

## Article 3

### SOLID WASTE DISPOSAL REGULATIONS

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02-03-01: SOLID WASTE DISPOSAL SITE DESIGNATED:  

The only lawful site(s) for the dumping and depositing of solid waste in Canyon County shall be at those areas designated at Pickles Butte, Canyon County, Idaho, or any other site specifically approved by the board of Canyon County commissioners. The Pickles Butte landfill site shall be maintained and operated by the solid waste division of the department of administration of Canyon County, under the direction of the solid waste administrator and the general supervision of the board of county commissioners. (Ord. 93-001, 1-26-1993, eff. 2-1-1993)

02-03-03: TRANSPORTATION OF SOLID WASTE:  

(1) Purpose: The public highways, as well as public and private lands adjacent to said public highways, leading to the various solid waste disposal sites in Canyon County are being littered with paper, cans, bottles and trash of every description because a small number of the people transporting solid waste to solid waste disposal sites are not properly covering or securing their loads and are thereby allowing solid waste of all kinds to blow, fall and scatter from the vehicles transporting the solid waste. It is the purpose of this section and the duty of the board of county commissioners to require that all persons hauling garbage, refuse, rubbish, tree limbs, trash or solid waste of any kind, provide a proper cover and secure their load so as to prevent the scattering, blowing or loss of the materials being so transported. This section is enacted pursuant to authority given to the board of county commissioners by article 12, section 2, of the Idaho constitution which authorizes the county to make and enforce within its limits all such local policies, sanitary and other regulations as are not in conflict with the general laws, and Idaho Code section 31-714 which empowers the board of county commissioners to pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein.

(2) Definitions: The following definition of terms shall apply to this section:

**BURN BARREL:** Any barrel, vat, tub, or other container used to burn or incinerate garbage, refuse, rubbish, solid waste, semisolid waste or trash.

**GARBAGE:** Putrescible waste resulting from the storage, processing, distribution, preparation, cooking and serving of food and wastes from the handling, processing, storage, distribution and sale of products.

**REFUSE:** Garbage, rubbish and animal carcasses.

**RUBBISH:** All nonputrescible solid waste except abandoned vehicles and car bodies or car body parts, industrial solid waste and agricultural solid waste.

**SOLID WASTE:** As defined in section [02-03-05](#) of this article.

**SOLID WASTE DISPOSAL SITE<sup>1</sup>:** The only lawful site(s) for the dumping and depositing of solid waste in Canyon County shall be at those areas designated at Pickles Butte in Canyon County, Idaho, or any other site specifically approved by the board of county commissioners.

**TRASH:** Includes papers, bottles, nails and refuse of all kinds not otherwise described or referred to herein.

(3) Prohibited: It shall be unlawful for any person hauling garbage, refuse, rubbish or trash of any kind upon the public highways of Canyon County outside the corporate limits of any municipality within Canyon County to haul garbage, refuse, rubbish or trash without covering and securing such garbage, refuse, rubbish or trash in such a manner as to prevent scattering or blowing or loss of the material being so transported. (Ord. 05-011, 4-6-2005)

02-03-05: DEFINITIONS:  

For the purpose of this article, the following words and terms shall have the meanings set out in this section:

**HAZARDOUS WASTE:** Such waste as defined in Idaho Code sections 29-4403(7) and (12), as amended.

**LIQUID WASTE:** As defined in 40 CFR 258.28(c)(1).

**SOLID WASTE:** Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining

and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under 33 USC 1342, or source, special, nuclear or byproduct material as defined by the atomic energy act of 1954, as amended; 68 statute 923. (Ord. 93-001, 1-26-1993, eff. 2-1-1993)

02-03-07: ONLY WASTE GENERATED IN CANYON COUNTY ALLOWED;

EXEMPTIONS:  

