



THE FOLLOWING ORDINANCE WAS PASSED BY THE CITY COUNCIL:

BY THE CITY COUNCIL : PASSAGE OF A NEW ORDINANCE OF THE CITY OF TETONIA ADDING A NEW TITLE 3, CHAPTER 4, TETONIA CITY CODE, REGARDING COLLECTION AND TRANSPORTATION OF WASTE MATERIALS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Teton has decided that it is in the best interest of the residents of the City to have waste disposal services available to them as an optional service, and the City Council of the City of Teton seeks to respond to that demand by enacting this ordinance;

WHEREAS, the Idaho Constitution provides in Article XII Section 2 that "Any county or incorporated city or town may make and enforce, within its limits, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws".

WHEREAS, the City Council of the City of Teton finds that the regulation of refuse serves the public health, safety, and welfare by limiting the amount of material that ends up in local landfills;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TETONIA, TETON COUNTY, IDAHO:

SECTION 1. That a new Title 3, Chapter 4, Teton City Code, added with the following language

3-4: WASTE SERVICES

- A. It shall be unlawful for any resident or business in the City of Teton to contract with, hire, use, or create a relationship with any person, business, or entity engaged in the business or commercial enterprise for the collection and or transportation of waste materials other than Snake River Solid Waste, LLC without the express written consent of both the City and Snake River Solid Waste, LLC. This ordinance shall be enforceable until such time as the term of the City's exclusive franchise with Snake River Solid Waste, LLC is not renewed or Snake River Solid Waste, LLC fails to comply with the terms of said franchise.
- B. It shall be unlawful for any person, business, or entity to engage in the commercial business of collection and or transportation of waste materials other than Snake River Solid Waste, LLC without the express written consent of both the City and Snake River Solid Waste, LLC. This prohibits any commercial collection or transportation of waste materials by anyone other than Snake River Solid Waste, LLC.

- C. Any trash service provider that has an arm's length written contract for such services that is in effect on the day of the passage of this ordinance will be exempt from this ordinance for the limited purpose of servicing such a contract, and such a service provider is only exempt for the term of any such existing contract.
- D. All providers of trash services in Tetonía, including those service providers that are exempt under subsection C above as well as those that have a franchise, must comply with the Standards for Solid Waste and Recycling Collection and Transportation Service Providers that the council has set by resolution.
- E. For purposes of this section, "commercial" shall be defines as the "regular performance of services for compensation."

D. VIOLATION; PENALTY: Any person, firm or corporation violating any part of the provisions of this section shall be guilty of a misdemeanor, and shall also be subject to administrative / civil fines as provided in the Tetonía City Code. Every day or portion thereof during which any violation is committed, continued or permitted may be treated as a separate offense and punishable as such.

Section 2. That all ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance are hereby voided.

PASSED BY THE CITY COUNCIL OF THE CITY OF TETONÍA, IDAHO, and THIS 27TH DAY OF APRIL, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

