

**BY THE ADAMS COUNTY BOARD OF COMMISSIONERS: BROWN, PARADIS AND HOLMES**

**A SOLID WASTE ORDINANCE IN ACCORDANCE WITH CHAPTER 44, TITLE 31 AND CHAPTER 74, TITLE 39 IDAHO CODE; REPEALING ORDINANCE 2003-04 AND PROVIDING AN EFFECTIVE DATE:**

**WHEREAS:** Pursuant to chapter 44, title 31, and chapter 74, title 39, Idaho Code, the board of Adams County commissioners has the authority and duty to establish sanitary standards and a method of collection and disposal of waste for the promotion of individual and community health and the prevention of the outbreak and spread of dangerous, contagious and infectious disease;

**WHEREAS:** Through this chapter, the board intends to establish a comprehensive countywide system for the proper handling of all solid waste, including recyclable materials, originating from residential, commercial, agricultural and industrial operations, and other sources, to prevent land, air and water pollution, insect and rodent infestation, the creation of fire hazards, and to conserve the natural, economic and energy resources of the county.

**WHEREAS:** These regulations shall apply to all lands within the territory of Adams County. It shall be unlawful hereafter in such areas to keep, collect, haul, transport or dispose of waste except as herein provided.

**WHEREAS:** Should any section, clause or provision of this chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be invalid, each section, clause and provision hereof being declared severable.

**BE IT ORDAINED BY THE ADAMS COUNTY BOARD OF COMMISSIONER, IDAHO THAT:**

**SECTION 1: DEFINITIONS:**

For the purposes of this ordinance, the following terms, phrases and words shall have the meanings given herein. When consistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. For the purpose of this ordinance, all terms, phrases and words shall have their ordinary and customary meanings unless otherwise provided herein.

**ADAMS COUNTY WASTE:** Waste generated in Adams County authorized for disposal at a landfill in Adams County.

**ASBESTOS CONTAINING MATERIAL:** Any material containing at least one percent (1%) asbestos determined by polarized light microscopy using the interim method of the determination of asbestos in bulk samples contained in appendix A of subpart F in 40 CFR part 763.

**ASH:** The solid material left when combustible material is thoroughly burned or is oxidized by chemical means.

**BILLING SERVICES:** An enterprise fund established by the board to account for the receipts and expenses of providing waste collection services within unincorporated Adams County, which is administered by the board or its designee.

**BIOMEDICAL WASTE:** Untreated, solid waste from medical, dental, and intermediate care facilities, research centers, veterinary clinics, laboratories, funeral homes/mortuaries and other similar facilities, that has the potential to cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage through a portal of entry in a susceptible host.

**BOARD:** The Adams County board of county commissioners.

**CLEAN WOOD WASTE:** Solid waste consisting of wood pieces or particles generated as a byproduct or waste from the manufacturing of wood products, handling and storage of raw materials and trees. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, log fuel and log yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol or copper chrome arsenate.

**COLLECTOR:** Any person holding a contract with Adams County authorized and designated by Adams County to collect, handle, transport and dispose of solid waste.

**COMMERCIAL CUSTOMER:** Owner or occupant of a premises associated with, but not limited to, businesses, industries, government agencies, schools, mobile home parks, multi-family dwellings (triplex or larger) and temporary construction activities who chooses to receive solid waste collection services.

**COMMERCIAL PREMISES:** Premises associated with, but not limited to, businesses, industries, government agencies, schools, mobile home parks, multi-family dwellings (triplex or larger) and temporary construction activities.

**COMMERCIAL SERVICE:** Optional solid waste collection services for commercial premises associated with business, industrial and commercial premises. Commercial service includes residential service provided in commercial sanitary containers for private use, and residential service provided for the removal of stable matter in excess of five (5) cubic feet (exceeding 35 pounds).

**COMMERCIAL SOLID WASTE:** All types of solid waste generated by commercial customers on commercial premises. Commercial solid waste includes stable matter in excess of five (5) cubic feet (exceeding 35 pounds) generated by residential customers.

**CONSTRUCTION AND DEMOLITION DEBRIS:** Waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to, carpet, carpet padding, bricks, concrete, masonry materials, soil, rock, lumber, road spoils, rebar, paving materials and tree stumps. Noninert wastes and asbestos wastes are not considered demolition waste.

**CONTRACT:** An exclusive contract/privilege granted by Adams County to collect, handle, dispose, or recycle solid waste.

