

ORDINANCE NUMBER 9501

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF SOLID WASTE DISPOSAL GUIDELINES AND REGULATIONS IN THE UNINCORPORATED AREAS OF CARIBOU COUNTY; 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 AN REPEAL OF CONFLICTING ORDINANCE AND EFFECTIVE DATE.

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

SECTION 1 - Authority and title

- 1.1 Pursuant to the authority under Article 12, Section 2, of the Idaho Constitution, and laws enacted by the legislature, providing that any county may make and enforce, within it's limits, all such sanitary regulations as are not in conflict with its charter or with the general laws, it is hereby ordained:
- 1.2 This ordinance shall be known and cited as the Caribou 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 Caribou County Commissioners to establish sanitary standards for the unincorporated areas in Caribou County.
- 2.2 These regulations shall apply to all lands within the unincorporated territory of Caribou 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 Caribou County Commissioners.
- 3.2 Collector - Shall mean any person holding a contract with Caribou County authorized and designated by Caribou County to collect, handle, transport and dispose of solid waste. ~~designated by the Board of County Commissioners~~ *Collector*
- 3.3 Contract - Shall mean an exclusive contract or

privilege granted by Caribou 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 is created or accumulated.
- 3.5 Person - Shall mean any person, firm, partnership, association, institution or corporation, and in plural as well as singular.
- 3.6 Premises - Shall mean any dwelling, flats, rooming houses, apartment houses, hospitals, schools, hotels, restaurants, boarding housed, places of business, manufacturing or business establishments or any other building or structure.
- 3.7 Residence - Shall mean that the place of dwelling of one head of family and his or her dependents.
- 3.8 Sanitary Land Fills and Disposal Sites - Shall mean such areas operated by the county which shall be the only area on public or private property within Caribou County, where solid waste may be disposed, reduced or recovered.
- 3.9 Solid Waste - Shall mean 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 an inert nature such as ashes, plastics, metals, cinders, tires,, appliances, or tree parts; and those items, including liquids which in their nature are noxious, odoriferous or are subject to the development of bacteria, virus 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.

SECTION 4 - Maintenance of Sanitary Conditions

- 4.1 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 Caribou 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.
- 4.2 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 sight and/or odor or atmosphere.
- 4.3 No section or provision of this ordinance shall be construed to prohibit anything, permitted or authorized under other applicable ordinances, regulations or codes.
- 4.4 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 also the 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.
- 4.5 Compost piles may be maintained for fertilization purposes, and matter used for soil amendment purposes only may be transported, kept and used, provided the same shall not constitute a nuisance. Commercial compost facilities must obtain approval through the District Health Department by obtaining a Conditional Use Permit.

SECTION 5 - Storage and Transportation of Solid Waste

- 5.1 It shall be the duty of every owner or occupant of any place where solid waste is created or accumulated, to 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.

- 5.2 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 solid waste so transported.
- 5.3 It shall be unlawful for any person to dispose of, or any land owner to allow the disposal of, solid waste anywhere in Caribou County except at sanitary land fills and disposal sites that have been authorized by the Board or approved by the District Health Department and/or DEQ. The Board may adopt regulations by resolution prescribing the type of solid waste which may be deposited at landfill or disposal sites.
- 5.4 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 any canal, irrigation ditch, drainage ditch, or other water-course.

SECTION 6 - Enforcement, Appeals and Variations

- 6.1 Where the Board finds that extraordinary hardship will result from a strict compliance with any of 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.
- 6.2 Violation of any regulation hereunder, the provisions of any permit issued pursuant thereto, shall be a misdemeanor. If the violation is not cured within three (3) days after citation or arrest is 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.

SECTION 7 - Amendments

- 7.1 The Board may, upon its own motion or upon recommendation make amendments to this ordinance.
- 7.2 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 8 - Repeal of Conflicting Ordinance and Effective Date

8.1 All ordinances or parts of ordinances in conflict with this Caribou 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.

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

Adopted and approved the 13 day of Feb, 1995.

This Ordinance shall be in full force and effect Feb 13, 1995,

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BOARD OF CARIBOU COUNTY COMMISSIONERS

Max E. Reilly

Chairman

ATTEST: Eddie Spitt

Clerk