

Chapter 8-10

CITY OF BOISE SOLID WASTE ORDINANCE

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Section 8-10-01 TITLE, PURPOSE AND GENERAL PROVISIONS

8-10-01.01 Title

This Ordinance shall be known as the City of Boise Solid Waste Ordinance

8-10-01.02 Purpose and Intent

The purpose and intent of this Ordinance is to:

- A. Provide for the protection of air, soil, storm water, ground water, and surface water from pollutants by establishing a system for the storage, handling, collection and processing of solid waste with uniform requirements for direct and indirect contributors.
- B. Promote the health, safety, and general welfare of the citizens of the City, and enhance and preserve the quality and value of the resources of the City by the proper management of solid waste.
- C. Encourage and improve the opportunity for reuse, composting, and recycling, to reduce the quantity of wastes disposed of by the City's residential, commercial, and industrial customers.
- D. Equitably distribute the costs of the solid waste collection and disposal system.

8-10-01.03 Applicability

This Ordinance shall apply to all persons within the corporate limits of the City, including those receiving solid waste services, eligible to receive solid waste services and conducting the collection of solid waste.

8-10-01.04 Regulatory Consistency

This Ordinance shall be construed to assure consistency with state and federal laws, rules and regulations, and other provisions of the Boise City Code.

8-10-01.05 Severability

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

8-10-01.06 Definitions

The terms as used in this Ordinance shall have the following meanings:

- A. ADA: The Americans with Disabilities Act.
- B. Appliances: Household equipment and major appliances, including, but not limited to, refrigerators, freezers, stoves, water heaters, swamp coolers, air conditioners, dishwashers, washing machines, and dryers.
- C. Asbestos: Naturally occurring minerals that are resistant to heat and corrosion. May be found in products such as insulation for piping, floor tiles, building materials, and vehicle brakes and clutches. Asbestos includes the mineral fibers, chrysotile, amosite, crocidolite, tremolite, anthophyllite, actinolite and any of these materials that have been chemically treated or altered. Asbestos is regulated by OSHA and the EPA and must be managed and disposed in accordance with federal, state, and local regulations.
- D. Bulky Waste: A large item of a size or weight, that cannot be placed into the franchise hauler provided wheeled cart or dumpster, such as appliances and furniture. Bulky waste does not include large quantities or piles of smaller items, construction debris, dead animals, hazardous waste, or stable matter.
- E. Business: An establishment used for selling, such as an office, manufacturing production, entertainment, service or similar use, whether for profit or not. Includes hotels and motels and other short term lodging uses, as well as any establishment located within a residential structure.
- F. Carry-out Service: Collection of solid waste achieved by entering upon a customer's property to convey the materials to the collection vehicle.
- G. City: The city of Boise City, Idaho.
- H. Commercial Service: Centralized solid waste services for businesses, industries, and some multi-family units and industries, using carts, dumpsters, roll off or compactor containers where the customer selects the number, size, and frequency of collection services.
- I. Compostable materials: Materials which can be re-used, processed, or undergo biological activity to create a soil amendment. Compostable materials include, but are not limited to, yard wastes, fruit and vegetable garden wastes, non-meat eating animal wastes, untreated and unpainted wood wastes, kitchen wastes such as fruit and vegetable peels and cores, eggshells, coffee grounds and filters, tea bags, and compostable paper products.
- J. Composting: The conversion of yard, garden and kitchen wastes to decayed organic matter which can be used as a soil conditioner.
- K. Customer: An occupant or owner of any premise, including residential, business, industry, institution or other establishment in the City for which solid waste service is, or has been, provided.
- L. Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- M. Dumpster: A specially designed solid waste container, two (2) - eight (8) yards in size, that is

delivered to a location, emptied by the franchise hauler and can be removed from the location when no longer used.

- N. Franchise hauler: Any person authorized by the City to collect and haul any solid waste, who has executed a Franchise Agreement with the city of Boise.
- O. Glass: Bottles and jars, less than two (2) gallons in size. Materials not considered glass for purposes of the glass collection program include the following: mirrors, plate or window glass, light bulbs and tubes, Pyrex, ceramics, porcelain, corks, bottle caps and lids.
- P. Hardship Discount: A reduction in the amount charged for residential solid waste services based upon the annual gross family income when it is at or below the income level indicated for a family of similar size on the current Low Income Guidelines chart used by the City in the administration of the Community Block Grant Program.
- Q. Hazardous Waste: Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency or political subdivision of the State to be a hazardous waste, as those terms are defined by federal or state law. De minimis amounts of household hazardous wastes are by definition excluded from regulation under 40 CFR Section 261.4(b)(1) and do not constitute Hazardous Waste.
- R. Institution: School, college, group home with more than eight (8) beds, dormitory, boardinghouse, nursing home, retirement center, in-patient medical facility, military installation, and any entity of a similar nature in the City.
- S. Permitted Hauler: Any person authorized by the City to collect and haul solid waste, who has applied for and been granted a permit with the City.
- T. Liquid: A fluid such as water, oil or alcohol which is not solid matter and can leak or flow from a solid waste container.
- U. Litter: Solid waste scattered about the ground surface.
- V. Medical Waste: Human or animal waste consisting of one or more of the following: tissue, cultures and stocks, body fluids (except urine), blood or blood products, materials contaminated with blood or blood products, used surgical wastes, used or unused sharp instruments, including, but not limited to, hypodermic needles, suture needles, syringes, and scalpel blades.
- W. Multi-family Dwelling Units or Premises: Residential premises with more than one (1) dwelling unit on a single parcel or premises such as town homes or condominiums within a multi-family development. These include multiplex dwellings, apartments, condominiums and manufactured home parks. Multi-family premises do not include short term residential properties such as dwelling hotels, motels, hospitals, nursing homes or other congregate care or institutional housing or facilities.
- X. Overloading: Exceeding the designated weight capacity, allowing objects to protrude outside of the container, or stacking objects against containers used for commercial or residential solid waste collection.
- Y. Overflow Trash: Solid waste left outside or placed above the top of a collection container.