**CONTRACTOR:** The person, firm or corporation awarded an exclusive contract to collect, handle, transport, dispose, recycle or recover solid waste.

**COUNTY:** Adams County, Idaho.

**COUNTY OPERATED DISPOSAL SITE:** A disposal site owned or operated by the county.

**DISPOSAL SITE:** A board approved location where any treatment, utilization, processing or final deposition of solid waste occurs, including, but not limited to, sanitary landfills, waste transfer stations, and public tipping areas.

**HAZARDOUS WASTE:** Wastes listed as hazardous by the administrator of the United States environmental protection agency (EPA) in 40 CFR part 261, or waste that meets one or more of the hazardous waste criteria as defined by the EPA. The criteria are: corrosivity, ignitability, reactivity, and toxicity characteristic leaching procedure (TCLP) toxicity.

**HOUSEHOLD HAZARDOUS MATERIAL COLLECTION FACILITY:** A board approved transfer station where residents and CESQGs may deposit household hazardous waste and CESQG waste for recycling, reuse, or final disposal.

**HOUSEHOLD HAZARDOUS WASTE:** A waste product derived from a household that meets the definition of "hazardous waste", or that the board defines as hazardous waste. Household hazardous waste includes, but is not limited to, cathode ray tubes (CRT), household cleaners, automotive fluids, pesticides and herbicides.

**INCINERATION:** The controlled combustion of solid waste that yields nonputrescible residues and air effluents in compliance with applicable air pollution regulations.

**LANDFILL:** See definitions of Sanitary Landfill and Public Tipping Area.

**LIQUID WASTE:** As defined in 40 CFR 258.28(c)(1), any material that produces measurable liquid as a result of the paint filter liquids test method 9095 of EPA SW-846.

**OCCUPANT:** Any person in possession, charge or control of any premises.

**OWNER:** The current deeded owner, according to the records in the Adams County assessor's office, of any premises

**PERSON:** Any individual, firm, lessor, partnership, association, institution, government agency, municipality, or public or private corporation, in the plural as well as singular.

**PETROLEUM CONTAMINATED SOIL:** Soil in which petroleum, petroleum byproducts, or petroleum based fuels have been spilled, leaked or dumped and which fail the test for toxicity characteristics of 40 CFR part 261.4.

**PREMISES:** Any dwelling, flat, rooming house, apartment house, hospital, school, hotel, restaurant, boarding house, shop, place of business, manufacturing business, establishment or any other building, structure or parcel of land.

**PUBLIC NUISANCE:** A condition created by an unreasonable or unlawful act or omission by a person on his own property that injures or endangers the health, safety, or comfort of a considerable number of others, is offensive to community moral standards, or unlawfully obstructs the public in free use of public property.

**PUBLIC TIPPING AREA:** Specifically, designated location within a sanitary landfill where waste is deposited for final disposal.

**PUTRESCIBLE MATERIAL:** Solid waste that contains material capable of being decomposed by microorganisms.

**RECYCLABLE MATERIALS:** Materials that still have useful physical, chemical or biological properties after serving their original purposes and can, therefore, be reasonably reused or recycled for the same or other purposes.

**RECYCLING BIN:** A collector's container that is set out in such a manner to allow for safe collection of recyclable materials.

**RECYCLING CENTER:** The County landfill and transfer station shall have bins specifically for recyclable matter.

**REPORTS:** The reports required of or from collectors as to area served, routes handled, trucks and personnel employed.

**RESIDENT:** A person with a home, house, place of abode, place of habitation, dwelling or place where one actually resides in Adams County for a consecutive period of thirty (30) days.

**RESIDENTIAL COLLECTION SERVICE:** Solid waste collection service for residential customers.

**RESIDENTIAL CUSTOMER:** The occupant or owner of a residential premises in Adams County.

**RESIDENTIAL PREMISES:** A separate dwelling or residential unit occupied, or that may be occupied, by a person or group of persons which may be a single-family residence, manufactured home, condominium, duplex or multiplex. Each residence is considered separate for solid waste service and billing purposes.

**RESIDENTIAL WASTE:** Waste generated by a residential customer that fits into and weighs no more than the limits established for an approved residential sanitary container and/or bundled waste that measures and weighs no more than the limits established for approved residential waste. Residential waste excludes bulky and hazardous waste, construction and demolition debris, stable matter in excess of five (5) cubic feet (exceeding 35 pounds), and all other wastes prohibited from disposal at the county's sanitary landfills or other disposal sites.

