

TITLE 4

PUBLIC HEALTH AND SAFETY

Subject	Chapter
Nuisances	1
Consolidated Emergency Communications System	2
On-Site Sewage Disposal	3
Tire Management Plan	4
Noxious Weeds	5
Emergency Operations Plan	6
Bear Conflict Mitigation and Prevention	7
Solid Waste & Recyclable Material Management.....	8

CHAPTER 1

NUISANCES

The Teton County Board of County Commissioners,
On August 13, 2001, voted in a public meeting to
SUSPEND the Nuisance Chapter until March 2002
to allow time to put administrative procedures in place.

See BOCC Minutes of 06-25-2001 & 08-13-2001

CHAPTER 2

CONSOLIDATED EMERGENCY COMMUNICATIONS SYSTEM

SECTION:

- 4-2-1: System Created; Purpose
- 4-2-2: Definitions
- 4-2-3: Financing Of System
- 4-2-4: Joint Powers Board
- 4-2-5: Administrator
- 4-2-6: Right To Fee Not Affected By Nonservice
- 4-2-7: Treasurer's Account
- 4-2-8: Pay Phone Conversion

4-2-1: **SYSTEM CREATED; PURPOSE:** There is hereby created, for the purpose of providing for the public health, safety, and welfare of the public, a consolidated emergency communication system, also known as a telephone system, in the county, all as permitted and sanctioned by Idaho Code title 31, chapter 48. The purpose for the creation of the emergency communication system is to provide a countywide 911 telephone system. (Ord. 01-92, 4-27-1992)

4-2-2: **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ADMINISTRATOR: The administrator for the emergency communication system shall be such person, officer, or agency designated to operate the emergency communication system as appointed by the governing board.

CONSOLIDATED EMERGENCY COMMUNICATION SYSTEM OR EMERGENCY COMMUNICATION SYSTEM: Facility, equipment, and dispatching services directly related to maintaining, and enhancing a 911 emergency communications service.

GOVERNING BOARD: The governing board of the emergency communication system shall be the board of county commissioners for Teton County as duly elected.

911 SERVICE AREA: The service area for the emergency communication system shall be the entirety of Teton County as described at Idaho Code section 31-143. (Ord. 01-92, 4-27-1992)

4-2-3: FINANCING OF SYSTEM:

- A. **Method Of Financing:** The financing of the consolidated emergency communication system shall, in whole, be by line user fee in an amount not greater than one dollar (\$1.00) per month to be used to fund an emergency telephone system, commonly known as "911 service".
- B. **Telephone Line User Fee:** The telephone line user fee shall be a uniform amount not to exceed one dollar (\$1.00) per month per exchange access line, trunk line, network access register, or equivalent, and such fee shall be used exclusively to finance the initiation, maintenance, or enhancement of the consolidated emergency communication system within the county. The fee for collection of the monthly telephone line user fee shall be collected from customers on a monthly basis by all telecommunication entities which provide local telephone line service within the county, and may be listed as a separate item on customers' monthly billings.
- C. **Line User Fee Collection:** All such telephone companies shall remit such fee to the clerk of the district court's office or to the administrator as designated by the governing board. From every remittance to the governing board made on or before the date when the same becomes due, the telephone company required to remit the same, shall be entitled to deduct and retain three-fourths of one percent (0.75%) of the collected amount as the cost of administration for collecting the charge. Local exchange companies will be allowed to list the surcharge on a separate item in the telephone subscriber's bill, and shall not be obligated to take any legal action to enforce the collection of any charge, nor be held liable for such uncollected amounts.
- D. **Net Savings:** The net savings from the operating expenditures realized by the county from the implementation of the consolidated

emergency communication system shall be used by the county for the reduction of the ad valorem tax charges of said taxing district. (Ord. 01-92, 4-27-1992)

4-2-4: **JOINT POWERS BOARD:** Within one hundred eighty (180) days following voter approval of a telephone line users fee, the governing board or administrator may establish a joint powers agreement as provided in Idaho Code title 67, chapter 23. Such joint powers board or administrator shall be responsible for establishing, maintaining, and governing a consolidated emergency communication system. Providing an emergency communication service shall be considered a government function. (Ord. 01-92, 4-27-1992)

4-2-5: **ADMINISTRATOR:** The governing board, in the absence of an agreement to form a joint powers board or administrator as provided in section 4-2-4 of this chapter, is authorized to appoint an official or administrator to maintain and govern a consolidated emergency communication system. (Ord. 01-92, 4-27-1992)

4-2-6: **RIGHT TO FEE NOT AFFECTED BY NONSERVICE:** Any governmental entity within the county that has an already established emergency communication system using 911 call access, upon resolution duly adopted and approved and presented to the joint powers board or in their absence to the board of county commissioners, may ask that their existing emergency communication system area be excluded and such area shall be excluded from the countywide emergency communication service, but such exclusion shall not affect the right of the board of county commissioners to levy a fee as herein provided. Whenever any area is excluded pursuant to this section, the board of county commissioners shall remit to the excluded entity one hundred percent (100%) of the fee collected in the excluded area as provided herein. Any area excluded pursuant this section may be subsequently included upon resolution duly appointed and approved and presented to the joint powers board or, in their absence, the board of county commissioners. (Ord. 01-92, 4-27-1992)

4-2-7: **TREASURER'S ACCOUNT:** The clerk of the district court is authorized to establish a fund to be designated the "emergency communication fund" in which all fees collected pursuant to this chapter shall be deposited and such fund shall be used exclusively for the purposes of this chapter. The monies collected and the interest earned in

this fund shall be apportioned by the county commissioners, or governing board, for expenses incurred by the emergency communication system as set forth in an annual budget prepared by the joint powers board, or in their absence, the county commissioners, and incorporated into the annual county budget. (Ord. 01-92, 4-27-1992)

4-2-8: **PAY PHONE CONVERSION:** Every provider of telephone services or other owner of a pay station telephone within the county must convert every pay station telephone to permit dialing 911 or the telephone company operator without deposit of a coin or other charge to the caller. Such conversion must be completed by or before the time the emergency telephone system is operational. (Ord. 01-92, 4-27-1992)

CHAPTER 3
ON-SITE SEWAGE DISPOSAL

SECTION:

- 4-3-1: Health Department Contract
4-3-2: Funding; Fees
4-3-3: Permit Required; Violation, Penalty

4-3-1: **HEALTH DEPARTMENT CONTRACT:** The county will contract with district seven health department for certain services in water quality protection and on-site sewage disposal to augment the health district program in said county. These fees will be in addition to those currently authorized for collection by the Idaho state board of health. The exact services to be rendered by district seven health department will be described in the contract. (Ord. 080894, 8-8-1994)

4-3-2: **FUNDING; FEES:** The contract will be funded through a fee collected in accordance with the county fee schedule which may be altered from time to time by resolution of the board of county commissioners. (Ord. 080894, 8-8-1994; amd. 2001 Code)

4-3-3: **PERMIT REQUIRED; VIOLATION, PENALTY:**

- A. Permit Required: It shall be unlawful for any person to install or have installed any sewage system without first obtaining a permit. (Ord. 080894, 8-8-1994)
- B. Violation, Penalty: It shall be unlawful and punishable as a misdemeanor as provided in section 1-4-1 of this code.
- C. Additional Penalty: In addition to any criminal penalty, the district seven health department may impose a double fee against any person who is in violation of this chapter. (Ord. 080894, 8-8-1994; amd. 2001 Code)

CHAPTER 4

TIRE MANAGEMENT PLAN

SECTION:

- 4-4-1: Definitions
- 4-4-2: Use Of Waste Tires
- 4-4-3: Illegal Tire Piles
- 4-4-4: Waste Tire Facility
- 4-4-5: Waste Tire Hauler Registration
- 4-4-6: Enforcement

4-4-1: **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ALTERED WASTE TIRE: A waste tire that is no longer whole, including waste tires that have been chopped or shredded.

