

ORDINANCE 1046

AN ORDINANCE OF THE CITY OF PAYETTE IDAHO, PROHIBITING THE INTRODUCTION OF CERTAIN WASTES INTO THE OF THE CITY OF PAYETTE; REQUIRING NOTICE OF ANY SPILLS; CREATING DEFINITIONS; SETTING AN EFFECTIVE DATE; REPEALER; SEVERABILITY:

Be it Ordained by the Mayor and City Council of the City of Payette, Idaho:

Section 1. Title 13 of the Payette Municipal Code is hereby amended with the addition of a new Chapter 9 which shall prohibit the dumping of certain wastes and which makes failure to report any spill of hazardous, toxic or other waste a misdemeanor. Said chapter shall read as follows:

13.09.010: No person, corporation or other entity shall dump, discharge, place, spill or discharge any contaminate, hazardous waste, toxic waste, untreated sewage, raw sewage, pesticides, putricides, herbicides, fungicides, insecticides, benzenes, naptha, heavy metals, acids or bases, cyanide, lead, mercury, grease, radioactive waste or petroleum products into the air, upon the ground, under the ground, into any ditch, gully or stream or into the sanitary sewer system or into the storm drainage system without first notifying and obtaining a permit from the City building official, the City Clerk or a properly designated city official.

13.09.020: In the event any person, corporation or other entity shall place, spill or discharge any contaminate, hazardous waste, toxic waste, untreated sewage, raw sewage, pesticides, putricides, herbicides, fungicides, insecticides, benzenes, naptha, acids, bases, cyanide, lead, mercury, grease, radioactive waste or petroleum products into the air, upon the ground, under the ground, into any ditch, gully or stream or into the sanitary sewer system or into the storm drainage system, that person or their agent shall notify the City within two (2) hours of the spill. Notice shall be sufficient if given to the City Building inspector, Fire Chief, City Clerk, Mayor, Police Chief or Council President.

13.09.030: Any person who dumps any substance in violation of Section 13.09.010 or fails to give notice as required in section 13.09.020 shall be guilty of a misdemeanor and punished in accordance with the general misdemeanor statutes of the State of Idaho.

13.09.040: Homeowners who have obtained the necessary sewer hook-up permits shall be permitted to discharge standard residential effluent consisting of untreated human waste into the sewer system and shall also be allowed to use E.P.A. approved pesticides and herbicides manufactured for yard and garden care without notifying city officials. Sections 13.09.010 and 13.09.010 shall not apply to the discharge, spilling or accidental release of gasoline where the discharge or release is less than 25 gallons, occurs on an impervious surface which is sufficient to keep the gasoline away from ground water or soils and which release is wholly contained upon the releaser's premises.

13.09.050: Definitions

1. Hazardous Waste means any material or substance designated as a Hazardous substance by the United States of America acting through the Environmental Protection Agency, or any successor agency, or any material or substance designated as a Hazardous substance by the State of Idaho, acting through the Division of Environmental Quality or any successor agency.

2. Toxic Waste means any material or substance designated as a toxic substance by the United States of America acting through the Environmental Protection Agency, or any successor agency, or any material or substance designated as a Hazardous substance by the State of Idaho, acting through the Division of Environmental Quality or any successor agency.

3. Petroleum products include but are not limited to motor oils, lubricating oils, gasolines, diesels, engine cleaners, kerosenes or fuel oils, or any derivative or by products of petroleum products.

13.09.060: In the event that the City determines that a spill of any product described in Section 13.09.010 represents a threat to the citizens of the community, it may immediately under take whatever measures it deems necessary to clean up or contain the spill and charge all costs to the responsible party or to the landowner where the spill or discharge occurred.

Section 2. This ordinance shall be in full force and effect after it's passage and publication as provided by law.

Section 3. This ordinance may be published by summary as provided by law.

Section 4. If any portion of this Ordinance is found to be unenforceable or unconstitutional for any reason, the remainder of the Ordinance shall remain in full force and effect and shall constitute Ordinance 1046.

Section 5. All ordinances in conflict with this Ordinance are hereby repealed insofar as the conflict exists.

Passed and Approved by the Mayor and City Council of the City of Payette, Idaho the 15 day of June, 1992.

Floyd H. Mayer
Mayor

Attest: John P. Frankos
City Clerk