Overflow trash creates nuisances and affects safe and orderly collection of the disposed solid waste.

- Z. Overflow Stickers: Stickers provided to residential customers or purchased by customers which allow for trash to be placed in a personal can of twenty (20) to thirty-two (32) gallons for solid waste collection.
- AA. Owner: Every person, including lessees and occupants, in possession, charge, custody, or control of any residential, business, industry, or institutional premise within the City, where solid waste is created or accumulated.
- BB. Person: Any individual, partnership, association, firm, corporation, public agency, or any other legal entity.
- CC. Premium Carry-Out Service: Premium carry-out service provides for the collection of solid waste by entering onto the customer's property. Premium carry-out includes, but is not limited to, such services as the franchise hauler using special collection equipment to access the customer's property, stopping to open driveway gates, accessing a site on an unpaved or poorly maintained drive, or driveways greater than one hundred feet (100') in distance from a public road. Premium carry-out requires an extra service charge.
- DD. Putrescible Waste: Wastes that can leak, decay, stink, or become putrid.
- EE. Recyclable Materials: Products or substances, including but not limited to paper, rigid plastic containers numbered 1 - 7, corrugated cardboard, metals, magazines and catalogs, newspapers, scrap paper, empty aerosol cans, glass bottles and jars or other substances capable of being re-processed or re-used, which have passed through their originally intended usage and which have been discarded or placed for recycling by their owner, whether or not such products have monetary value.
- FF. Residential Premise: A separate dwelling or residential unit in the City occupied by a person or group of persons which may be in a residence, mobile home, condominium, duplex or multiplex where solid waste is placed and collected in approved solid waste containers. Each separate dwelling unit shall be considered a separate premise for solid waste service.
- GG. Residential Service: Wheeled cart service for individual residential premises using solid waste carts provided by the City's franchised hauler or in customer owned cans for overflow trash collection.
- HH. Premium Carry-Out Service: Premium carry-out service provides for the collection of solid waste by entering onto the customer's property. Premium carry-out includes, but is not limited to, such services as the franchise hauler using special collection equipment to access the customer's property, stopping to open driveway gates, accessing a site on an unpaved or poorly maintained drive, or driveways greater than one hundred feet (100') in distance from a public road. Premium carry-out requires an extra service charge.
- II. Self-Haul of Solid Waste: A business owner or operator generating solid waste who collects and transports solid waste, using their own equipment for proper disposal or recycling. The self-haul of the solid waste shall not create nuisances or litter during the collection and hauling of the solid wastes.

- JJ. Solid Waste: All putrescible and non-putrescible solid and semi-solid waste placed or intended for disposal, including, but not limited to, garbage, trash, rubbish, demolition and construction wastes, industrial wastes, compostable wastes, dead animal remains, reusable or recyclable material, bulky waste or large items, appliances, and other discarded solid and semi-solid wastes.
- KK. Trash: Materials discarded for disposal. Trash does not include materials which have been set aside for recycling, composting, or other reuse in the City's solid waste management system. Also known as refuse or garbage.
- LL. Tires: Any motor vehicle tire, new or used, whether or not it is in a condition to be reused, retreaded, or otherwise salvaged.
- MM. Vacant Property, Parcel, or land: Unoccupied property, not currently used. A lot or parcel of land that is without any building, structure or improvement. Vacant land does not include recreation, green or open space.
- NN. Vector: An organism that can transmit disease.
- OO. Yard Waste: Plant material such as leaves, grass, branches, brush, flowers, tree wood waste, and plant debris generated in the course of maintaining yards and gardens.

Section 8-10-02 RESIDENTIAL SOLID WASTE COLLECTION SERVICE

Residential trash collection service as provided through the City is mandatory for all residential premises, whether the premise is a single-unit or multi-unit dwelling. All residents or residential premises shall be charged a fee for this service. Fees for residential service are not based on the amount of solid waste placed for disposal, nor the frequency of solid waste collection. Vacant residential land is exempt from mandatory services and fees. Recycling and compost collection services provided through the City are optional.

8-10-02.01 Residential Solid Waste Service

- A. Regular Collection Service: Curbside and alley collection of trash and compostable materials shall be one time per week and collection of recyclables shall be every other week. Regular residential service is intended for wastes and recyclable materials routinely generated at a residential premise. Solid waste generated off-site or from a business cannot be disposed through residential services.
- B. Carry-out and Premium Carry-Off Service: Regular collection service with the additional provision that the franchise hauler shall enter onto the customer's property to collect solid waste containers. The franchise hauler will not enter enclosed structures. The customer must execute an agreement to save and hold harmless the City and the franchise hauler for any damages before this service can be instituted. The solid waste containers must be placed in a visible and accessible location for collection. Customers pay an additional charge for carry-out and premium carry-out services.
- C. Disability Service and Premium Carry-Out Service: For those residents who have qualified disabilities under the Americans with Disabilities Act, carry-out service is available at the regular service fee. Disability service is provided upon completion of a written certification from a licensed physician that the resident's impairment qualifies as a disability and prevents them from utilizing curbside service and that no other person residing in the household is capable of moving the solid waste carts to the collection site.