CONDITIONAL USE PERMIT: A written authorization issued by the county, or its designated agency, which, by its conditions, may authorize the permittee to construct, install or operate facilities and conduct specific activities in accordance with specified limitations.

COUNTY: Teton County.

DEPARTMENT: Department of health and welfare of the state.

FACILITY APPROVAL: A written authorization issued by the county, or its designated agency, authorizing a person or entity to construct, install, or operate facilities and conduct specific activities subject to conditions.

ILLEGAL TIRE PILE:	The storing, stockpiling, accumulation, or disposing of three hundred fifty (350) or more waste tires at one location without facility approval or exemption by the county, or its designated agency.
PASSENGER AND LIGHT TRUCK TIRE:	Any motor vehicle tire with a rim diameter of twelve inches (12") through sixteen inches (16").
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 resale.
REGISTERED TIRE PILE:	A location where three hundred fifty (350) waste tires are stored, dumped, disposed or have otherwise accumulated and has been registered with the county, or its designated agency, stating long-term plans for the pile.
RETREADER:	A person who accepts passenger, light truck, and truck tires and retreads such tires and is registered with the county, or its designated agency.
WASTE TIRE:	A tire that is not on the wheel of a vehicle and is not suitable for its original intended use due to wear, damage, or defect, including all used tires, altered waste tires, recappable casings and scrap tires.
WASTE TIRE COLLECTION SITE:	A site where three hundred fifty (350) waste tires are collected before being offered for recycling or reuse.
WASTE TIRE DUMP:	A location where three hundred fifty (350) waste tires are stored, dumped, disposed, or have otherwise accumulated and have not been handled for a period of time in excess of ninety (90) days.

WASTE TIRE FACILITY:

A site which collects, accepts, obtains, receives, stores, accumulates, processes, or alters waste tires.

WASTE TIRE GENERATOR:

Any person whose act or process produces more than five hundred (500) waste tires in a twelve (12) month period. (Ord. 121195, 12-11-1995; amd. 2001 Code)

4-4-2: USE OF WASTE TIRES:

- A. Disposal: The disposal of waste tires shall be in conformance with Idaho Code section 39-6504. A person shall not dispose of waste tires unless they are disposed of at an approved waste tire collection site. (Ord. 121195, 12-11-1995)
- B. Methods Of Disposal: The following are acceptable methods of waste tire management:
1. Retreading.
 2. Constructing collision barriers.
 3. Controlling soil erosion, only if used in accordance with approved engineering practices.
 4. Chopping or shredding prior to reuse.
 5. Grinding for use in asphalt or as a raw material for other products.
 6. Using as playground equipment.
 7. Incinerating or using as a fuel or pyrolysis if permitted by law, regulations or ordinances relating to burning of fuel.
 8. Hauling to lawful out-of-state collection or processing sites.
 9. Any other beneficial use, reuse or recycling of waste tires, chips or similar material from waste tires generated in Idaho which meets the criteria set forth by the state. (Ord. 121195, 12-11-1995; amd. 2001 Code)

- C. The county may authorize other methods of management and/or disposal of waste tires. (Ord. 121195, 12-11-1995)

4-4-3: ILLEGAL TIRE PILES:

- A. Cleanup: Owners of property and/or operators of facilities on which unapproved or unauthorized tire piles are located are responsible for cleanup of the site, prior to, and during the cleanup of the site. Upon notification by the county, all owners/operators shall clean up the site within an acceptable time frame established by the county.
- B. Disease Vector Control Measures: Owners of property and/or operators of facilities on which unapproved or unauthorized tire piles are located are responsible for providing disease vector control measures adequate to protect the safety and health of the public, and shall keep the site free of excess grass, underbrush, or other harborage.
- C. Limited Access: Owners of property and/or operators of facilities on which unapproved or unauthorized tire piles are located must limit access to these tire piles to prevent further disposal of tires or other waste. (Ord. 121195, 12-11-1995)

4-4-4: WASTE TIRE FACILITY:

- A. Approval Required; Exemptions: Storing, stockpiling, accumulating, processing, or producing a commodity from waste tires is prohibited without facility approval from the county.
 - 1. Exemptions: Waste tire facilities shall obtain approval from the county unless:
 - a. The facility is either an agricultural operation or is not an end-user of waste tires and is storing three hundred fifty (350) or less waste tires in which case only a registration would be obtained.
 - b. The waste tires are stored in fully enclosed movable containers.
 - 2. Exemption Application: Persons seeking exemption from waste tire facility approval shall submit a copy of their exemption application for waste tire facility approval to the county.

3. **Registration Required:** Persons storing three hundred fifty (350) tires must obtain registration from the county. The registration must include a statement as to the long-term plans for the pile and end use of the waste tires.

4. **Application For Revision:** Any person proposing to make a substantial change in the design or operation of the waste tire facility shall apply for a revision of the facility approval.

5. **Transfer Of Approval:** The facility approval is issued to the applicant and is not transferrable.

B. **Application Requirements For Facility Approval:** Applications for facility approval shall contain at least the following information:

1. Name, address, telephone number, of applicant's business.

2. Name, address, and telephone number of the owners of the property and documentation demonstrating owner approval to use the property.

3. The name, address, and telephone number of the person responsible for operation and maintenance of the site.

4. The common address of the site.

5. The legal description of the property on which the site is located.

6. Names and address of adjacent property owners.

7. Documentation as required by subsection C of this section for site requirements, subsection D of this section for facility management, subsection E of this section for facility closure, and subsection F of this section for financial assurance.

C. **Site Requirements For Facility Approval:**

1. **Public Waters; Wetlands:** Waste tire facilities shall not be constructed, maintained or operated in or within two hundred feet (200') of any public waters or in any wetland areas.

2. **Surface Water Drainage:** Surface water drainage shall be directed around and away from tires.

3. 100-Year Flood Plain: Waste tire facilities shall not be located in a 100-year flood plain unless the operator demonstrates that the facility will be designed and operated to prevent waste tires from migrating off site.

4. Fire Fighting Equipment Or Personnel: Waste tire facilities shall not be located where grades or other physical features will interfere with fire fighting equipment or personnel.

5. Design; Construction: The facility shall be designed and constructed to provide protection from runoff of pyrolytic oil resulting from fire.

6. Diagram: The proposed design submitted with application for facility approval, shall include a diagram, drawn to scale of the facility layout.

D. Facility Management:

1. Facility Access And Security:

a. Signs: If the facility receives waste tires from sources other than the operator of the site, a sign shall be posted at the facility entrance stating the name of the facility, the type of waste accepted, operating hours, site rules, and the emergency contact phone number.

b. Attendant: An attendant shall be present during business hours if the facility receives tires from persons other than the operator of the facility.

c. Access: Access roads to and within the facility must be all-weather. Unauthorized access to the facility must be strictly controlled.

2. Fire Prevention And Control:

a. Compliance Required: All facilities shall comply with local, state, and federal fire regulations.

b. Fire Plan: A fire plan shall be developed and maintained at the facility and shall be available upon request. The fire plan shall be submitted to the fire district or state fire marshall for comment.

3. Vector Control: All waste tires shall be stored in a manner which prevents the breeding and harborage of mosquitoes, rodents, and other vectors by any of the following means:

Use of treatments or methods approved by the county to prevent or eliminate vector breeding.

