, throw, discard, deposit or in any other manner dispose of animal and game waste other than into the Latah County Solid Waste Disposal System, hereby established without first obtaining a permit under the specific provisions for Special Permits herein.

#### **SECTION 22: BURNING**

The burning of natural material is the only burning allowed in Latah County. A permit must be obtained from the appropriate Forest Protection District. Burning is not permitted between May 10 and October 20. It shall be unlawful for any person to burn the following materials in the open:

garbage, wastes at mills, demolition debris, oil, grease or asphalt, railroad ties, plastics, junk motor vehicles, telephone poles, asphalt materials, commercial or industrial waste, rubber materials, lumber or fence posts treated with any chemicals, heavy petroleum products, dead animals, tar or tar paper, pathogenic wastes, tires, paints, hazardous wastes, salvage or insulated wire.

## ARTICLE VI

### FUNDING OF MAINTENANCE AND OPERATION

#### SECTION 23: BILLING PROCEDURES/FEES/PAYMENTS/EXEMPTIONS

The Board shall have sole authority to establish rates and fees for the collection, transportation, processing and disposal of all rural solid waste and the solid waste of any incorporated entity that enters into contracts with the county for solid waste services. At least annually, the Board of Commissioners will adopt a Resolution to include the upcoming year of all residential fees, commercial fees, Circuit Breaker credits and any program or billing changes.

The maintenance and operation of the rural solid waste collection system and programs shall be funded by the assessment and collection of a fee imposed upon each and every premises in Latah County, except those located within the corporate limits of any city that is operating and maintaining a solid waste disposal system in compliance with Idaho Law.

#### **A. Billing procedures**

- 1) All rural Latah County property owners are required to pay solid waste fees, except those granted exemption pursuant to the criteria set forth in the preceding section. Failure to timely pay such fees may result in discontinuance of collection services until such fees are paid at the discretion of the Board of Commissioners.
- 2) Service fees are billed quarterly and all payments will be due on the 15<sup>th</sup> of the last month of each quarter being March, June, September and December. Bills will be mailed or emailed the last two weeks of March, June, September, and December. To avoid late fees, all fees due must be paid by the 15<sup>th</sup> day of the last month of each quarter.
- 3) If any account is more than 90 days delinquent on the first of August, the property owner will be notified that if the balance owing is not paid by a certain date, the balance due will be certified to the Treasurer for collection with the owner's property taxes. [Pursuant to Idaho code 31-870] The Board of County Commissioners will notify the County Treasurer of those accounts. The delinquent amounts owing for past year(s) and for the calendar year with accumulated late fees and the certified mailing fee will be attached to the property taxes. The upcoming year will be directly billed to the ratepayer. It will not be automatically billed on the taxes.

#### **B. Payments**

- 1) Payment of the fees for maintenance and operation of the system shall be compulsory upon all premises within the County excluding those located within the corporate limits of any city that is operating and maintaining a solid waste disposal system in compliance with Idaho Law.
- 2) 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 solid waste system shall be paid there so long as funds are available. 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 Fund 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.

- 3) Payment options; Payments may be submitted at any time by check, cash, credit/debit card or automatic electronic payments as follows:
  - a. Checks/Money orders may be received by mail or hand delivered to the office or drop box located in the Latah County Courthouse parking lot.
  - b. Cash payments must be paid in the office to be receipted at the time of payment.
  - c. Credit/Debit card payments may be made online or paid in the office.  
Credit/Debit cards will be assessed a bank convenience fee.
  - d. Electronic payments will be processed on the 15<sup>th</sup> of each month or on the next business day if the 15<sup>th</sup> is on a holiday or weekend. To be eligible for electronic payments, customers must sign up with the Solid Waste Department.

#### **C. Circuit Breakers**

The reduction will not exceed the 35-gallon annual cart fee and is applied to the service level provided. The fee schedule is adopted annually by the Board of Latah County Commissioners. A sliding scale will be used for adjustment of fees for persons qualifying for the Circuit Breaker Property Tax Exemption as set forth in Idaho Code §§ 63-701 through 706. Annually a scale will be established in conjunction with the annual setting of fees to be assessed for solid waste services. If the property ownership changes the Circuit Breaker Credit will be removed and the new owner will be billed for the services provided.

#### **D. Exemptions**

The Solid Waste Department or Board shall have authority to grant exemptions to persons who apply, 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 affect 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 exemption shall be approved to avoid future billings if applicable. The owner will still be responsible for submitting payment to Latah County for past fees billed. The property owner is required to notify the Latah County Solid Waste Department within 30 days of the home being sold or occupied to avoid billing of all fees previously exempted.

- 1) The Solid Waste Department shall have the authority to grant or deny applications for exemption.
- 2) The Solid Waste Department shall not have the authority to grant or deny applications for exemption based on hardship or refunds. The authority to grant or deny hardship exemptions and refunds will rest solely with the Board of County Commissioners.
- 3) An applicant for exemption who wishes to challenge a decision of the Solid Waste Department regarding an exemption may file a written request with the Board of County Commissioners within thirty (30) days of the decision made by the Solid Waste Department. Upon review, the Board of County Commissioners can affirm or set aside the decision of the Solid Waste Department.