- D. Multi-Family Premises: Multiple family dwellings of less than nine (9) units may, where feasible and appropriate, choose to use residential services or commercial solid waste services. Multiple family dwellings of nine (9) or more dwelling units shall use commercial solid waste services.
- E. Appliance Collection: Appliances shall be collected and hauled by the City's franchise hauler. Customers are responsible for contacting the franchised hauler to schedule the pick-up. The customer shall convey the appliances to the regular collection location. Freezers and refrigerators must be empty of all food products in order for the franchise hauler to collect the appliance. An extra fee may be charged for freezers or refrigerators which are not empty of materials prior to collection and hauling. Freezer and refrigerator doors must be removed or secured prior to collection and hauling. Appliances shall be marked for disposal to allow easy identification for collection and hauling.
- F. Large Item Collection: Bulky wastes and large items shall be collected and hauled by the City's franchise hauler. Customers are responsible for contacting the franchise hauler to schedule the pick-up. The customer shall convey the waste to the regular collection location.
- G. Seasonal or Special Collections: The City may establish special dates for the collection of solid wastes in personal cans twenty (20) - thirty-two (32) gallons without extra fees or overflow stickers.
- H. Temporary Commercial Service: Temporary commercial collection and hauling service at a residential premise is available for a maximum of 120 days per year to accommodate construction and demolition projects and other short-term waste generation projects. This service is only available for limited projects and does not replace regular solid waste service for the premise. Trash that is routinely generated at a residential premise is not permitted in temporary commercial containers.
- I. Curbside Glass Collection: Customers may subscribe to a curbside glass collection service and have their glass collected and hauled by the City's franchise hauler. Customers are responsible for subscribing to the voluntary service. Rates for curbside glass collection will be established by Resolution or Ordinance approved by the Boise City Council. Glass will be collected in specially marked wheeled carts provided by the franchised hauler and will be collected at least one time every four (4) weeks.
(6813, Amended, 06/14/2011)

8-10-02.02 Service Accounts for Non-Property Owners - Residential and Commercial Properties

When solid waste service is requested by a person who is not the owner of the property at which the service will be provided, that person may be subject to a deposit requirement, and may, upon the finding of a poor credit or payment history, be refused service, unless and until an additional person agrees to accept responsibility for the account as a guarantor. The guarantor must be a person with a documented good credit history with the City or other public utility, and a current City sewer or solid waste service customer. The guarantor may be released from his obligation for the service account upon a showing that the customer has made consecutive on-time payments for twelve (12) months.

8-10-02.03 Residential Solid Waste Containers

- A. Residential solid waste shall be placed in provided wheeled carts. Extra trash may be placed in customer owned garbage cans with overflow stickers. If garbage cans are utilized, they may not be less than twenty (20) gallons nor more than thirty-two (32) gallon size. The total weight of a

wheeled cart may not exceed the rated capacity of that cart size. Customer owned garbage cans shall not exceed sixty (60) pounds. Wheeled carts cannot be overloaded and the lids must close flat for collection. Residential customers may use up to three (3) wheeled carts for trash service. Recycling and composting are unlimited services and customers may set out additional materials in twenty (20) - thirty-two (32) gallon garbage cans that are identified as either recycling or compost. Compostable materials may also be set out in paper leaf bags.

- B. For regular commercial solid waste service at multi-family premises, the customer shall be provided with one or more containers in sizes as follows: two (2) (glass collection only) to eight (8) cubic yard dumpsters. Customer or franchisee owned compactor containers, forty (40) cubic yard capacity or smaller, may also be utilized. The size and number of containers provided and the collection service is dependent upon the collection location as determined by the City and the franchise hauler.
- C. All carts shall be closed to prevent solid waste from being scattered, blown, or spilled. Cart lids shall open freely and the contents of the cart shall fall freely when inverted for emptying. Human and animal wastes shall be placed in sturdy plastic bags and closed tightly to prevent spillage or breakage during trash collection. Corrugated cardboard must be flattened and cut to fit inside the wheeled recycling cart so that it can fall freely from the cart when emptied. No plastic bags shall be used in recycling or compost carts,
- D. Wheeled carts provided by the franchise hauler are owned by the franchise hauler and must remain with the premise. Carts shall not be abused or damaged by the customer and should be routinely maintained by the customer. Damaged carts will be replaced by the franchisee, but may be charged to the customer for damages beyond routine wear and tear. Customer owned cans shall be maintained in good condition and must be of sturdy build and material, with sturdy handles. The can must be replaced by the customer if it becomes broken or is otherwise not functional, or if requested by the franchise hauler due to safety concerns.
- E. Location Requirements.
 - 1. For residential service, solid waste carts and cans must be placed curbside, as close to the curb as possible, or in an alley if the property has alley access. The carts and cans shall not block safe pedestrian, bicycle, or vehicle access to streets, alleys, bike paths or the sidewalks. Carts and cans shall be at least three (3) feet from other carts, and obstructions, including mailboxes and utility poles. Carts must have overhead clearance of at least fourteen (14) feet and be located away from overhanging obstructions such as utility lines, trees, or buildings.
 - 2. For carry-out service, carts must be stored in unlocked areas clearly visible to franchise hauler from the street or alley from which normal collections are made. The carts shall not be located in an area accessible to uncontrolled pets.
 - 3. Commercial solid waste containers located at multi-family premises shall comply will all requirements of Section 8-10-3.
 - 4. Solid waste service will not be provided if the collection requires franchise hauler personnel to pass through any doors or gates, cross flower beds or lawns, or go through hedges at the service location, or if the collection personnel must place themselves in a situation which could jeopardize their health or safety.
 - 5. The City may designate collection locations, relocate collection sites, or establish collection service hours to protect the public or franchise hauler safety or health.
- F. Customers shall be responsible for maintaining the solid waste carts and cans in a sanitary

condition, including exterior and interior, and the outside of carts and cans shall be free of accumulating grease, decomposing materials, and litter. Alley collection locations shall be maintained to ensure no vectors, rodents or animals are attracted to the site, and to ensure against nuisance conditions. The franchise hauler shall be responsible for any spillage that occurs during collection services.