4. Record Keeping: All facilities shall keep the following records:

a. Approval: Copy of the facility approval.

b. Hauler Registrations: Copies of hauler registrations from those hauling tires to their facility.

c. Operation Logs: Logs of any operational problems including floods, vectors, fires, or complaints, and descriptions of the response by the facility.

d. Availability: Records shall be available upon request to the county.

5. Storage: Waste tires may be stored outside or inside or a combination of both.

a. Method Of Storage: All waste tires shall be stored in an orderly fashion.

b. Drainage Structure: Drainage structures shall be provided to divert the flow of surface water run-on and run-off from where waste tires are located.

c. Standing Water Prohibited: Waste tires shall not remain or be stored in standing water.

d. Trailers: Waste tires may be stored in trailers, provided the trailers fully contain the tires and the trailers are covered to exclude snow and rainwater.

E. Waste Tire Facility Closure:

1. Closure Plan: All approvals issued shall include a closure plan. The closure plan shall include:

a. Description Of Meeting Requirements: A detailed description of how the closure requirements will be met.

b. **Closure Schedule:** A closure schedule, including an estimated time period for completion.

c. **Post-Closure Physical Status:** A description of post-closure physical status of the site including remediation and intended use for the site. Details of changes shall be included on a topographic map showing features that will remain on site.

(1) **Grading:** The site shall be graded to prevent ponding of water and to conform to surface features of adjacent properties.

(2) **Seeding And Revegetation:** Seeding and revegetation to stabilize the soil surface shall be done when conditions are suitable. Reseeding is mandatory until adequate vegetative cover is established to prevent erosion or reestablish native vegetation.

d. **Financial Assurance:** Documentation of financial assurance required by subsection F of this section.

2. **Closing Requirements:** In closing any waste tire facility, the owner or operator shall:

a. **Access:** Stop public access to the site.

b. **Post Notice:** Post a notice indicating the site is closed and the location of the nearest site where waste tires can be deposited.

c. **Notice:** Notify, by certified letter, the department and county of the closing.

d. **Removal Of Waste Tires And Residuals:** Remove all waste tires, and residuals to a processing facility or solid waste management facility authorized to accept waste tires, or a legitimate user of processed tires.

e. **Removal Of Solid Waste:** Remove any solid waste to a permitted solid waste management facility.

f. **Notice Of Closure Completion:** Notify the county, by certified letter, the date closure is completed.

3. Noncomplying Site: A waste tire site which does not meet these regulations or which will no longer accept, collect, or process tires shall close as directed by the county.

F. Financial Assurance For Tire Facilities:

1. Written Cost Estimate: The applicant shall provide a written cost estimate of hiring a third party to close the waste tire facility. This estimate shall be based on the maximum quantity of waste tires that the operator intends to store at the facility at any one given time. The total closure cost estimate shall include:

a. Transportation Cost: The total cost for mileage for transporting all waste tire equivalents from the facility to an approved end use or disposal facility.

b. Destination Charge: The total cost of disposal for all waste tire equivalents from the facility being closed to destination facilities.

c. Loading Cost: The total cost of loading waste tire equivalents and unloading the vehicles at the destination facilities.

d. Administrative Cost: The total cost of administrative activities for the closure operation. This cost shall include wages for personnel overseeing the cleanup activities.

e. Security Cost: The total cost of security for the closure operation. This cost includes installation of site fence, installation and operation costs of lighting and wages for security guards.

f. Total Closure Cost Estimate: Total closure cost estimate is derived by totalling the transportation cost, destination charge, loading cost, administrative cost, and security cost and then multiplying by a contingency factor of 1.2.

2. Required Financial Assurance: The applicant shall provide financial assurance equal to the estimated total closure cost for the waste tire facility to the board of county commissioners.

a. Financial Assurance Mechanism: The financial assurance mechanism shall meet all requirements of these regulations and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the board of county commissioners and the department.

b. **Form Of Assurance:** Financial assurance may include cash or surety bond, a letter of credit, or a secured trust form.

c. **Surety Bond:** If the owner or operator of a waste tire facility provides financial assurance in the form of a surety bond, the bond shall be executed by a surety company authorized to do business in the state of Idaho. The bond shall continue until canceled by the surety.

d. **Approval Of Financial Assurance:** The board of county commissioners has primacy in approving proposals for financial assurance.

G. **Denial Or Suspension Of Facility Approval:** The county may suspend, revoke, or deny the renewal of any facility approval if any of the following conditions exist:

1. **Failure To Comply:** Failure to comply with conditions set forth in initial waste tire facility approval.

2. **Failure To Maintain Financial Assurance:** Failure to maintain financial assurance as set forth in subsection F of this section.

3. **Danger To Public:** The operation endangers public health, safety, or the environment.

4. **Change In Ownership:** The facility is no longer being operated by the owner named in the waste tire facility approval. (Ord. 121195, 12-11-1995; amd. 2001 Code)

4-4-5: WASTE TIRE HAULER REGISTRATION:

A. **Registration Required:** Every person who transports waste tires shall obtain a waste tire hauler registration from the county, unless otherwise exempted.

B. **Exemptions:** Persons are exempted from waste tire hauler license if:

1. Person is transporting fewer than fifty (50) waste tires at one time.

2. Person is a local, state, or federal government.

3. Person is a tire retailer transporting waste tires to a location for repair or exchange.

4. Person is transporting waste tires from another state, traveling through Idaho, without loading or unloading waste tires within Idaho.

5. Person is a permitted solid waste operator transporting tires as part of solid waste handling activities.

6. Person is an agricultural operation using tires for an agricultural purpose.

7. Person is a tire retreading facility who uses company-owned vehicles to transport waste tires for the purpose of retreading.

C. **Registration Requirements:** Registration requirements for hauler registration shall include:

1. Name, address, telephone number of applicant's business.

2. Name, address, telephone number of tire facilities to which they haul.

3. Haulers shall register annually with the county.

D. **Transport To Authorized Facility:** Waste tire haulers transporting to facilities in Idaho shall transport waste tires to an authorized facility.

E. **Transport Restricted:** Persons or facilities shall accept waste tires only from registered waste tire haulers or exempt individuals. (Ord. 121195, 12-11-1995)

4-4-6: **ENFORCEMENT:** The district seven health department is authorized and directed to fully enforce sections 4-4-2 through 4-4-5 of this chapter. (Ord. 121195, 12-11-1995)

CHAPTER 5
NOXIOUS WEEDS

SECTION:

- 4-5-1: Prohibited
4-5-2: Designation
4-5-3: Abatement

4-5-1: **PROHIBITED:** Pursuant to the Idaho noxious weed law, Idaho Code section 22-2401 et seq., every person who owns or controls land in the county on which noxious weeds are standing, being, or growing shall destroy or eradicate by effective cutting, tillage, cropping, pasturing, or treating with chemicals or other effective methods, or combination thereof, approved by the county weed superintendent, as often as may be required to prevent the weed from blooming and maturing seeds, or spreading by root, root stalks or other means. (Ord., eff. 4-1-1994; amd. 2001 Code)

4-5-2: **DESIGNATION:** The following weeds are hereby officially designated and published as noxious as per the authority vested in the director of agriculture by section 22-2403, Idaho Code:

Black henbane
Buffalobur
Canada thistle
Common crupina
Dalmation toadflax
Diffuse knapweed
Dyer's woad
Field bindweed
Hoary cress
Johnson grass
Jointed goatgrass
Leafy spurge
Matgrass