Dumping and depositing of solid waste at the Pickles Butte site or any other site specifically approved by the board of county commissioners shall be limited to persons and companies who generate waste and reside in or whose principal place of business is within the boundaries of Canyon County, Idaho. This limitation is enacted in order to assure the continued availability of the Pickles Butte site to Canyon County users. An exemption to this prohibition may be granted by the administrator of solid waste department, in his discretion, up to five (5) cubic yards for each load. Exemptions in greater amounts may be granted by the board of county commissioners based upon clear and convincing evidence of fact: 1) that such waste was generated out of county by Canyon County residents, or 2) that the continued availability for the Pickles Butte site to Canyon County users will not be adversely affected by the acceptance of out of county waste, or 3) the county has entered into a contract with another governmental entity evidencing a factual basis for the above 1) or 2) factors. Conditions may be attached to the grant of an exemption as are believed by the board of county commissioners to be reasonably related to the health, safety, and welfare of Canyon County residents. If the board denies an application for an exemption, the unsuccessful applicant must file for a reconsideration of the denial and request a reconsideration hearing within five (5) days of the denial of their application. The reconsideration hearing before the board shall be conducted in accordance with Idaho Code, sections 67-5210, 67-5211 and 67-5212, as may be amended from time to time. The failure to timely request a reconsideration hearing shall mean the applicant forfeits his right to a reconsideration hearing. Said hearing shall be held within ten (10) days of the date the request for hearing is filed with the board. Any appeal of the board's decision shall be made to district court and shall be subject to procedures set forth at IRCP 83(C), 83(K), and 83(U). Such an appeal is to be heard as an appellate proceeding and shall not involve a trial de novo. (Ord. 93-001, 1-26-1993, eff. 2-1-1993)

02-03-08: MANDATORY SOLID WASTE DISPOSAL:  

To maintain the public health, safety and aesthetics of the county, all persons in unincorporated Canyon County shall utilize one or all of the following methods for disposal of solid waste:

(1) Utilize solid waste collection services where available and pay for such services.

(2) Dispose of solid waste at a permitted municipal solid waste disposal site in a reasonable time and manner.

(3) Burn solid waste pursuant to a valid permit issued by an authority having jurisdiction in accordance with subsection [02-03-13](#)(4) of this article. (Ord. 05-012, 4-12-2005)

#### 02-03-09: FEES FOR USE OF DISPOSAL SITE:

(1) Usage Fees: Because of the increased costs of operating the solid waste program at the Pickles Butte landfill and to continue to implement the county's goal of effectuating a self-supporting solid waste program, the fees charged for the use of the solid waste site may be established, changed or modified by resolution of the board of county commissioners. The fees charged shall defray the costs of operating the Pickles Butte landfill or any other site specifically approved by the board of county commissioners.

(2) Collection Of Fees: The fees provided for in subsection (1) of this section shall be collected by the solid waste division at the Pickles Butte site. All fees shall be paid at the time of dumping, unless previous charge arrangements have been made by the user and approved by the solid waste administrator.

#### (3) Billings And Charges:

A. Those persons or companies desiring to charge the fees provided for in subsection (1) of this section must complete a charge application provided by the solid waste division and approved by the solid waste administrator.

B. Those persons or companies who have applied for, and been extended charge privileges, will be billed monthly by the solid waste division, and payment must be made within thirty (30) days of the billing. Late payments will result in assessment of one and one-half percent (1<sup>1</sup>/<sub>2</sub>%) late payment charge on the fees owed. (Ord. 05-011, 4-6-2005)

#### 02-03-11: DISPOSAL REGULATIONS:

(1) Liquid Wastes: Liquid waste may be dumped at the Pickles Butte site or any other site specifically approved by the board of county commissioners only in accordance with title 39, chapter 74 of the Idaho Code as amended.

(2) Medical Wastes: All medical waste shall be disposed of at the landfill in a form required by Idaho and federal law.

(3) Screening For Hazardous Wastes: In order to reject hazardous waste, the solid waste administrator is authorized to adopt and implement appropriate hazardous waste screening procedures as defined in the landfill's operating record.

(4) Directing Disposal To Proper Area: The solid waste administrator is authorized to direct waste to the landfill for appropriate disposal or to recycling or storage or composting areas approved by the board of county commissioners. (Ord. 93-001, 1-26-1993, eff. 2-1-1993)

#### 02-03-13: PROHIBITED ACTS:

(1) Unlawful Dumping: It shall be unlawful for any person or company to dump or deposit solid waste in any area or at any place in Canyon County other than the Pickles Butte site unless such site is specifically approved by the board of county commissioners.

(2) Waste Accumulating On Public Or Private Property<sup>2</sup>: It shall be unlawful for any person or company to permit or allow to accumulate solid waste in or about any yard, lot, place or premises, or upon any adjacent street, alley or sidewalk owned, leased, used or occupied by such person or company. Provided however, that compost piles may be maintained for fertilization purposes, and matter used for fertilization purposes only may be transported, kept and used, provided the same shall not constitute a nuisance.