**SANITARY CONDITION:** Maintenance of a premises, public or private, improved or vacant, so that the premises does not or is not likely to attract flies or allow for fly breeding; affords food or harborage for rodents or pests; or acts as a source of noxious or offensive odors or conditions inimical to the public interest or health.

**SANITARY LANDFILL:** An area of land or an excavation in which wastes are placed for permanent disposal, excluding land application units, surface impoundments, injection wells or waste piles.

**SCAVENGING:** The unauthorized removal of materials from a disposal site, commercial or residential sanitary container or recycling bin.

**SELF-HAULER:** A person who collects and transports solid waste generated at their own premises to a disposal site by their own means. Persons who self-haul must comply with the provisions of this chapter.

**SLUDGE:** Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

**SOLID WASTE:** Any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial mining, and agricultural operations and from 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 33 USC 1342.

**SOLID WASTE MANAGEMENT DIVISION:** The division of the county's operations department responsible for managing the county operated waste disposal facilities, recommending change and improvements to the board concerning this chapter, collecting fees at the county operated sanitary landfills for disposal of solid waste, enforcing regulations established by the board for the collection, storage, handling, transportation and disposal of solid waste, and developing contract specifications and monitoring established contracts for solid waste fee collection in Adams County.

**SPECIFICATIONS:** The requirements pertaining to waste management established from time to time by the board on recommendation of the solid waste management division.

**STATEMENTS:** Fiscal reporting required of the contracted collector such as annual financial operations, rates charged, accounts collected and delinquent and other pertinent information desired by the board.

**STREET:** A right of way which provides vehicular and pedestrian access to adjacent properties. This definition includes the terms alley, highway, thoroughfare, road, avenue, boulevard, lane, place, cul-de-sac, drive and private right of way.

**WASTE:** Unwanted, useless material, including trash, garbage, refuse, and debris; or any material intended for permanent disposal, excepting hazardous waste.

**WASTE TRANSFER STATION:** A fixed intermediate facility, approved by the board for the centralized collection of solid waste and other collected material prior to transport for final disposal.

## **SECTION 2: GENERAL REQUIREMENTS:**

### **RESIDENTIAL COLLECTION SERVICES AND FEES:**

A. Service: To maintain the public health, safety and aesthetics of the county, all owners of residential premises in Adams County that can be served by the county's solid waste collection contractor will be provided solid waste collection services. Such services shall be paid pursuant to Idaho Code sections 31-4404, 63-902(10), 31-870(1) and (2) as they are amended from time to time.

B. Service Fee: Residential collection service fees, including late charges, shall be approved by the board.

### **MAINTENANCE OF SANITARY CONDITIONS:**

A. Deposit Of Waste At Disposal Sites Only: All persons shall maintain their premises in sanitary condition. No person shall throw or deposit or permit to accumulate any waste in or on premises, improved or vacant, either public or private, within

unincorporated Adams County, unless said premises is a disposal site, so that it constitutes a public nuisance under Idaho Code title 18, chapter 59, or is likely to:

1. Attract flies or fly breeding;
  2. Afford food or harborage for rodents and pests;
  3. Be a source of noxious or offensive odors or conditions inimical to public interest or health.
- B. Deposit Of Waste Or Lighted Material On Public Ways: No person shall willfully or negligently throw from any vehicle, place, deposit or permit to be deposited upon or alongside of any highway, street, alley or easement used by the public for public travel, any waste or lighted material.
- C. Other Applicable Regulations: No section or provision of these regulations shall be construed to prohibit anything permitted or authorized under other applicable regulations.
- D. Vacating Premises: It shall be unlawful for any person upon vacating premises to fail to remove all waste from such premises and appurtenances thereto; or to fail to place the premises in a thoroughly sanitary condition within twenty-four (24) hours after said premises is vacated.
- E. It shall be the duty of every owner or occupant to maintain the sanitary containers in a secure condition so as to avoid offensive odors, health hazards and the scattering and spilling of waste. Any owner or occupant of a premises may be charged an additional fee if cleanup of scattered or spilled waste is necessary.