Meadow hawkweed
Meadow knapweed
Miliun
Musk thistle
Orange hawkweed
Perennial pepperweed
Perennial sowthistle
Poison hemlock
Puncturevine
Purple loosestrife
Rush skeletonweed
Russian knapweed
Scotch broom
Scotch thistle
Silverleaf nightshade
Skeletonleaf bursage
Spotted knapweed
Syrian beancaper
Tansy ragwort
Toothed spurge
Yellow starthistle
Yellow toadflax

(Ord., eff. 4-1-1994; amd. 2001 Code)

4-5-3: **ABATEMENT:** Upon failure to observe the provisions of this chapter, the county weed control superintendent is required to proceed pursuant to the law and have weeds destroyed by such method as he finds necessary, the expenses of which shall constitute a lien and be entered as a tax against the land, and be collected as other real estate taxes are collected or by other means as provided by law. (Ord., eff. 4-1-1994)

CHAPTER 6

EMERGENCY OPERATIONS PLAN

SECTION:

4-6-1: Adoption

4-6-1: **ADOPTION:** The Teton County emergency operations plan (EPO) dated June 22, 1987, on file in the office of the civil defense director is hereby authorized to be the official plan for Teton County government emergency operations. The plan is available for view in the clerk of the district court's office. (2001 Code)

CHAPTER 7

BEAR CONFLICT MITIGATION AND PREVENTION

Section:

- 4-7-1: Purpose
- 4-7-2: Applicability
- 4-7-3: Definitions
- 4-7-4: Bear Conflict Prevention Standards
- 4-7-5: Enforcement
- 4-7-6: Penalties
- 4-7-7: Interference with Authorized Persons

4-7-1: PURPOSE

Problem bears are often the product of human carelessness. Human-bear conflicts can be reduced by changing human behavior, such as those behaviors related to garbage disposal and hanging of bird feeders. Proper food storage (specifically in the form of bear resistant food containers) is a proven tool for preventing human-bear conflict.

Many communities throughout North America have developed waste management strategies that reduce the availability of human garbage and attractants to bears and as a result, reduce the frequency of human-bear conflicts. Teton County desires to prevent and mitigate conflicts between humans and bears by establishing garbage and bear-attractant standards. These requirements are limited to areas within the County where human-bear conflicts have occurred as delineated on the map overlay entitled “Bear Conflict Map.”

4-7-2: BEAR CONFLICT ZONES

General These zones refer to those areas in Teton County where residential or commercial use and occupancy are in close proximity to known bear occupied habitat or regular travel corridors and or seasonal bear-use areas. These zones are delineated as “Bear Conflict Zones” on the map overlay entitled “Bear Conflict Map.”

Risk Level of Bear Conflicts Given the proximity of human settlement and development to bear-occupied habitat or travel corridors, there is a potential that bears will come into contact with garbage, livestock feeds, pet feeds, human foods, or other anthropogenic foods. As a result, conflicts tend to be concentrated in these areas more so than anywhere else in Teton County.

Applicable Standards Adherence to the standards in section 4-7-4 is required for mitigating and preventing bear conflicts.

4-7-3 DEFINITIONS

Attractant Any substance which could reasonably be expected to attract wildlife or does attract wildlife, including, but not limited to, food products, pet food, feed, grain, or salt.

Bear-Resistant Building or Enclosure Bear-resistant buildings or enclosures are hereby defined as:

- a. A structure consisting of four (4) hard sides. These four sides may be constructed of hard wood, metal siding, or chain-link fencing no less than 6 feet in height or functional maintained electric fencing; and
- b. Containing a roof or cover or else the sides must be crowned with electrified fencing or else barbed-wire fencing angled outwards from the top of the four (4) hard sides; and
- c. Containing functional, maintained self-latching doors/gates or else doors and gates with locks.
- d. Examples of bear-resistant enclosures include, but are not limited to, garages, metal sheds, houses, and electrified fencing or any other building designed and constructed to prevent access by bears.

Certified Bear-Resistant Container or Dumpster Containers or dumpsters are considered to be “bear-resistant” if they are said to meet the “minimum structural design standards” published by the Interagency Grizzly Bear Committee (IGBC) in 1989 and any revisions to these standards thereafter. Certification is granted to containers and dumpsters that have successfully passed a testing program and protocols stipulated in the *Bear-Resistant Products Testing Program* (October, 2005) and all revisions thereafter. The lid must have a latching mechanism or other device of sufficient design and strength to prevent access of the contents by bears.

Garbage Any waste that could reasonably attract wildlife which includes, but shall not be limited to: food, food packaging, toothpaste, deodorant, cosmetics, spices, seasonings and grease. Other household waste that cannot reasonably be considered "garbage" or an “attractant” as defined in this chapter, including, but not limited to: non-edible yard maintenance waste, household items, recyclables cleaned of food particles, and cardboard, shall not require the use of wildlife resistant or wildlife proof containers when not commingled with refuse or any other attractant.

Map Overlay The conflict zones defined in this section are delineated in the Teton County map overlay entitled “Bear Conflict Map.” This map was developed with advice from the Idaho Department of Fish and Game and serves as an addendum to this Chapter and demarcates where the standards outlined in section 4-7-4 below must be applied.

4-7-4 BEAR CONFLICT PREVENTION STANDARDS

Bear Conflict Zones All residential, commercial and public property, including curbs, roads, streets, right of ways, highways, etc. where garbage is placed for pick up, stored or kept that is located in the Bear Conflict Zones, must comply with the following standards.

A. Garbage.

a. It is unlawful to accumulate or store garbage or attractants within the Bear Conflict Zones in any manner that allows bears access.

b. All commercial property shall be required to use certified bear-resistant garbage containers/dumpsters that have passed the *Bear-Resistant Products Testing Program* (October, 2005) or else use a bear-resistant building or enclosure as defined in section 4-7-3 in which garbage containers are to be stored inside this enclosure at all times.

c. All commercial property doing business as a food/drink preparation and service facility shall be required to store grease bins, and stored foods inside a bear-resistant building or enclosure as defined in section 4-7-3.

d. All residential property shall be required to use International Grizzly Bear Committee (IGBC) certified bear-resistant garbage containers or containers that have passed the *Bear-Resistant Products Testing Program* (October, 2005).

e. All condominium and similar multi-unit associations shall be required to:

- (1) Use certified bear-resistant containers for each unit or contain garbage in a bear resistant building or enclosure as defined in section 4-7-3; or
- (2) Use certified bear-resistant dumpsters for association or contain garbage in a bear resistant building or enclosure as defined in section 4-7-3; and
- (3) Employ a procedure and / or service agreement with waste management provider for proper maintenance, repair and replacement of bear-resistant containers to ensure their continued functionality and certification.

f. Residential property may, as an alternative to the above, place non-bear resistant garbage containers containing bear attractants at the curb, alley, or public right-of-way only after 8:00 am on the morning of waste pickup. After waste pickup, the non-bear resistant garbage container that previously held bear attractants must be re-secured and stored inside an enclosed building or inside a bear resistant enclosure by 6:00 pm on the day of waste pickup.

B. Bird Feeders and Feeding Wildlife In the Bear Conflict Zones: Birdfeeders shall be hung at least ten (10) feet from the ground, deck, railing or surface and four (4) feet from any structure, tree or limb and should have a catch pan attached directly underneath the feeder that is 2" larger in diameter than the widest diameter of the feeder itself.