- G. In cases of improper cart or can placement or a set out which causes an unsanitary condition or a litter problem, the franchise hauler may issue a warning notice. If the condition persists, the City may take action pursuant to Sections 8-10-05.06, 8-10-5.07, or 8-10-5.08.
- H. Appliances and bulky waste set out for collection shall be clean of all waste, including food products prior to collection, and readily accessible to the franchise hauler. Doors shall be removed or secured for refrigerators or freezers, and the appliance or bulky waste shall be marked for identification for collection. Prohibited wastes listed in section 8-10-04.1E shall not be collected.

8-10-02.04 Residential Collection

- A. Solid waste carts and cans shall be placed for collection by 7:00 a.m. on the regularly scheduled collection day, but no sooner than the evening prior to collection. The containers may not remain at the curbside for a period greater than twenty-four (24) hours.
- B. Regularly scheduled collection days will be determined by the franchise hauler in conjunction with the City.
- C. If the carts and cans are not emptied, due to missed collection, the customer may choose to store the solid waste until their next scheduled collection day, or contact the franchise hauler for a return collection. If the missed collection is due to the cart(s) or cans not being set out by the required time or from improper placement or overloaded containers, the City may charge the customer a fee for the return collection.
- D. Customers may request additional collections from the franchise hauler. This collection shall be provided within twenty-four (24) hours of the customer request, excluding non-business days and holidays. A collection fee for additional collections shall be established by the Solid Waste Schedule of Fees.
- E. Collection for commercial solid waste service at residential premises shall be at least once a month with the exception that wet or putrescible wastes must be collected at least once a week. The City reserves the right to change the frequency of waste collection.

8-10-02.05 Residential Recycling

- A. Residential recycling is a voluntary service available to all residential premises. Residential customers who choose to participate in the recycling program shall be provided with a blue wheeled recycling cart(s).
- B. Residential customers who choose to participate in the recycling program shall be provided with a blue wheeled recycling cart(s).
- C. Multi-family premises with commercial solid waste service may participate in the commercial recycling program provided by the franchise hauler. The owner or manager shall be provided with one (1) or more containers with a choice of sizes and collection frequency. The size and

number of containers provided and the collection service is dependent upon the collection location as determined by the City and the franchise hauler.

- D. Recyclable materials, excluding glass, can be commingled into the blue recycling cart or commercial recycling container. Those items defined as recyclable materials for collection may be modified as needed.
- E. Materials which are excluded from the commingled residential recycling cart or commercial recycling containers include extruded polystyrene (often called Styrofoam™), plastic bags, film and wraps, yard wastes, glass, ammunition, pesticide containers, metal pipes, hazardous wastes, plastic containers larger than two gallons, and all other trash.
- F. Special Recyclable Material:
 - 1. Used motor oil shall be placed in a leak-proof, transparent or translucent, unbreakable plastic container with a screw-on lid, and placed near, but not in, the compost, recycling or trash carts. No other fluids may be included. Containers must be one-gallon size and there is a limit of two (2) gallons of used motor oil per week set out for collection. Containers will not be returned to the customer.
 - 2. Occasional overflow recycling must be placed into a rigid container, such as a cardboard box, or customer owned can, from which the contents can be easily emptied into the wheeled recycling cart and labeled for recycling.
 - 3. Cardboard must be flattened and the customer must contact the franchised hauler for special collection of large quantities or oversized cardboard.
 - 4. Glass shall be placed in designated glass collection carts as part of the subscription glass program, or delivered to-designated glass collection sites or placed in regular trash carts. Glass is prohibited in the blue comingled recycling carts. The glass collection program is limited to glass bottles and jars. Contaminated recycling or glass collection carts will be tagged and will not be collected by the hauler
- G. Containers used for recyclable or compostable materials or glass collection shall not contain trash or materials which are not allowed in the recycling, composting, or glass collection programs. Services may be terminated to any customer who violates this provision. Contaminated recycling, composting, or glass containers will be emptied as trash and the customer may be charged for extra trash collection services.
(6813, Amended, 06/14/2011)

8-10-02.06 Residential Curbside Composting

- A. Residential curbside composting is a voluntary service available to all residential premises.
- B. Residential customers who choose to participate in the composting program shall be provided with a gray wheeled cart(s) with a green lid.
- C. Those items defined as compostable materials for collection may be modified from time to time or as needed.
- D. Christmas trees placed for composting shall be clear of all ornaments, lights, tinsel, and tree stands and placed for collection in or next to the composting cart. Trees should be cut to four feet (4') or less. Fill the composting cart first and place the other section of the tree next to the composting cart. Branches and tree trimmings may also be set out for collection four feet (4') or less in length, less than sixty (60) pounds, and bundled with string.

- E. Leaf collection: Leaves are collected as compostable materials. The composting cart should be filled first. Extra leaves should be placed next to the cart in paper leaf bags. Extra paper leaf bags will be collected all year long.
- F. Containers used for compostable materials shall not contain trash or materials which are not allowed in the compost collection program. The City or franchised hauler may terminate services to any customer who violates this provision. Contaminated composting containers will be emptied as trash and the customer may be charged for extra trash collection services.
- G. Materials not accepted in the composting cart include, but are not limited to: meat-eating animal wastes, meats, dairy products, oils/grease, leftovers, breads, grains, pasta, fish, dirt and rocks and other recyclable and trash materials. Other wastes shall not be mixed with the compostable materials. Contaminated compostable materials will not be collected and will be emptied as trash and the customer may be charged for extra trash collection.
- H. Extra compostable materials can be placed in paper leaf bags, cardboard boxes, or customer owned cans next to the composting cart. Cans and boxes must be labeled "Composting." Overflow compostable materials will not be accepted in plastic bags. Customer owned cans may not exceed sixty (60) pounds and must be twenty (20) to thirty-two (32) gallons.

Section 8-10-03 COMMERCIAL SOLID WASTE COLLECTION SERVICE

Commercial solid waste service shall include trash collection and disposal and recyclable materials collection for business, industrial, and commercial premises, including governmental agencies, schools, multi-family residential properties with nine (9) or more units or multi-family residential properties with four (4) or more units where the City deems it in the best interest of the community to receive commercial service and temporary construction activities.