#### **SELF-HAULING:**

- A. Nothing herein shall be deemed as prohibiting any person from self-hauling solid waste or recyclable materials to sites designated by the board for receiving such materials, provided that all solid waste and recyclable material shall be secured in such manner that it will not litter any public or private property, and that such person shall be liable for payment of any fees or charges required thereof.
- B. Persons not using trash collection services shall personally dispose of solid waste with the same frequency as the contractor. This responsibility shall not be delegated or transferred to any entity other than the contractor.
- C. Owners and/or occupants of commercial premises may self-haul waste generated on their premises to disposal sites.

1. The owner and/or occupants of commercial premises must own or lease the vehicle hauling the solid waste and shall not be engaged in the business of hauling solid waste, and
2. The operator of the vehicle must be an owner or occupant of the commercial premises, or an employee of the commercial enterprise generating the waste, and
3. The contracting out, hiring of others, or bartering for waste hauling services shall not be permitted.

### **SECTION 3: DISPOSAL SITES:**

Only county operated disposal sites and disposal sites approved by the board by franchise agreement, contract or otherwise, may accept solid waste for either transfer or permanent disposal. The board may further restrict the kinds of waste that county operated disposal sites and disposal sites approved by franchise agreement, contract, or otherwise, may accept, provided that such restrictions comply with the provisions of this chapter and/or the franchise agreement or contract applicable to the disposal site.

### **SECTION 4; USE OF DISPOSAL SITES:**

- A. Waste Received: Only waste generated in Adams County may be deposited at county operated disposal sites. The Board has the authority to enter into contracts or agreements for the disposal of waste from out-of-county producers.
- B. County Residency: Only residents of Adams County may deposit waste at a county operated disposal site. Proof of county residency can be demonstrated by a valid driver's license or identification card bearing an Adams County address and/or a current utility or property tax bill or receipt bearing an Adams County address.
- C. Origin Of Commercial Waste: Any owner or occupant of commercial premises that chooses to self-haul solid waste to a county operated disposal site may be required to demonstrate that the material originated in Adams County. The origin of commercial waste material can be demonstrated by:
  1. Providing the cashier at the gatehouse a copy of the current building permit or property tax notice containing the address of the commercial premises from which the waste was generated; or
  2. Completing and submitting a landfill disposal authorization form to the solid waste management department. The solid waste management department will verify the information provided.
- D. Fraudulent Use Of Adams County Disposal Sites: No person may dispose of waste at county operated disposal sites under fraudulent circumstances.



- E. Scavenging: No person shall scavenge, separate, collect or remove material from a county operated disposal site unless permitted in writing by the designated county official.
- F. Unlawful Entry: It is unlawful for any person to enter or use county operated disposal sites except during the hours designated unless authorized by the designated county official.

**SECTION 5: OPERATIONS, REGULATIONS AND DISPOSAL SITE FEES:**

- A. The board, through resolution, may determine the hours of operation, days of operation and operation regulations of county operated disposal sites. The board shall set the fees, through resolution, for solid waste disposal at county operated disposal sites, and the board has the authority to waive these fees at any time, for any reason. The board shall establish the fees for disposal of Adams County waste at disposal sites in the county. Such fees shall be uniform in the amount and method of assessment and collection for all landfills in the county that dispose of Adams County waste.
- B. The fees for solid waste disposal at county operated disposal sites shall be deposited in a specified fund administered by the board or its designee, and used for operation and expansion of county operated disposal sites, remediation projects, closure and monitoring, as well as to fulfill the payroll obligations of the solid waste management division.

**SECTION 6: TITLE TO WASTE:**

Title to solid waste and nonregulated hazardous waste shall pass to the county at the time of acceptance at a county operated disposal site. Title to all regulated hazardous waste and otherwise prohibited materials remains with the generator. The county reserves the right to remediate hazardous waste deposited at county operated disposal sites, and seek costs for such remediation from the generator.

**SECTION 7: ASBESTOS CONTAINING MATERIAL DISPOSAL:**

- A. The solid waste management division shall accept non-friable asbestos containing material only at county operated disposal sites under the following conditions:
  - 1. The source of asbestos containing material must be located within Adams County. The source of asbestos containing material shall be verified.
  - 2. The asbestos containing material shall be bagged in approved asbestos disposal bags, or sealed in plastic approved by the solid waste management division. Asbestos disposal requirements at county operated disposal sites may exceed state and federal regulations.

3. Any person disposing of asbestos containing material at a county operated disposal site must notify the solid waste management division during designated administration office hours at least twenty-four (24) hours prior to delivery. Notification may be made by telephone, and shall include estimated quantity, time of disposal and the source of material.