4-7-5 ENFORCEMENT

- A. **Administrator:** The Teton County Building Official, his designated code enforcement officer, or any peace officer shall be responsible for the administration and enforcement of the provisions of this ordinance.
- B. When a **violation** of this ordinance is discovered within unincorporated Teton County:
 - i. A written notice of the existence of the violation shall be served upon the owner, and the occupant or person in charge of the premises or property, if known. The written notice may be personally served or sent by mail. If written notice cannot be served personally or by mail, the notice shall be posted by being affixed to the building, garbage container or other place on the premises or property so conspicuous that any person occupying, possessing, or using the premises or property would be reasonably expected to see it.
 - ii. The written notice referred to above shall advise that the violation must be corrected within 7 calendar days; that either civil or criminal proceedings may be initiated if the violation is not corrected, and that costs may be assessed.

4-7-6: PENALTIES:

- A. **Penalty:** Any person found in violation of this provision shall be guilty of an infraction and shall be punished as provided in Idaho Code 18-113A as it may from time to time be amended.
- B. **Continuing Violation:** After the seventh (7th) day since the notice referenced in Section 4-7-5(B) of this ordinance was served, a separate offense shall accrue for each subsequent day that the violation exists.
- C. **Costs of Abatement:** In addition to the above penalties, should the County remedy a violation of this chapter on lands or premises not in compliance, such work shall be billed to and paid by the property owner involved. The Court shall permit payment to the County of the above cost as restitution. Such costs may also be assessed to the property owner as taxes.

4-7-7: INTERFERENCE WITH AUTHORIZED PERSON:

- A. **Interference Prohibited:** It shall be unlawful, and shall be a misdemeanor, to interfere with the Sheriff, code enforcement officer or any local, State or Federal officer in the performance of duties connected with enforcement of this ordinance. Such interference shall include, but not be limited to, removal of notices posted on the property pursuant to this ordinance or impediment or harassment of the authorized person in the performance of their duties under this ordinance.

- B. **Violation; Penalty:** A violation of this Section shall be punishable as a misdemeanor as provided in Idaho Code Section 18-113 as it may from time to time be amended.

Effective date March 31, 2011

Be it ordained by the Board of County Commissioners of Teton County, Idaho that the following ordinance be adopted and added as Chapter 8, Title 4 to the Code of Teton County.

TITLE 4, CHAPTER 8

Solid Waste and Recyclable Material Collection, Hauling, Management, Transportation and Transfer Ordinance

4-8-1 PURPOSE

The purpose of this Chapter is to:

- (a) Promote recycling, the proper management of solid waste and recyclable materials and diversion of solid waste from the landfill.
- (b) Require that any and all haulers as defined herein become Teton County Authorized Haulers, and abide by the rules and regulations set forth in their authorization agreement and this ordinance.
- (c) Contribute to the reduction of the total volume and weight of waste bound for the landfill.
- (d) Establish requirements for transportation and management of solid waste and recyclable materials generated in Teton County in order to increase the diversion of recyclable materials from landfill disposal and direct the materials to the Teton County Transfer Station.
- (e) Provide an enforcement mechanism to ensure proper collection of solid waste and recyclable materials, regulated management of recyclable materials and provide protections against illegal scavenging of materials.
- (f) Provide an exemption for generators who self haul their solid waste or recyclables.

4-8-2 DEFINITIONS

As used in this Chapter, the following terms shall have the following meanings:

Teton County includes the unincorporated County.

Administrator means the Teton County Transfer Station Manager and his or her designee.

Authorized Hauler means a Hauler who, by virtue of a valid written agreement with Teton County, is authorized to collect, accept, sort, transport or otherwise transfer Solid Waste and Recyclable Materials from Generators for a fee or profit through a proper permit, business license or other regulatory structure or authorization issued by Teton County.

Collect or Collection means to take physical possession of and remove Solid Waste and Recyclable Materials placed for collection in a designated area or receptacle.

Combination Services means services that include both Solid Waste collection, and Recyclable Material collection for the purposes of recycling or diversion.

Customer means a Generator that contracts for Solid Waste and/or Recyclable Material removal services and enters into a service agreement with a Hauler (must be an Authorized Hauler).

Diversion or Divert means the reduction or elimination of Recyclable Materials from solid waste disposal.

Generator means an owner or Responsible Party for a Residence(s), Commercial Facility(ies) or Business, including residential and non-residential property, vacant or occupied, which generates Solid Waste and/or Recyclable Materials as a result of its general activity, Business, Commercial Facility(ies) or property activity. Generator may also include tenants, property managers for facilities with leased space, employees and contractors of Generator, as well as a Responsible Party for Special Events.

Hauler means any person or commercial entity which Collects, hauls, or transports Solid Waste and/or Recyclable Materials for a fee by use of any means, including but not limited to a dumpster truck, roll-off truck, side-load, front-load, rear-load truck or a trailer.

Hazardous Waste means any waste designated as hazardous by the United States Environmental Protection Agency in 40 CFR, Part 261, or by the Idaho Department of Environmental Quality (DEQ) in the Hazardous Waste Management Rules, including but not limited to RCRA hazardous waste, petroleum products, radioactive materials, asbestos, PCB transformers, petroleum product storage tanks, or any flammable materials.

Recyclable Materials means materials that have been Source Separated from the solid waste stream prior to being set for collection. Recyclable Materials includes any materials identified by Teton County or the Teton County Administrator that they deem acceptable.

Self Haul or Self Hauling means a Generator who transports his or her own generated Solid Waste or Recyclable Materials to the Transfer Station or other proper disposal site by using a vehicle owned by that Generator or Generator's employees rather than using the hauling services of an Authorized Hauler, and landscaping and yard maintenance persons who, as a consequence of their business activity may generate, transport, and dispose of green waste they generate.

Solid Waste means all materials bound for the landfill being putrescible and non-putrescible non-recyclable solid, semisolid, and liquid wastes, including garbage, trash, refuse, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other non-recyclable discarded solid and semi-solid wastes. Solid Waste does not include hazardous waste or low-level radioactive waste.

Sorted Recyclable Materials means the separation of recyclable materials and commodities defined and acceptable by Teton County, Teton County Transfer Station, Teton County Administrator and/or an appointed Teton County representative.

Source Separated or Source Separation means the process of removing Recyclable Materials from Solid Waste by the Generator at the place of discard generation, prior to collection, into separate containers that are separately designated for Recyclables for the purposes of Recycling.

Transfer Station or Disposal Facility means the Teton County Transfer Station currently located at 1088 Cemetery Road, Driggs, Idaho 83422.

4-8-3 HAULERS

- A. No person or entity shall provide services as a Hauler of Solid Waste or Recyclables within the boundaries of Teton County without being an Authorized Hauler with Teton County. Authorized Haulers shall be the only permitted Haulers to remove solid waste, recyclables, and construction and demolition from single-family, multifamily residents, commercial, and industrial businesses within the County limits.
- B. Every owner or tenant of any premises within the County where solid waste or construction and demolition debris is generated and/or accumulated shall either Self Haul or accept collection service from an Authorized Hauler. No person or business shall contract for recycling or waste collection with any Hauler who is not an Authorized Hauler.
- C. Before commencing operations in Teton County, a Hauler must be an Authorized Hauler.
- D. Haulers shall identify locations for containers or bins for Solid Waste and/or Recyclable Materials with the Generator.
- E. Haulers shall take any Recyclable Materials that are collected in containers or bins for that purpose to the Transfer Station. Sorting shall be performed per requirements of the Teton County Transfer Station.
- F. All commercial solid waste trucks will be of a type suitable for the collection of garbage, modern, sanitary, clean, in good repair and of leak proof construction, and no "open" type trucks will be used in hauling solid waste. All vehicles must be appropriately registered with the Department of Motor Vehicles.
- G. Haulers will not knowingly deliver to the Transfer Station any solid waste or recyclable materials that are on the list of Teton County Solid Waste & Recycling unacceptable materials.
- H. Bulk demolition materials from any structures that are intended to be delivered to Transfer Station must have an asbestos inspection report stating that the demolition material does not contain asbestos or if asbestos was found then the asbestos needs to be removed and dispose of properly before Transfer Station will admit the demolition material.
- I. Haulers shall maintain an up to date website that describes Hauler's Collection Services, including without limitation information about the various available containers, rates, charges, and their recycling program.
- J. Haulers shall, at their sole cost and expense, maintain proof of general liability, workers' compensation and vehicle liability insurance in such limits and amounts as agreed to with Teton County. These policies shall be in full force and effect at all times during any operations within Teton County. Teton County shall be included as an additional insured on all required policies. The policies shall require insurer to provide Teton County with 30 days advance notice of any cancellation, expiration, non-renewal or reduction in coverage under the policy.
- K. Haulers must provide Teton County with a list of the vehicles used by the Hauler and the license plate number for each vehicle. The list shall be updated and resubmitted to the County within seven (7) days after the Hauler adds to or deletes from the fleet of trucks it uses in Teton County. All of the vehicles used by the Hauler for transporting construction and demolition debris in Teton County shall be maintained in a good, clean, and safe operating condition.
- L. All of the trucks used by the Hauler for the collection of construction and demolition debris shall be marked with the name and phone number of the Hauler in letters that are plainly