8-10-03.01 Commercial Solid Waste Service

- A. Regular Selected Service: Scheduled collection of trash and recycling shall be conducted pursuant to Section 8.10.03.05.
- B. On-Call Service: Collection will occur within the next working day after a customer request for collection, excluding non-business days and holidays.
- C. Temporary Service: Special dumpster or roll-off container service to accommodate construction and demolition projects and other short-term waste generation projects. Temporary service for residential properties is limited to 120 days per year unless a waiver is granted under Section 8-10-05.03.
- D. Cart Service: Commercial trash and recycling service using wheeled carts. Commercial customers are limited to no more than six (6) wheeled trash recycling or glass carts per service site.
- E. Large Item and Appliance Collection: Customers are responsible for contacting the franchise hauler to schedule the pick-up of bulky wastes or appliances.
- F. Self-Haul: The actual producers of the solid waste or the owners or occupants of the premises from which the solid waste was generated may collect, convey and dispose of solid waste, provided they remain in compliance with all applicable provisions of this Ordinance.

- G. Glass Collection: Glass may be collected and hauled by the City's franchised hauler. Customers are responsible for subscribing to the voluntary service. Glass will be collected in dedicated, specially marked wheeled carts or dumpsters. Cart service is limited to two (2) carts per collection site. Collection will be provided at least one (1) time every four (4) weeks for wheeled carts. Dumpsters may be collected up to six (6) days per week. Customers shall convey glass collection carts to the regular collection location on the designated collection day.
(6813, Amended, 06/14/2011)
- H. The City may require any multi-family residential property with more than four (4) units to receive commercial service when it is in the best interest of the community due to access, density or location. This applies to a development or property on a single parcel of land and a development or property on multiple parcels of land which share vehicular access via drive aisle, parking, or streets.

8-10-03.02 Service Agreements for Commercial Customers

All commercial customers shall sign a service agreement indicating representative who will maintain responsibility for payment of the solid waste service fees. The actual owner or owners of the business, shall be held personally liable by the City for all outstanding balances if the commercial customer ceases to exist. In the event a property or waste management company is utilized by a commercial customer, the customer receiving the service shall ultimately be responsible for ensuring compliance with this Ordinance and payment of all fees, penalties and interest. Service may be refused or a deposit may be required for any commercial customer who has a documented poor payment history with the City or has no credit history with the City, unless and until a guarantor is secured to retain responsibility for payment of the service account. The guarantor must be an individual with a documented good credit history. The guarantor may be released from its obligation upon a showing that the customer receiving the service has made twelve (12) consecutive on-time monthly payments.

8-10-03.03 Commercial Solid Waste Containers

- A. The commercial customer shall be provided one or more of the following containers: ninety-five (95) gallon wheeled carts (limit six), three (3) to eight (8) cubic yard dumpsters, or ten (10) to forty (40) cubic yard roll-off containers. Commercial customers also may utilize customer-owned compactor containers, no larger than forty (40) cubic yards in capacity. Compactor sizes, under forty (40) cubic yards, and locations, shall be approved by the City prior to installation to ensure safe collection and to meet billing requirements.
- B. Location requirements.
 - 1. Each developed parcel shall provide adequate space, screened from public view, for trash and recycling containers. A binding legal agreement for shared trash and recycling collection locations is required.
 - 2. The container location shall have sufficient foundation to support the weight of a fully loaded container(s); and the access to the container location shall have sufficient foundation for the weight of the collection vehicle.
 - 3. The City shall have final approval of container locations, space requirements, and safety factors, including location of compaction containers to ensure proper height and truck access clearances.
 - 4. Roll-off containers and dumpsters shall not be placed on a public street without prior approval from the Ada County Highway District.

5. Roll-off containers and dumpsters shall not be placed in a manner that may obstruct the public right-of-way or pedestrian traffic without prior approval from the City and the Ada County Highway District.
 6. Site plans shall be submitted to the City for the review and inspection for all new construction or remodeling where commercial trash, recycling or glass service will be used. The submittal shall include a scale drawing(s) of the site and a detailed drawing of the proposed solid waste enclosure clearly showing:
 - a. Lot lines;
 - b. Existing and planned buildings;
 - c. Proposed collection location and sight shielding;
 - d. All existing and planned sidewalks, curb cuts, drives, parking spaces, landscaping, free standing signs, posts, poles (e. g. street light, telephone, and electric poles), overhead and underground utilities, and other structures that may affect collection;
 - e. The location of all public rights-of-way, fire hydrants, sidewalks and public transportation stops on the premises and adjacent to the premises;
 - f. Adjacent structures, including distances to the nearest residential areas;
 - g. Access roadways or drives intended for collection, ingress and egress, fire lanes, turn-around locations, and vertical clearances; and
 - h. Proposed path for the collection vehicles.
 - i. Adequate space will be provided for trash, recycling, and glass containers.
 - j. Dimensions of all proposed trash, recycling, and glass enclosures.
 7. Site plan approval shall be based on compliance with the Public Works Department Policy for Solid Waste Commercial Service Site Design and Location Requirements. Commercial service requirements shall be established by the Department and updated as needed.
 - a. If the site is not developed as approved, the City may require site remediation or corrective action including, but not limited to acquisition of different collection containers removal and reconstruction of enclosure or site access at the owner's expense.
 - b. Modifications to the enclosure or site must be submitted to the Public Works Department for approval prior to modification.
 8. The City may designate collection locations, relocate collection sites, or establish collection service hours to protect the public or franchise hauler's safety or health.
 9. Customers with containers in locations that require special collection services, have access limitations, require designated hours of collection, or entry into rooms to remove and service containers, may be required to enter into a special service agreement and be assessed additional service fees.
- C. Contents of a waste container or compactor must fall freely from the container when emptied, and the container lids must close completely and swing freely open when emptied. Wet and/or putrescible wastes must be bagged prior to placement in a waste container or compactor. Liquids shall not be placed in a container or compactor.
- D. Customers shall be responsible for maintaining the trash, recycling, and glass containers in a

sanitary condition, including exterior and interior. The collection location shall be kept free of accumulating grease, decomposing materials, excess wastes, snow, ice, ponded water, and litter.