4. Any person disposing of asbestos containing material shall meet all local, state and federal regulatory agency handling and disposal requirements.

B. Disposal of asbestos containing material at county operated disposal sites shall be during specific hours designated by the board. Weather and disposal site conditions may further restrict disposal of asbestos containing material.

C. The solid waste management division reserves the right to prohibit disposal of asbestos containing material at county operated disposal sites at any time.

#### **SECTION 8: PETROLEUM CONTAMINATED SOIL DISPOSAL:**

A. County disposal sites can accept, as determined on a case by case basis, petroleum contaminated soil from underground storage tank (UST) cleanup sites. The petroleum contaminated soil must qualify as a nonhazardous waste under 40 CFR part 261.4(b)(10).

B. The solid waste management division will individually review all requests for disposal of petroleum contaminated soil at county operated disposal sites. The person requesting disposal must demonstrate that the petroleum contaminated soil is acceptable for final disposal.

C. Any person who desires to dispose of petroleum contaminated soil at a county operated disposal site must submit a written request to the solid waste management division. When the request is received, the solid waste management division will review the material. If any of the following conditions exist, pursuant to federal law the solid waste management division shall refuse to accept the petroleum contaminated soil:

1. The petroleum contaminated soil contains a resource conservation and recovery act (RCRA) listed hazardous material that is not exempted by 40 CFR part 261.4; or

2. The petroleum contaminated soil poses a health and/or safety risk to solid waste management division personnel; or

3. The petroleum contaminated soil contains free product or is in a slurry form.

D. The solid waste management division will accept, for disposal at a county operated disposal site on a case by case basis, petroleum contaminated waste under the exemptions provided in 40 CFR 261.4(b)(10).

E. Any person who requests disposal of petroleum contaminated soil at a county operated disposal site shall provide representative samples to a laboratory approved by the Idaho department of environmental quality (DEQ). The solid waste management division will determine the amount of sampling required.

1. Field samples taken with hydrocarbon vapor measuring equipment (HNU, OVA, etc.) are not acceptable.

2. Approved EPA or state analytical laboratory methods must be used.

F. Any person who requests disposal of petroleum contaminated soil at a county operated disposal site must provide documentation from a recognized professional in the field of treating petroleum contaminated soil that the soil meets the solid waste management division requirements for final disposal.

G. Petroleum contaminated soil not containing other hazardous constituents with TC levels and TPH levels below the concentration levels listed in the following table may be accepted for direct disposal at a county operated disposal site:

<u>Contaminant</u>	<u>Maximum Contaminant Concentration (ppm)</u>
Gasoline	500
Diesel	2,000
JP-4 (jet A)	500
Stove oil	5,000
Bunker C	5,000
Waste oil (motor oil)	1,000

H. Petroleum contaminated soil with contaminant concentrations greater than the amounts in the above table may be accepted for treatment at a county operated disposal site on a case by case basis. Any person who requests disposal is responsible for all expenses associated with treatment, testing, and storage, and such charges shall be determined on a case by case basis.

I. The solid waste management division reserves the right to require additional testing prior to disposal of petroleum contaminated soil at a county operated disposal site. The solid waste management division also reserves the right to reject any petroleum contaminated soil that may potentially pose an unreasonable risk or environmental concern.

## **SECTION 9: COUNTY OFFICERS' AUTHORITY AND RESPONSIBILITY:**

The board shall approve all disposal sites. The board shall also establish all necessary rules and regulations as to the manner of time and limits of collecting, disposing, reducing, and/or recovering waste at the county operated disposal sites. Such rules and regulations shall be appropriately posted on signs designating the disposal site and its uses. The board or its designee shall oversee the contractor's performance of duties under a collection services contract.

## **SECTION 10: OPEN BURNING:**

Open burning shall be allowed pursuant to the rules and regulations established by the Idaho Department of Environmental Quality.