visible and at least four inches high. Each commercial container used by the Hauler for the collection of construction and demolition debris shall be labeled by the Hauler.

- M. Hauler shall screen at the point of collection all loads of solid waste, C&D loads and recyclables to eliminate where practical, the transportation of known or suspected hazardous waste. Hazardous waste found at the point of collection shall not be collected and the Hauler shall immediately notify the generator to not throw hazardous waste in solid waste, recyclables or C&D loads.

4-8-4 DIVERSION OF SOLID WASTE

The Recycling Collection, Management and Transfer Services provided by Haulers in Teton County shall include, at a minimum, all of the following:

- A. Haulers shall, at a minimum, provide the following residential and business services:
- 95-gallon, and 65-gallon trash roll-carts and service options will be offered.
 - Weekly and every other week trash pick up service will be offered
 - Seven (7) different “Combination Services” will be offered, varying in frequency and volume
- B. Customers desiring collection of Recyclable materials shall be offered collection at a minimum of one time per month, or more as specified by contract with the Generator.
- C. Utilization of agreed upon Recycling receptacles between Hauler and Customer.
- D. Appropriate identification on Recycling receptacles or containers which allows Customers to clearly and easily identify which containers to use for Recyclables as deemed appropriate by the Generator and the Hauler.
- E. Haulers are required to have a Diversion Plan approved by Teton County. Haulers shall make best efforts to encourage customers to recycle and reduce waste through Hauler's implementation of their Diversion Plan for solid waste diversion.

4-8-5 SELF HAUL

A. Nothing in this ordinance shall preclude any person from Self Hauling Solid Waste and/or Recyclable Materials generated by that person to the Teton County Transfer Station or a legal disposal site outside Teton County. A Generator may transport Solid Waste and/or Recyclable Materials generated at its business or property to the Transfer Station or a legal disposal site outside Teton County (rather than hiring an Authorized Hauler) only if the Generator completes its activity by utilizing a vehicle owned by either the Generator or Generator's employee. This Self Haul exemption does not include contracting for or hiring a third party to transport the Solid Waste or Recyclable Materials. A Self Hauler must certify that all Self Hauling activities will be completed in accordance with this Chapter or any other applicable law or regulation.

B. Sale or Donation. Nothing in this ordinance shall preclude any Generator from selling or exchanging at fair market value, for reuse or Recycling, Source Separated Recyclable Materials generated from that Business, Commercial Facility or property; or from donating to another

entity for reuse or Recycling; Source Separated Recyclable Materials generated from that Business, Commercial Facility or property.

C. No Hauler, Self Hauler, person, or generator shall cause or permit any vehicle used for transportation of recyclable materials, trash, garbage or refuse of any kind to be loaded, or to be of such construction or condition, so as to permit any recyclable materials, trash, garbage or refuse of any kind to drop or fall upon or in any street or public way.

D. Demolition materials from any structures that are intended to be delivered to the Transfer Station must have an asbestos inspection report stating that the demolition material does not contain asbestos or if asbestos was found then the asbestos needs to be removed and disposed of properly before Transfer Station will admit the demolition material.

4-8-6 OWNERSHIP/SCAVENGING OF RECYCLABLE MATERIALS

All Solid Waste and/or Recyclable Materials placed in containers provided or owned by the Generator, shall be considered owned by and be the responsibility of that Generator until the material is placed at Authorized Hauler's designated point of collection at which point title to the material transfers to the Authorized Hauler. Without permission of the Generator no person or entity shall collect Solid Waste placed in such containers or bins by Generators. Without permission of the Authorized Hauler no person or entity shall collect Recyclable Materials placed in such containers or bins by Customers. Title to and ownership of all Collection Materials shall transfer from Authorized Hauler to the Transfer Station upon delivery of the Collection Materials by Authorized Hauler to the Transfer Station and acceptance by the Transfer Station of such Collection Materials. Authorized Hauler may not retain ownership or possession of any Collection Materials that the Transfer Station accepts; all Collection Materials acceptable to the County shall be delivered to the Transfer Station by Authorized Hauler. Authorized Hauler will not take ownership of, and Teton County will not accept, any Hazardous Waste.

4-8-7 IMPLEMENTATION AND ENFORCEMENT

A. **Utilization of Transfer Station** Any Hauler who is in violation of this Chapter may be restricted from accessing the Transfer Station.

B. **Administrative Citations** The Administrator may issue administrative citations for violations of this Chapter or of any rule or regulation adopted pursuant to this Chapter, except as otherwise provided in this Chapter. Teton County's procedures on imposition of administrative fines are hereby incorporated in its entirety and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Chapter and any rule or regulation adopted pursuant to this Chapter.

C. **Criminal Penalties** This Chapter does not restrict the power of the Prosecutor to bring any criminal proceeding authorized by law. Any violations of this Chapter may be charged as misdemeanors in accordance with the Teton County Code and State law.

D. **Additional Remedies** The Administrator may seek injunctive relief or civil penalties in the District Court in addition to the above remedies and penalties.

E. Cumulative Remedies Any remedy or penalty provided under this article is cumulative to any other remedy provided in equity or at law. Nothing in this article shall be deemed to limit the right of Teton County or its authorized collection agent(s) to bring a civil action; nor shall a conviction for such violation exempt any person from a civil action brought by Teton County or its authorized collection agent(s). Any fees and penalties shall constitute a civil debt and liability owing to Teton County from the persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law.

F. Liability Nothing in this article shall be deemed to impose any liability upon Teton County or upon any of its officers or employees including without limitation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

4-8-8 FORMS, REGULATIONS AND GUIDELINES

The Administrator may adopt necessary forms, rules, regulations, and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of this article, including all necessary policies and procedures for the issuance of the permits, administration of this article, collection of fees and bonds and/or indemnities, or proof(s) of insurance.

4-8-9 DISCLAIMER OF LIABILITY

The degree of protection required by this Chapter is considered to be reasonable for regulatory purposes. The standards set forth in this Chapter are minimal standards and do not imply that compliance will ensure 100% safe handling of Solid Waste or Recyclables. This Chapter shall not create liability on the part of Teton County, or any of its officers or employees for any damages that result from reliance on this Chapter or any administrative decision lawfully made in accordance with this Chapter. All persons handling discarded materials within the boundaries of Teton County should be and are advised to conduct their own inquiry as to the handling of such materials. In undertaking the implementation of this Chapter, Teton County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

4-8-10 DUTIES ARE DISCRETIONARY

Subject to the limitations of due process and applicable requirements of State or federal laws, and notwithstanding any other provisions of this Code, whenever the words “shall” or “must” are used in establishing a responsibility or duty of Teton County, its elected or appointed officers, employees or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgment and discretion.