E. Containers cannot be overloaded or overweight.

8-10-03.04 Assumption of Risk

As a condition of service, owners accept all risk of property loss or liability for damages accruing from service operations, including container delivery, placement, use or other weight-related impacts from container service. Any special instructions regarding placement of, or use of, containers must be disclosed by the property owner.

8-10-03.05 Commercial Collection Frequency

A. The times and days for trash, recycling, or glass collection shall be determined by the franchise hauler in conjunction with the City. The frequency of trash, recycling, or glass service for a particular customer is at the discretion of the customer subject to the following minimum requirements:

1. Regular trash service shall be a minimum of once per month.
2. Regular trash service for wet or putrescible wastes shall be a minimum of once per week.
3. Regular recycling service shall be a minimum of once per month.
4. On-call and temporary service shall be a minimum of once per month

B. The minimum service interval may be modified as follows:

1. The City may order an increase in frequency, on a case-by-case basis, upon a finding by the Public Works Department that protection of the environment, public health or safety requires the increase.
2. The City may grant a request for a decrease in frequency upon a showing by the customer that the decrease will not affect the protection of the environment, public health, or safety.

C. Upon an order to increase frequency time or a denial of a request to decrease service interval time, the affected customer may appeal the decision to the Public Works Department in the manner outlined in section 8-10-05.04.

8-10-03.06 Commercial Recycling

A. Commercial businesses may sell or exchange recyclable materials over which the business has ownership.

B. Commercial businesses may choose to self-haul their own recyclable materials or may elect to utilize the collection and/or transportation services of franchise hauler.

C. Commercial businesses may choose to donate their recyclable materials to a not-for-profit organization.

D. Containers used for recyclable materials or glass collection shall not contain trash or materials which are not allowed in the recycling or glass collection programs. Services may be terminated to any customer who violates this provision. Contaminated recycling or glass containers will be emptied as trash and the customer may be charged for extra trash collection services.

E. Processing and storage of recyclable materials shall be limited to areas suitable and adequate for that purpose, and shall not cause or contribute to a nuisance, and must be in compliance with all

applicable laws, rules, and regulations.

- F. Glass must be placed in designated glass collection carts or dumpsters. All types of glass, light bulbs and tubes are prohibited in the blue no-sort recycling carts. The glass collection program is limited to glass bottles and jars. Materials which are prohibited in the glass collection cart include the following: mirrors, plate or window glass, Pyrex, ceramics, porcelain, corks, bottle caps and lids. Contaminated recycling or glass collection carts or dumpsters will be tagged and will not be collected by the franchise hauler.
(6813, Amended, 06/14/2011)

Section 8-10-04 REGULATIONS AND REQUIREMENTS

8-10-04.01 General Requirements and Prohibitions

- A. Trash collection service is mandatory for all residential premises in the City. Recycling and compost collection services are optional.
- B. No person shall engage in the collection, conveyance, or disposal of solid waste without a franchise agreement or a permit from the City unless exempted by this Ordinance.
- C. No container used in the collection of solid waste shall be loaded above lid level or beyond its volume or weight capacity, or in such a manner to be unstable or likely to cause damage, create litter, or impact the public health or safety.
- D. No person shall cast, place, sweep, or otherwise deposit solid waste anywhere in the City in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, parkway, waterway, storm water sewer system, sanitary sewer, vacant lot, public place or any other premise.
- E. No person may deposit or relinquish for collection or disposal through the City solid waste collection program any prohibited waste. Prohibited wastes include the following:
 - 1. Liquid wastes, including fats, oils and grease.
 - 2. Motor vehicle tires.
 - 3. Material regulated by the state or federal government as hazardous waste, including, but not limited to materials which contain corrosive, flammable, reactive, explosive, or toxic chemicals or compounds.
 - 4. Equipment or machines containing refrigerants.
 - 5. Medical or infectious wastes generated from business sources, such as hospitals, clinics, medical offices, surgical offices, dental offices, veterinarian offices, nursing homes, and laboratories; and medical or infectious waste generated by any other business. Generators of such waste shall manage, store, and dispose the waste in a manner to prevent it from being a hazard to any person or to the general public.
 - 6. Dead animal remains in excess of twenty-five (25) pounds, unless the remains are placed into plastic garbage bags and then into a tightly closed air-tight, water-tight container or cart.
 - 7. Wastes that exhibit extreme temperatures or harmful vapors.
 - 8. Materials with chemical, physical, or other properties which create a risk to the environment or public health and safety or which pose an operational hazard for collection personnel.
 - 9. Intact 55-gallon drums.
- F. Customers who generate prohibited wastes shall make arrangements for the collection and

disposal of the waste through approved sources.