(3) Interference With Operations At Waste Disposal Site: It shall be unlawful for any person or company to interfere with the operation of the solid waste site provided in section [02-03-11](#) of this article by dumping or depositing solid waste at the Pickles Butte site without paying the fees provided for in section [02-03-09](#) of this article.

(4) Limitation On Burning:

A. Open Burning Of Certain Solid Wastes Prohibited: No person may allow, suffer or cause the burning of materials which emit toxic contaminants or smoke or particulates (including, but not limited to: household garbage, tires or other rubber materials or products, junked motor vehicles or any materials resulting from motor vehicle salvage operation, plastics, petroleum products, dead animals or parts thereof, commercial waste, asphalt or composition roofing or any other asphaltic material or product, drywall, sheetrock, tar, tarpaper, floor underlayment, insulation, insulated wire, lumber or timber treated with preservatives, wet materials, pathogenic wastes, hazardous wastes, paint or chemicals, or any other materials that would otherwise be allowed under this subsection but the burning of which is determined to be a nuisance or hazard by the

authority having jurisdiction and responsibility for the administration and enforcement of regulations for the prevention and control of fires) for the purpose of disposing of such waste.

B. Open Outdoor Burning Allowed: Materials not specifically prohibited by subsection (4)A of this section may be burned if the open burning is conducted on the property where the solid waste was generated and is one of the following categories of open burning:

1. Recreational And Warming Fires: Open outdoor fires used for the preparation of food or for recreational purposes (e.g., campfires, ceremonial fires, and barbecues) or fires set for hand warming purposes are allowable forms of open burning.

2. Training Fires: Open outdoor fires used by qualified personnel to train firefighters in the methods of fire suppression and firefighting techniques, or to display certain fire ecology or fire behavior effects are allowable forms of open burning. Training fires shall not be allowed to smolder after the training session has terminated.

3. Industrial Flares: Industrial flares, used for the combustion of flammable gases are allowable forms of open burning.

4. Residential Solid Waste Disposal Fires: Open outdoor fires used to dispose of solid waste (e.g., tree leaves, yard trimmings, gardening waste, etc.) is an allowable form of open burning. However, open burning of garbage produced by the operation of a domestic household is prohibited pursuant to subsection (4)A of this section.

5. Orchard Fires: The use of heating devices to protect orchard crops from frost damage and the use of open outdoor fires to dispose of orchard clippings are allowable forms of open burning.

(A) Open Pot Heaters: The use of stackless open pot heaters is prohibited.

(B) Heating Device Emissions: All heaters purchased after September 21, 1970, shall emit no more than one gram (1.0 g) per minute of solid carbonaceous matter at normal operating conditions as certified by the manufacturer.

(C) Orchard Clippings: The open burning of orchard clippings shall be conducted on the property where the clippings were generated.

6. Prescribed Burning: The use of open outdoor fires to obtain the objectives of prescribed fire management burning is an allowable form of open burning.

(A) Burning Permits Or Prescribed Fire Plans: Whenever a burning permit or prescribed fire plan is required by the department of lands, USDA forest service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all permit and/or plan conditions and terms which control smoke.

(B) Rights Of Way Fires: The open burning of woody debris generated during the clearing of

rights of way shall be open burned according to Idaho Code sections 38-101 and 38-401, and these rules.

7. **Dangerous Material Fires:** Open outdoor fires used or permitted by a public or military fire chief to dispose of materials (including military ordnance) which present a danger to life, valuable property or the public welfare, or for the purpose of prevention of a fire hazard when no practical alternative method of disposal or removal is available are allowable forms of open burning. Dangerous materials burning is exempt from subsection (4)A of this section.