4-8-11 SEVERABILITY

If any section, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this article. Teton County hereby declares that it would have passed this ordinance and adopted this article and each section, sentence, clause or

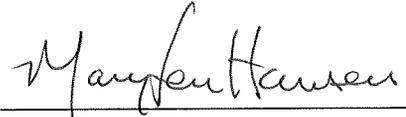
phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Dated this 13th day of October, 2015

BOARD OF COUNTY COMMISSIONERS



Bill Leake

ATTEST: 

Mary Lou Hansen, County Clerk

Be it ordained by the Board of County Commissioners of Teton County, Idaho that the following ordinance be adopted and added as Chapter 8, Title 4 to the Code of Teton County.

TITLE 4, CHAPTER 8

Solid Waste and Recyclable Material Collection, Hauling, Management, Transportation and Transfer Ordinance

4-8-1 PURPOSE

The purpose of this Chapter is to:

- (a) Promote recycling, the proper management of solid waste and recyclable materials and diversion of solid waste from the landfill.
- (b) Require that any and all haulers as defined herein become Teton County Authorized Haulers, and abide by the rules and regulations set forth in their authorization agreement and this ordinance.
- (c) Contribute to the reduction of the total volume and weight of waste bound for the landfill.
- (d) Establish requirements for transportation and management of solid waste and recyclable materials generated in Teton County in order to increase the diversion of recyclable materials from landfill disposal and direct the materials to the Teton County Transfer Station.
- (e) Provide an enforcement mechanism to ensure proper collection of solid waste and recyclable materials, regulated management of recyclable materials and provide protections against illegal scavenging of materials.
- (f) Provide an exemption for generators who self haul their solid waste or recyclables.

4-8-2 DEFINITIONS

As used in this Chapter, the following terms shall have the following meanings:

Teton County includes the unincorporated County.

Administrator means the Teton County Transfer Station Manager and his or her designee.

Authorized Hauler means a Hauler who, by virtue of a valid written agreement with Teton County, is authorized to collect, accept, sort, transport or otherwise transfer Solid Waste and Recyclable Materials from Generators for a fee or profit through a proper permit, business license or other regulatory structure or authorization issued by Teton County.

Collect or Collection means to take physical possession of and remove Solid Waste and Recyclable Materials placed for collection in a designated area or receptacle.

Combination Services means services that include both Solid Waste collection, and Recyclable Material collection for the purposes of recycling or diversion.

Customer means a Generator that contracts for Solid Waste and/or Recyclable Material removal services and enters into a service agreement with a Hauler (must be an Authorized Hauler).

Diversion or Divert means the reduction or elimination of Recyclable Materials from solid waste disposal.

Generator means an owner or Responsible Party for a Residence(s), Commercial Facility(ies) or Business, including residential and non-residential property, vacant or occupied, which generates Solid Waste and/or Recyclable Materials as a result of its general activity, Business, Commercial Facility(ies) or property activity. Generator may also include tenants, property managers for facilities with leased space, employees and contractors of Generator, as well as a Responsible Party for Special Events.

Hauler means any person or commercial entity which Collects, hauls, or transports Solid Waste and/or Recyclable Materials for a fee by use of any means, including but not limited to a dumpster truck, roll-off truck, side-load, front-load, rear-load truck or a trailer.

Hazardous Waste means any waste designated as hazardous by the United States Environmental Protection Agency in 40 CFR, Part 261, or by the Idaho Department of Environmental Quality (DEQ) in the Hazardous Waste Management Rules, including but not limited to RCRA hazardous waste, petroleum products, radioactive materials, asbestos, PCB transformers, petroleum product storage tanks, or any flammable materials.

Recyclable Materials means materials that have been Source Separated from the solid waste stream prior to being set for collection. Recyclable Materials includes any materials identified by Teton County or the Teton County Administrator that they deem acceptable.

Self Haul or Self Hauling means a Generator who transports his or her own generated Solid Waste or Recyclable Materials to the Transfer Station or other proper disposal site by using a vehicle owned by that Generator or Generator's employees rather than using the hauling services of an Authorized Hauler, and landscaping and yard maintenance persons who, as a consequence of their business activity may generate, transport, and dispose of green waste they generate.

Solid Waste means all materials bound for the landfill being putrescible and non-putrescible non-recyclable solid, semisolid, and liquid wastes, including garbage, trash, refuse, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other non-recyclable discarded solid and semi-solid wastes. Solid Waste does not include hazardous waste or low-level radioactive waste.

Sorted Recyclable Materials means the separation of recyclable materials and commodities defined and acceptable by Teton County, Teton County Transfer Station, Teton County Administrator and/or an appointed Teton County representative.

Source Separated or Source Separation means the process of removing Recyclable Materials from Solid Waste by the Generator at the place of discard generation, prior to collection, into separate containers that are separately designated for Recyclables for the purposes of Recycling.

Transfer Station or Disposal Facility means the Teton County Transfer Station currently located at 1088 Cemetery Road, Driggs, Idaho 83422.

4-8-3 HAULERS

- A. No person or entity shall provide services as a Hauler of Solid Waste or Recyclables within the boundaries of Teton County without being an Authorized Hauler with Teton County. Authorized Haulers shall be the only permitted Haulers to remove solid waste, recyclables, and construction and demolition from single-family, multifamily residents, commercial, and industrial businesses within the County limits.
- B. Every owner or tenant of any premises within the County where solid waste or construction and demolition debris is generated and/or accumulated shall either Self Haul or accept collection service from an Authorized Hauler. No person or business shall contract for recycling or waste collection with any Hauler who is not an Authorized Hauler.
- C. Before commencing operations in Teton County, a Hauler must be an Authorized Hauler.
- D. Haulers shall identify locations for containers or bins for Solid Waste and/or Recyclable Materials with the Generator.
- E. Haulers shall take any Recyclable Materials that are collected in containers or bins for that purpose to the Transfer Station. Sorting shall be performed per requirements of the Teton County Transfer Station.
- F. All commercial solid waste trucks will be of a type suitable for the collection of garbage, modern, sanitary, clean, in good repair and of leak proof construction, and no "open" type trucks will be used in hauling solid waste. All vehicles must be appropriately registered with the Department of Motor Vehicles.
- G. Haulers will not knowingly deliver to the Transfer Station any solid waste or recyclable materials that are on the list of Teton County Solid Waste & Recycling unacceptable materials.
- H. Bulk demolition materials from any structures that are intended to be delivered to Transfer Station must have an asbestos inspection report stating that the demolition material does not contain asbestos or if asbestos was found then the asbestos needs to be removed and dispose of properly before Transfer Station will admit the demolition material.
- I. Haulers shall maintain an up to date website that describes Hauler's Collection Services, including without limitation information about the various available containers, rates, charges, and their recycling program.
- J. Haulers shall, at their sole cost and expense, maintain proof of general liability, workers' compensation and vehicle liability insurance in such limits and amounts as agreed to with Teton County. These policies shall be in full force and effect at all times during any operations within Teton County. Teton County shall be included as an additional insured on all required policies. The policies shall require insurer to provide Teton County with 30 days advance notice of any cancellation, expiration, non-renewal or reduction in coverage under the policy.
- K. Haulers must provide Teton County with a list of the vehicles used by the Hauler and the license plate number for each vehicle. The list shall be updated and resubmitted to the County within seven (7) days after the Hauler adds to or deletes from the fleet of trucks it uses in Teton County. All of the vehicles used by the Hauler for transporting construction and demolition debris in Teton County shall be maintained in a good, clean, and safe operating condition.
- L. All of the trucks used by the Hauler for the collection of construction and demolition debris shall be marked with the name and phone number of the Hauler in letters that are plainly

visible and at least four inches high. Each commercial container used by the Hauler for the collection of construction and demolition debris shall be labeled by the Hauler.