- G. All solid waste placed for collection shall be considered the property and the responsibility of the customer until the time of collection when it shall become the property and responsibility of the franchise hauler. No person shall take, examine, uncover, go in or through, separate, gather, collect or salvage solid waste deposited in containers or otherwise placed for collection without the express permission of the owner of the property, or the solid waste franchise hauler once the materials have been collected. Authorized government personnel are exempt from this provision. This provision does not create or recognize a right or expectation of individual privacy with respect to solid waste placed for collection.
- H. No person shall place or deposit any materials in or around a solid waste container provided for a specific business or premises, or in or around residential solid waste containers, except through the approval of the customer receiving service at the location or residence.
- I. No person shall allow the accumulation of solid waste upon any premise within the City unless properly contained as provided for in this Ordinance. Any unauthorized accumulation shall be considered a nuisance and prohibited, and shall be subject to the remedies found in section 8-10-05.5.
- J. Solid waste resulting from construction activities shall be contained in a manner to prevent it from being blown, washed or carried off the premises. All solid wastes at a construction site shall be collected and properly disposed of or recycled prior to the end of the construction project. Construction solid waste may be self-hauled using self-contained equipment such as a dump truck or attached wheeled trailer. Construction solid waste placed into a roll off or dumpster must be hauled by the City's franchised hauler.
- K. No person may burn, bury, stockpile, store or dispose of solid waste outdoors within the City limits, except for properly managed compostable materials.
- L. Failure of any residence or commercial premise to receive adequate solid waste collection service may be declared a public nuisance and shall be subject to the remedies found in section 8-10-05.7.
- M. The city reserves the right to determine the appropriate level of solid waste collection service. The city shall have the right to order the abatement of such nuisance at the expense of the owner or occupant of the premises, but this shall not preclude the city or the owner from seeking recovery against other responsible persons.
- N. Scrap tires may be stored under the following conditions:
 - 1. They must be stored in a manner that will prevent the creation of a nuisance and prevent vectors or pest breeding.
 - 2. Commercial entities must remove all scrap tires at least once a month. Residences may store up to eight (8) scrap tires at one time.
 - 3. Scrap tires must be stored out of the sight of the public.

8-10-04.02 Franchise Agreements and Licenses

- A. Franchise Required. Any person using three (3) or more vehicles that provides collection services for solid waste, recyclable materials, oil, grease, hazardous waste, or medical waste within the

City limits must execute a Solid Waste Collection Franchise Agreement with the City.

- B. Permit Required. Any person using fewer than three (3) vehicles, that is engaged in the collection and hauling of recyclable materials, hazardous waste, or medical waste within the City limits must apply for and be granted a Collection Permit with the City. Permits may be issued on an annual or per project basis. Permitted haulers for construction and demolition, may only haul for their own construction or demolition projects in which they hold a current Planning and Development Services Department (PDS) permit. Permitted haulers must have roll-off containers and trucks identified with their name and phone number. Permitted haulers must comply with all appropriate federal, state, and local regulations and requirements.

- C. The following are exempt from the requirement to obtain a franchise or permit to collect, convey and dispose of solid waste:
 - 1. The producers of solid waste.
 - 2. A civic, community, benevolent, or charitable non-profit organization that collects, transports, and markets source separated materials for recycling for the sole purpose of raising funds for that organization.
 - 3. Persons engaged in the occupation of demolition or construction contracting or landscaping may self-haul construction wastes, landscape wastes, or recyclable materials using self-contained equipment such as a dump truck or attached wheeled trailer. If the construction or demolition company obtains a permit for work on a site using their own equipment the company may self-haul the construction and demolition wastes. They may not allow the use of their equipment by other contractors or at non-permitted sites. Construction wastes or recyclable materials placed into a roll off or dumpster must be hauled by the City's franchised hauler.

- D. The City shall have the exclusive right to select and approve all persons with whom the City shall enter into any franchise or permit.

8-10-04.03 Franchise Hauler Responsibilities

Any person providing trash or recycling collection services within the City will be authorized under a franchise agreement which shall outline franchise hauler responsibilities.

8-10-04.04 Fees for Service

- A. The City maintains the right to prescribe and regulate the rates, fees, or charges made for services pertaining to solid waste management and the collection and disposal of solid waste.

- B. The City shall set fees for available services, such fees to be contained in a separate Solid Waste Schedule of Fees passed by resolution or ordinance by the City Council of the City. The City Council may amend by resolution or ordinance the fees and the types of available services from time to time as necessary.

- C. An account initiation fee as found in the Solid Waste Schedule of Fees shall be assessed at the initiation of City billing service for each new account.

- D. Residential customers may apply for a hardship discount of thirty percent (30%) on residential solid waste service, excluding central solid waste service, by making application to Public Works Utility Billing Services.

- E. Deposits in an amount equal to three (3) months projected service, rounded to the nearest dollar, may be required for initiating, continuing or restoring any residential or commercial regular solid waste service for customers with limited or poor credit histories, a poor payment history with the City or any public utility, or who have supplied false information at the time of application for service. Deposits, less any outstanding balance, will be refunded or credited when the customer cancels service or has made timely payments on the service account for twelve (12) consecutive months.
- F. Deposits may be required for initiating, continuing or restoring any on-call or temporary solid waste service, rounded to the nearest dollar, for customers with limited or poor credit histories, or for those customers who have a poor payment history with the city or any public utility. Deposits for on-call or temporary services are listed in the Solid Waste Schedule of Fees. Deposits will be refunded or credited when the customer cancels service, less any outstanding balance, or has made timely payments on the service account for twenty-four (24) consecutive months.
- G. Once an account has been suspended for non-payment of fees, the City shall not reinstate service until the account holder has deposited with the Utility Billing Department a sum equal to three (3) months projected service charge for the account. Additionally, the account holder will be responsible for paying an administrative fee.
- H. Residential customers may request a waiver of all or part of the rates, fees or charges imposed pursuant to this Ordinance for issues such as military service, or extreme or unusual circumstances, or if they reside outside of the City for extended periods. Such request shall comply with the waiver procedures outlined below in section 8-10-05.03.
- I. Charitable organizations may be eligible for a waiver of temporary collection service and landfill fees and may request a waiver of collection service solid waste fees.