The following are the criteria for solid waste fee exemptions and adjustments. If you feel you qualify for any of these, please obtain an application for the adjustment from the Latah County Solid Waste Office or Appendix A of the Fee Resolution.

***All adjustment and/or exemption applications may be subject to the approval of the Latah County Board of Commissioners. Additional documentation may be required.***

## ARTICLE VII

### ACCUMULATION OF SOLID WASTE, SPECIAL PERMITS

#### SECTION 24: UNLAWFUL ACCUMULATION OF SOLID WASTE

It shall be unlawful 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 person, any solid waste in any amount that could 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.

#### SECTION 25: ACCUMULATION OF GARBAGE (PUTRESCIBLE WASTE)

All garbage shall at all times be kept in a watertight sanitary container which is not easily corrodible and is rodent and fly proof. Sanitary containers must be metal, plastic or fiberglass receptacles or disposable bags with gauge of not less than one and five-tenths mills.

It shall be the duty of the resident or owner of any premises at all times to keep, or cause to be kept, containers, as defined above, and to deposit or cause to be deposited therein all garbage.

All containers shall be equipped with close fitting covers, securely tied, or otherwise closed to prevent the contents from being blown by the wind, scattered by animals or otherwise littered.

All containers shall be kept in a reasonably clean condition with the inside and outside washed at such times as to keep the same free and clean of accumulating grease and decomposing material.

#### SECTION 26: ACCUMULATION OF OTHER SOLID WASTE

All household waste except that described in Subsection "C" of this Section shall be kept in sanitary containers or other containers approved by the Board at all times.

Such containers shall have lids and shall be maintained in a clean and sanitary condition.

Household Waste consisting only of cardboard, or wooden boxes, brush, leaves, weeds, and cuttings from trees, lawns, shrubs, and gardens, may be kept separately, provided that this waste shall not be subject to being blown by the wind or otherwise littered and provided further that such waste shall not cause or create an offensive odor, a rodent harborage, or a public nuisance.

#### SECTION 27: SPECIAL PERMITS

The Board of County Commissioners may issue special disposal permits to persons owning land in Latah County who apply for such permit. The permit will authorize the land owner to dispose of solid waste upon his property when the Board determines that such disposal will not contribute to or result in a danger to public health, the creation or existence of a nuisance or safety hazard, the pollution of water or air, . There is an application fee required before the application is processed. If the application is approved, an additional permit fee is required. Also if a permit is approved Latah County will require that the activity listed in the application form be recorded on the deed of the property listed in the application.

The Board shall have the authority to grant a permit and waive the application and permit fee when the Board determines that the disposal activity is very limited in scope and that the disposal will not contribute to or result in danger to public health, the creation or existence of a nuisance or safety hazard, or the pollution of water or air.

The disposal of any waste under this section must meet the rules and regulations of North Central District Health Department of Idaho, Health and Welfare Department and Division of Environmental Quality.

**SECTION 28: WASTE REDUCTION, RECYCLING AND COMPOSTING**

The hauling of recyclables in Latah County is permissible, provided that the same shall not be subject to being blown by the wind or otherwise littered and provided further that the same shall not cause an offensive odor, a rodent harborage or a nuisance.

Private or individual household composting is acceptable and encouraged on private property, provided that the same shall not cause an offensive odor, a rodent harborage or a public nuisance.

Maximum reduction of the volume of the waste stream is encouraged by the Latah County Board of Commissioners, provided that the portion of the waste stream being diverted shall not be subject to being blown by the wind or otherwise littered and provided further that the same shall not cause an offensive odor, a rodent harborage or a public nuisance.

**ARTICLE VIII**

**WASTE TIRE MANAGEMENT**

**SECTION 29: DEFINITIONS**

- A. **Altered Waste Tire:** A waste tire that is no longer whole including waste tires that have been chopped or shredded.
- B. **Department:** North Central Health District Department.
- C. **District:** The North Central Health District, the jurisdiction of which includes: Clearwater, Idaho, Latah, Lewis and Nez Perce Counties.
- D. **Facility Approval:** A written authorization issued by the Department authorizing a person or entity to construct, install, or operate facilities and conduct specific activities subject to conditions.
- E. **Illegal Tire Pile (200 tires Idaho Code 39-65021):** The storing, stockpiling, accumulation, or disposing of two hundred or more waste tires at one location without facility approval or exemption by the County or the Department.
- F. **Passenger and Light Truck Tire:** Any motor vehicle tire with a rim diameter of twelve to sixteen inches.
- G. **Recyclable Tire:** A tire that is not a new tire, but which is free of permanent physical damage and maintains sufficient material to permit its use through retreading, repairing, or reconditioning for re-sale.