## **SECTION 11: WASTE COLLECTION AND DISPOSAL CONTRACTS AND SPECIFICATIONS:**

It shall be unlawful for any person to collect and to dispose of solid waste within the unincorporated areas of Adams County without first having entered into a contract with Adams County

## **SECTION 12: EXCLUSIVE CONTRACTS:**

Adams County the board may, by exclusive contract, provide for the collection, hauling and disposal of solid waste. The issuance of a contract or contracts is hereby deemed to be in the public interest for adequate and uniform collection and disposal of solid waste. Exclusive contract or contracts for the collection, hauling and disposal of solid waste may be granted by the board to one or more contractors and may be granted for a period of years determined by the parties, but for no more than twenty-five (25) years, for the construction, establishment, acquisition, maintenance and/or operation of a solid waste collection system and sanitary disposal system for both public and private purposes, using the streets and rights of way in Adams County. In accordance with Idaho Code section 31-4403(6), such contract may be negotiated or advertised for bids, as the board deems desirable. No other person other than the board is authorized or allowed to contract on the behalf of Adams County regarding the collection or disposal of waste within the unincorporated area of Adams County. Notwithstanding the provisions of this section, the county by franchise or contract may authorize the establishment and operation of disposal sites within the county to enable the county to satisfy its obligations to provide landfill capacity and to manage and control the ownership, disposition and ultimate disposal of solid waste within the county. Terms and conditions of such franchises or contracts shall comply with this chapter and applicable law.

## **SECTION13: CONTRACT SPECIFICATIONS:**

The following specifications, among others that may be necessary, shall be contained in any contract issued for the collection, hauling and disposal of solid waste:

- A. No contract issued shall be assigned or transferred without the written consent of the board, and no approval shall be given to a transfer to any person unless it shall be shown to be qualified to carry out the contract.
- B. The contractor shall carry such public liability and property damage insurance as is required by the board.
- C. The contractor shall not charge rates other than those specifically approved by the board, and he shall have the right to request, as may be reasonable from time to time, modification in such terms as may be provided in the contract.
- D. The contractor shall collect solid waste from each residential customer at least once each week. The contractor shall follow the traveled portion of the streets, alleys and roadways, or sidewalks or walkways while on private property, and shall take care in loading solid waste so that none of the material to be collected is left upon private property or the streets, alleys or roadways. The contractor shall return the containers with all properly prepared and legal contents removed and replace the lid thereon.
- E. The contractor shall furnish vehicles designed for the collection and hauling of waste. The contractor shall keep such vehicles designed for the collection and hauling of waste. The contractor shall keep such vehicles painted and in good running order, and shall clean and disinfect such vehicles frequently and as necessary. Each vehicle shall be equipped with a watertight metal body, or if a wood body, shall be metal lined so as to be watertight and each vehicle, shall at all times be provided with a suitable cover of an approved type that may be securely fastened on all sides when required to retain dust and prevent scattering waste.
- F. The contract shall grant the right of ingress and egress, to cross all public streets and alleys and rights of way in the county. It shall be unlawful for any person to deny reasonable access to the contractor to collect waste from a premises.
- G. The contractor shall not place in any street, in carrying out this contract, any obstructions to traffic. Collections shall be made on the streets and rights of way of the county in a manner of least delay and inconvenience to the public. The contractor will use backways and alleys wherever possible.
- H. A performance bond running to the county, in an amount determined by the board shall be deposited to guarantee the faithful performance of the contract. An annual renewable bond may be used, provided that a sixty (60) day renewal commitment shall be submitted annually prior to the expiration date.
- I. The contractor shall not be required to collect, transport, or dispose of hazardous material, radioactive materials, dangerous drugs, or items not allowed in disposal sites.

J. The contractor shall only dispose of solid waste in the disposal sites approved by the Board.

K. The contractor shall work with, and be paid for services, by billing services.

**SECTION 14: EXCEPTIONS TO EXCLUSIVE CONTRACT REQUIREMENTS:**

The following activities are exceptions to the requirement for an exclusive contract:

A. Persons who self-haul their own waste.

B. Owners and occupants of commercial premises who self-haul their own waste.

C. A contractor employed to demolish, construct or remodel a building or structure, including, but not limited to, land clearing operations and construction wastes, when collecting or transporting wastes is created in connection with such employment.

D. Landscapers, gardeners, tree service contractors, janitors or renderers when collecting or transporting wastes created in connection with such employment.

E. A contractor employed to clean up construction or demolition sites when collecting and transporting wastes which are created in connection with such employment. Contractors employed to clean up construction or demolition sites are prohibited from dropping and leaving waste collection containers on site.

F. Federal or state agencies that collect, store, transport and dispose of solid waste or those who contract with such agencies to perform the service, but only insofar as the service is performed by or for such agencies.