Section 8-10-05 ADMINISTRATION AND ENFORCEMENT

8-10-05.1 Public Works Commission

- A. Pursuant to the authority granted by Title 2, Chapter 16 of the Boise City Code, the Public Works Commission shall advise the City Council on policy matters pertaining to the Solid Waste Collection System.
- B. The Commission shall have the authority to:
 1. Study, evaluate, and maintain continuing review and appraisal of the effectiveness of the existing collection system, programs, policies, and activities to ensure that they are operated and maintained so as to meet the requirements of federal, state, and local bodies;
 2. Review and recommend rates and fees for the use of, and the services rendered by, the solid waste collection system;
 3. Review and make recommendations for changes or additions to the Ordinance regulating solid waste; and
 4. Propose and promulgate rules, regulations, policies and guidelines for the control and management of solid waste collection systems within their control.

8-10-05.02 The Director of the Public Works Department

The Director shall have the authority and responsibility to:

- A. Ensure compliance with local, state, and federal rules and regulations regarding solid waste collection and disposal.

- B. Establish guidelines and/or policies for the operation of the Solid Waste Collection system.

8-10-05.03 Waivers

- A. Any person may request a waiver of any provision of this Ordinance.
- B. A request for waiver must be submitted to the Public Works Department in writing and must provide specific reasons for which the waiver is sought.
- C. The Public Works Department shall provide a written response within thirty (30) days of receipt of a request for waiver.
- D. The decision of the Public Works Department may be appealed to the Public Works Commission pursuant to the requirements for appeals found below in section 8-10-05.4.

8-10-05.04 Appeals

- A. Appeals from decisions of the Public Works Department must be filed within fifteen (15) days of receipt of the written decision which is the basis of the appeal.
- B. Appeals must be in writing, stating the specific reasons for the appeal, and submitted to the Public Works Department for review by the Public Works Commission at a regularly scheduled hearing.
- C. Notice of the time and place at which the Commission will review the appeal shall be provided to the applicant no later than five (5) days prior to the scheduled hearing.
- D. The person who filed the appeal may appear at the hearing and present evidence or testimony. They will bear the burden of proving the decision of the Public Works Department was not reasonable.
- E. Final decisions of the Public Works Commission shall be in writing and may be appealed to the City Council by filing a notice of appeal with the City Clerk within ten (10) days of receipt of the Commission's finding. The decision of the City Council shall be final.

8-10-05.05 Delinquent Accounts

- A. Charges and fees must be received by the City prior to the due date shown on the invoice or billing statement. All charges and fees not paid within or by the time periods established by the City shall be considered delinquent and such delinquent accounts shall be charged a late payment fee of one and one-half percent (1.5%) per month to be added to the balance.
- B. Solid waste service for delinquent accounts may be suspended until such time as all charges and fees are paid. This shall include all solid waste service accounts, both commercial and residential for a delinquent account holder.
- C. Any person who has a delinquent balance, including fees and interest, on any City held account, whether or not the account has been closed or suspended, is prohibited from obtaining any new solid waste service, either commercial or residential.
- D. Persons who have had their solid waste service suspended may appeal the decision to the Public Works Commission as provided for in section 8-10-05.4.

8-10-05.06 Administrative Enforcement

The City may utilize administrative enforcement procedures with the intent to remedy violations of this Ordinance without the necessity of civil or criminal enforcement proceedings. The administrative enforcement proceeding shall be initiated upon service by the City of written notice upon a person in violation of this Ordinance, with a description of the violation and possible enforcement actions the City will utilize. Within twenty (20) days of receipt of a written notice of violation, the customer shall respond to the City, advising of its position with respect to the allegation of violation, and thereafter, shall be granted an opportunity to meet with the City to discuss the violation and establish a plan for correction of the violation. Submission of a response does not relieve the customer of liability for any violations of this Ordinance. The City retains the right to take any necessary enforcement action without first issuing a notice of violation, and the use of administrative actions shall not preclude the City from seeking any other remedies or penalties provided for in this Ordinance.

8-10-05.07 Public Nuisances

- A. In addition to any other remedies and penalties provided for by this Ordinance, the City may declare a nuisance where conditions caused or permitted to exist in violation of this Ordinance are considered a threat to the environment, public health, safety, and general welfare.
- B. Any condition deemed a nuisance may be summarily abated by the City or the City may take civil action to abate, enjoin, or otherwise compel the cessation of the nuisance.
- C. The cost of abatement shall be borne by the owner of the property. The City shall also seek payment from the owner for all costs associated with the abatement, including, but not limited to, investigation costs, administrative costs, costs of suit, and reasonable attorney’s fees for all administrative or civil proceedings for the nuisance violation.
- D. The City retains the right, in addition to any other penalties and remedies provided herein, civil or criminal, to levy a special assessment against property deemed a nuisance, as provided for in Idaho Code 50-334.

8-10-05.08 Violations Constitute Misdemeanors

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor. Upon conviction, the penalty may be a fine in an amount not to exceed one thousand dollars (\$1,000.00), imprisonment for up to six (6) months, or both. Each day the violation is committed or permitted to continue shall constitute a separate violation of this Ordinance, punishable as above.

8-10-05.09 Civil Actions for Violations

In addition to, and exclusive of, any criminal penalty provided by this Ordinance, the City retains the right to utilize all civil remedies provided under state or federal law to recover any expenses incurred by the City due to a violation of this Ordinance. This shall include all costs associated with the collection and disposal of solid waste undertaken by the City after a violation of this Ordinance, any federal penalties levied against the City directly attributable to a violation of this Ordinance, as well as any investigation or legal expenses incurred in enforcing this Ordinance.

8-10-05.10 Nonexclusivity of Remedies

All remedies and penalties under this Ordinance are in addition to and do not supersede or limit any and all other remedies and penalties, both civil and criminal. The remedies provided for herein shall be cumulative and not exclusive.

06/17/2008; 6123, Repealed & Replaced, 02/05/2002; 5249, Amended, 07/31/1990; 4753, 10/31/1983; 4556, Amended, 09/02/1980; 4549, Amended 08/25/1980)