- H. **Re-Treader:** A person who accepts passenger, light truck and truck tires and re-treads such tires and is registered with the Department.
- I. **Registered Tire Pile, 200+ Tires:** A location where over 200 tires are stored, dumped or have otherwise accumulated and which is registered with Latah County under the procedures set forth herein.
- J. **Waste Tire:** A tire that is not on the wheel of a vehicle and is no longer suitable for its original intended use due to wear, damage, or defect, including all used tires, altered waste tires, recappable casings and scrap tires.
- K. **Waste Tire Facility:** A site where 200 or more waste tires are stored, dumped or have otherwise accumulated and which is registered with and approved by the Department pursuant to regulations of the Department.

**SECTION 30: WASTE TIRE DISPOSAL**

The Board of Commissioners finds that the accumulation of large amounts of waste tires constitutes a hazard to property, the environment and the health of the citizens of Latah County. It shall be unlawful for any person to dispose of waste tires, in any form, in landfills. The open incineration of waste tires is also prohibited, except as permitted by law. No person shall store or dispose of waste tires except at a solid waste transfer station or authorized solid waste disposal site or by another approved method as follows:

- 1) Retreading.
- 2) Construction of Collision barriers.
- 3) Soil Erosion Control.
- 4) Chopping or shredding prior to reuse.
- 5) Grinding for use in asphalt or as a raw material for other products.
- 6) Use as playground equipment.
- 7) Incinerating for use as fuel, if permitted by law.
- 8) Hauling to lawful out-of-state collection or processing sites.

The Board of Commissioners may authorize other methods of management and/or disposal and end-uses of waste tires, with the approval of the Department.

**SECTION 31: ILLEGAL TIRE PILES**

Owners of property on which unapproved or unauthorized tire piles are located shall dispose of the waste tires by an approved method upon notification by the Board of County Commissioners or by the Department. This requirement shall apply to all illegal tire piles which exist as of the date of passage of this ordinance or which may thereafter come into existence. The clean-up of said sites shall be accomplished at the property owner's expense within the time frame established by the Board of County Commissioners. Alternatively, such sites may be registered with the County or may be approved by the Department as a waste tire facility, as set forth below.

**SECTION 32: REGISTERED TIRE PILES**

Annual registration of all tire piles in Latah County containing more than two hundred (200) tires at any time is required. Any person or business owning a tire pile above these limits must register and state the long-term plans for the pile.

In order to obtain registered status the owner must provide a statement of the property owner's long-term plans for the tire pile and end-use of the waste tires. The property owner must comply with the current edition of the Uniform Fire Code and conditions supporting the increase in numbers and attraction of potential vectors of disease shall not be permitted.

Owners of property where registered tire piles are located shall limit access to these tire piles to prevent further disposal of tires or other wastes.

**SECTION 33: WASTE TIRE FACILITY APPROVAL**

Storing, stockpiling, accumulating, processing, or producing a commodity from waste tires at sites containing 200 or more waste tires shall be unlawful unless approval for such facilities are obtained from the Department pursuant to the Department's regulations governing approval and maintenance of such facilities.

**SECTION 34: ENFORCEMENT**

Enforcement of the provisions of this Article pertaining to waste tire facilities shall be provided by the Department.

Enforcement of all other provisions of this ordinance shall be the responsibility of Latah County.

**ARTICLE IX**

**CONTRACTS, COORDINATOR, SEVERABILITY,  
ENFORCEMENT AND EFFECTIVE DATE**

**SECTION 35: CONTRACT AUTHORIZATION**

The County may contract for the collection, removal and disposal of solid waste and recyclable materials, the operations and maintenance of rural container sites, designated landfill sites or any combination thereof. No contract shall exceed ten years' duration.

The County may contract with cities in Latah County for the purpose of permitting such cities to join the County solid waste collection and/or disposal system or any combination of the same.

**SECTION 36: SOLID WASTE COORDINATOR**

The Board shall have authority to appoint a Solid Waste Coordinator and to employ such additional persons as it shall deem necessary to administrator the solid waste disposal and collection system, recycling, waste reduction program and education program. 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 and fixed by the Board.

**SECTION 37: SEVERABILITY**

Should any section, subsection, paragraph, sentence, or clause of this Ordinance be held, for any reason, 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 38: VIOLATION OF ORDINANCE**

Violation of any provision of this Ordinance shall be a misdemeanor, punishable by a fine of not more than \$1,000.00 or imprisonment in the county jail for not more than six months, or both such fine and imprisonment, in addition to restitution for the costs of recovery and proper disposal of any wastes unlawfully disposed of. Community Service shall be the preferred alternative punishment, in lieu of incarceration, for first offenders. A continuing violation of any such provision is hereby declared to be a public nuisance. Latah County reserves the right to bring an action in any court of competent jurisdiction to enjoin any acts or practices prohibited by this ordinance and to enforce compliance with this ordinance, pursuant to Idaho Code § 31-4406 or its successor.

**EFFECTIVE DATE**

This Ordinance shall take effect and be in full force and effect from and after its passage and publication according to law.

APPROVED by the Board of Latah County Commissioners, this 28th day of October, 2015.



Richard Walser, Chair



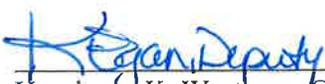
David McGraw, Commissioner



Thomas C. Lamar, Commissioner

ATTEST:

DATE:



Henrienne K. Westberg, County Clerk

10-28-15