8. **Infectious Waste Burning:** Upon the order of a public health officer, open outdoor fires used to dispose of diseased animals or infested material is an allowable form of open burning. Infectious waste burning is exempt from subsection (4)A of this section. (Ord. 05-011, 4-6-2005)

9. **Weed Control Fires:** Open outdoor fires used for the purpose of weed abatement such as along fence lines, canal banks, and ditch banks is an allowable form of open burning. (Ord. 10-005, 7-12-2010)

C. **Additional Prohibitions:** Provided that all open burning, even if allowed in subsection (4)B of this section is prohibited when: (Ord. 05-011, 4-6-2005)

1. The Idaho department of environmental quality (DEQ) air quality index (AQI) reaches seventy five (75) or higher for any pollutant measured within Canyon County, Idaho. It is the responsibility of the person intending to engage in allowed open burning to determine the level of the air quality index prior to igniting any open burning. The air quality index may be determined by calling DEQ or visiting DEQ's webpage, or (Ord. 10-005, 7-12-2010)

2. Any time the sustained (10 minute average) winds exceed twenty (20) miles per hour and/or wind gusts exceed thirty five (35) miles per hour or any time that the national weather service - Boise (NWS) has issued or has in effect a "red flag" warning for any portion of Canyon County, indicating conditions representing a high to extreme fire danger. NWS warnings may be determined by calling NWS or visiting the NWS webpage.

D. **Constantly Attended Fire:** All open burning conducted pursuant to subsection (4)B of this section shall be constantly attended until the fire is fully extinguished.

E. **Compliance:** Compliance with the provisions of this subsection (4) does not exempt or excuse any person from complying with applicable laws, rules, or policies of other governmental jurisdictions responsible for fire control or hazardous material disposal or from liability for damages or injuries which may result from open burning. (Ord. 05-011, 4-6-2005)

F. **Investigation Of Complaints:** The Canyon County sheriff or his designated code enforcement officer shall be responsible for the investigation of complaints, upon request of the authority having jurisdiction and responsibility for the administration and enforcement of regulations for the prevention and control of fires.

(5) Unlawful Burning Times: It shall be unlawful to build, ignite, or maintain any fire for field burning, disposing of waste matter in irrigation ditches and fencerows, weed control, piled tree leaves and tree and brush pruning remnants from agricultural sources in the unincorporated areas of Canyon County, Idaho, at any time from one-half ( $\frac{1}{2}$ ) hour after sunset to one-half ( $\frac{1}{2}$ ) hour before sunrise, inclusively, unless the authority having responsibility for the administration and enforcement of regulations for the prevention and control of fires specifically exempts a person or company from this requirement. (Ord. 10-005, 7-12-2010)

02-03-15: PENALTY:  

(1) Violations; Penalty: The first violation of section [02-03-08](#) or subsection [02-03-13\(4\)](#) of this article is hereby declared to be a nuisance and may be punishable as an infraction as defined in Idaho Code section 18-111 and subject to a fine in such amount as prescribed in Idaho infraction rules, rule 9, and as such may be amended. The second violation of section [02-03-08](#) or subsection [02-03-13\(4\)](#) of this article within a three (3) month period from the date of the first violation is hereby declared to be a nuisance and may be punishable as an infraction as defined in Idaho Code section 18-111 and subject to a fine in such an amount as prescribed in Idaho infraction rules, rule 9, and as such may be amended. The third violation of section [02-03-08](#) or subsection [02-03-13\(4\)](#) of this article within a one year period from the date of the first or second violation is hereby declared to be a nuisance and may be punishable as a misdemeanor as defined in Idaho Code section 18-111 and subject to a fine of three hundred dollars (\$300.00).

(2) Other Violations; Penalty: Any person violating any section of this article, other than section [02-03-08](#) or subsection [02-03-13\(4\)](#) of this article, shall be guilty of a misdemeanor and each separate violation hereof shall be punishable by a fine of not more than three hundred dollars (\$300.00).

(3) Uniform Citation: Enforcement of this article may be by uniform citation issued pursuant to rule 5 of the Idaho infraction rules and/or rule 5 of the misdemeanor criminal rules and by a law enforcement officer defined in rule 2(g) of the Idaho infraction rules and/or rule 2(g) of the misdemeanor criminal rules. A law enforcement officer for purposes of this article shall include, but is not limited to, a Canyon County sheriff's deputy. A uniform citation for violation of this article shall be personally served upon the owner, if known, or the occupant or person in charge of the possession of the premises or property on which the nuisance is found. The Canyon County solid waste department's code enforcement officer is authorized as a law enforcement officer only for the enforcement of applicable state and county codes pertaining to solid waste within the boundaries of county owned landfill property. (Ord. 05-012, 5-12-2005)

Footnotes - Click any footnote link to go back to its reference.



[Footnote 1](#): See also section [02-03-01](#) of this article.

[Footnote 2](#): For public nuisance regulations, see [article 1 of this chapter](#).