G. Contractors that have a contract or agreement with Adams County for the disposal of waste generated out-of-county.

**SECTION 15: REPORTS AND STATEMENTS:**

It shall be the duty of any contractor granted a contract to collect and haul solid waste hereunder to submit to the board audited and certified reports and statements as a condition of the contract granted, for the purpose of enabling the board to determine whether the public welfare and interest of the county are being adequately served under said contract. Such report shall include a profit and loss statement and certification that the report is audited and that the accounting procedures used were the usual procedures for the type of business involved.

**SECTION 16: PROHIBITED ACTS, CONDITIONS AND PENALTIES:**

- A. The commercial collection, transportation or disposal of waste for profit or gain by any person without a contract, franchise agreement, license or permit issued by the board is prohibited.
- B. No contractor, person, or government entity shall haul, hold for transfer, transport or dispose of or allow accumulation of any waste within the areas covered by this ordinance except to or in a disposal site and in a manner and under conditions established for operation of a disposal site.
- C. Set forth below are the primary conditions concerning the types and amounts of waste material allowed for deposit at county operated disposal sites:
1. No hazardous wastes are allowed.
  2. No sewage or human fecal matter is allowed.
  3. No "liquid waste", that is not in compliance with liquid waste as defined in this ordinance.
  4. Unless otherwise permitted by the division of solid waste management, all metal containers or drums larger than five (5) gallons in capacity shall have both ends removed and all plastic containers of like size, excluding sacks, shall have at least a twenty-five (25) square inch opening cut in both ends.
  5. All medical waste that consists of or includes sharpened or pointed items shall be packaged in one gallon or smaller rigid plastic containers and said container shall be completely sealed on both ends and identified.
  6. No waste of any type shall be accepted or deposited that: a) became waste when located outside the boundaries of Adams County and b) was then brought into Adams County. This provision does not include waste brought into Adams County pursuant to a contract or agreement approved by the Board.
- D. No toxic, hazardous, or liquid waste shall be deposited in any refuse container intended for transportation to a disposal site.
- E. No household hazardous waste shall be deposited in any refuse container intended for transport to a disposal site.
- F. Commercially or industrially generated hazardous waste shall not be deposited in any refuse container intended for transport to a disposal site.
- G. No container used to store a liquid, hazardous waste, or toxic material will be accepted for disposal at a county operated disposal site unless emptied and prepared in accordance with solid waste management division guidelines. Fuel tanks must be cleaned and perforated before they will be accepted for disposal. No compressed gas or air tanks will be accepted, except for propane tanks which are

five (5) gallons or less in capacity, provided that solid waste management personnel or hazardous waste screeners at the public disposal area are first notified.

H. No biomedical waste shall be placed in any container or any public disposal area unless handled and treated in accordance with solid waste management division requirements.

I. No hot ashes and/or material capable of causing ignition or spontaneous combustion shall be placed in any refuse container, vehicle, or public disposal area.

J. No used motor oil or other automotive fluids shall be permitted in any refuse container. Used motor oil will be accepted at Adams County's household hazardous materials collection sites. Only household quantities of these materials are acceptable at the collection sites.

K. The solid waste management division reserves the right to prohibit, or to place disposal restrictions upon, any waste that may adversely affect a county operated disposal site. This shall also extend to any item that may pose a risk to the health or safety of employees at a county operated disposal site. Disposal restrictions that may be implemented shall include, but are not limited to, item size restrictions, quantity restrictions, ability to recycle, special preparation requirements, and refuse source documentation requirements.

L. Unless otherwise provided in this chapter, violation of any regulation, requirement, prohibition or condition of this chapter or the provisions of any permit issued pursuant thereto shall be a misdemeanor. If the violation is not remedied 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 as it may from time to time be amended and/or retitled. Civil suits in addition to criminal prosecution may also be instituted by the county prosecuting attorney as directed by the Board.

**SECTION 17: EFFECTIVE DATE:** This Ordinance shall be in full force and effect in 30 days and upon publication in the local newspaper of general circulation.

**PASSED and APPROVED** by the Board of Commissioners of the County of Adams, State of Idaho this 19<sup>th</sup> day of December, 2016.

**ADAMS COUNTY, IDAHO**

By \_\_\_\_\_  
Bill Brown, Chairman



By Mike Paradis  
Mike Paradis, Commissioner

By Joe Holmes  
Joe Holmes, Commissioner

**ATTEST:**

Sherry Ward  
Sherry Ward  
Adams County Clerk