- M. Hauler shall screen at the point of collection all loads of solid waste, C&D loads and recyclables to eliminate where practical, the transportation of known or suspected hazardous waste. Hazardous waste found at the point of collection shall not be collected and the Hauler shall immediately notify the generator to not throw hazardous waste in solid waste, recyclables or C&D loads.

4-8-4 DIVERSION OF SOLID WASTE

The Recycling Collection, Management and Transfer Services provided by Haulers in Teton County shall include, at a minimum, all of the following:

- A. Haulers shall, at a minimum, provide the following residential and business services:
- 95-gallon, and 65-gallon trash roll-carts and service options will be offered.
 - Weekly and every other week trash pick up service will be offered
 - Seven (7) different “Combination Services” will be offered, varying in frequency and volume
- B. Customers desiring collection of Recyclable materials shall be offered collection at a minimum of one time per month, or more as specified by contract with the Generator.
- C. Utilization of agreed upon Recycling receptacles between Hauler and Customer.
- D. Appropriate identification on Recycling receptacles or containers which allows Customers to clearly and easily identify which containers to use for Recyclables as deemed appropriate by the Generator and the Hauler.
- E. Haulers are required to have a Diversion Plan approved by Teton County. Haulers shall make best efforts to encourage customers to recycle and reduce waste through Hauler's implementation of their Diversion Plan for solid waste diversion.

4-8-5 SELF HAUL

A. Nothing in this ordinance shall preclude any person from Self Hauling Solid Waste and/or Recyclable Materials generated by that person to the Teton County Transfer Station or a legal disposal site outside Teton County. A Generator may transport Solid Waste and/or Recyclable Materials generated at its business or property to the Transfer Station or a legal disposal site outside Teton County (rather than hiring an Authorized Hauler) only if the Generator completes its activity by utilizing a vehicle owned by either the Generator or Generator's employee. This Self Haul exemption does not include contracting for or hiring a third party to transport the Solid Waste or Recyclable Materials. A Self Hauler must certify that all Self Hauling activities will be completed in accordance with this Chapter or any other applicable law or regulation.

B. Sale or Donation. Nothing in this ordinance shall preclude any Generator from selling or exchanging at fair market value, for reuse or Recycling, Source Separated Recyclable Materials generated from that Business, Commercial Facility or property; or from donating to another

entity for reuse or Recycling; Source Separated Recyclable Materials generated from that Business, Commercial Facility or property.

C. No Hauler, Self Hauler, person, or generator shall cause or permit any vehicle used for transportation of recyclable materials, trash, garbage or refuse of any kind to be loaded, or to be of such construction or condition, so as to permit any recyclable materials, trash, garbage or refuse of any kind to drop or fall upon or in any street or public way.

D. Demolition materials from any structures that are intended to be delivered to the Transfer Station must have an asbestos inspection report stating that the demolition material does not contain asbestos or if asbestos was found then the asbestos needs to be removed and disposed of properly before Transfer Station will admit the demolition material.

4-8-6 OWNERSHIP/SCAVENGING OF RECYCLABLE MATERIALS

All Solid Waste and/or Recyclable Materials placed in containers provided or owned by the Generator, shall be considered owned by and be the responsibility of that Generator until the material is placed at Authorized Hauler's designated point of collection at which point title to the material transfers to the Authorized Hauler. Without permission of the Generator no person or entity shall collect Solid Waste placed in such containers or bins by Generators. Without permission of the Authorized Hauler no person or entity shall collect Recyclable Materials placed in such containers or bins by Customers. Title to and ownership of all Collection Materials shall transfer from Authorized Hauler to the Transfer Station upon delivery of the Collection Materials by Authorized Hauler to the Transfer Station and acceptance by the Transfer Station of such Collection Materials. Authorized Hauler may not retain ownership or possession of any Collection Materials that the Transfer Station accepts; all Collection Materials acceptable to the County shall be delivered to the Transfer Station by Authorized Hauler. Authorized Hauler will not take ownership of, and Teton County will not accept, any Hazardous Waste.

4-8-7 IMPLEMENTATION AND ENFORCEMENT

A. **Utilization of Transfer Station** Any Hauler who is in violation of this Chapter may be restricted from accessing the Transfer Station.

B. **Administrative Citations** The Administrator may issue administrative citations for violations of this Chapter or of any rule or regulation adopted pursuant to this Chapter, except as otherwise provided in this Chapter. Teton County's procedures on imposition of administrative fines are hereby incorporated in its entirety and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Chapter and any rule or regulation adopted pursuant to this Chapter.

C. **Criminal Penalties** This Chapter does not restrict the power of the Prosecutor to bring any criminal proceeding authorized by law. Any violations of this Chapter may be charged as misdemeanors in accordance with the Teton County Code and State law.

D. **Additional Remedies** The Administrator may seek injunctive relief or civil penalties in the District Court in addition to the above remedies and penalties.

E. Cumulative Remedies Any remedy or penalty provided under this article is cumulative to any other remedy provided in equity or at law. Nothing in this article shall be deemed to limit the right of Teton County or its authorized collection agent(s) to bring a civil action; nor shall a conviction for such violation exempt any person from a civil action brought by Teton County or its authorized collection agent(s). Any fees and penalties shall constitute a civil debt and liability owing to Teton County from the persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law.

F. Liability Nothing in this article shall be deemed to impose any liability upon Teton County or upon any of its officers or employees including without limitation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

4-8-8 FORMS, REGULATIONS AND GUIDELINES

The Administrator may adopt necessary forms, rules, regulations, and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of this article, including all necessary policies and procedures for the issuance of the permits, administration of this article, collection of fees and bonds and/or indemnities, or proof(s) of insurance.

4-8-9 DISCLAIMER OF LIABILITY

The degree of protection required by this Chapter is considered to be reasonable for regulatory purposes. The standards set forth in this Chapter are minimal standards and do not imply that compliance will ensure 100% safe handling of Solid Waste or Recyclables. This Chapter shall not create liability on the part of Teton County, or any of its officers or employees for any damages that result from reliance on this Chapter or any administrative decision lawfully made in accordance with this Chapter. All persons handling discarded materials within the boundaries of Teton County should be and are advised to conduct their own inquiry as to the handling of such materials. In undertaking the implementation of this Chapter, Teton County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

4-8-10 DUTIES ARE DISCRETIONARY

Subject to the limitations of due process and applicable requirements of State or federal laws, and notwithstanding any other provisions of this Code, whenever the words “shall” or “must” are used in establishing a responsibility or duty of Teton County, its elected or appointed officers, employees or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgment and discretion.

4-8-11 SEVERABILITY

If any section, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this article. Teton County hereby declares that it would have passed this ordinance and adopted this article and each section, sentence, clause or

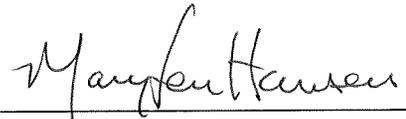
phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Dated this 13th day of October, 2015

BOARD OF COUNTY COMMISSIONERS



Bill Leake

ATTEST: 

Mary Lou Hansen, County Clerk