



Mayor Robert E. Simison

City Council Members:

Luke Cavener, President
Liz Strader, Vice President
Brian Whitlock
Doug Taylor
John Overton
Anne Little Roberts

MEMORANDUM

DATE: June 17, 2025
TO: Solid Waste Advisory Commission
FROM: Bill Nary, City Attorney
RE: Overview of proposed updates to Title 4, Chapter 1, Meridian City Code

This memorandum is provided to update you on proposed changes to Title 4, Chapter 1, Meridian City Code that are necessitated by a new provision of Idaho Code.

The Idaho legislature passed a bill this session (Senate Bill 1073, attached), which allows citizens to contract “with a solid waste collection provider of the person’s choosing” for “temporary and project-specific” waste hauling, even if a city has a franchise agreement that says otherwise.

Meridian City Code does require citizens to hire Republic Services exclusively for temporary hauling (with some exceptions). Under the new Idaho Code provision, the City will no longer be able to enforce this requirement. The updates in the proposed draft (also attached) will amend the provisions of Meridian City Code that conflict with this legislation.

Specifically, the draft City Code updates:

- Add a definition of “temporary project,” as directed by the new Idaho Code
- Change the requirement that all temporary accounts must be with the City’s franchisee
- Establish minimal standards/limits for temporary haulers to protect public health and safety
- Clarify which services are provided by franchisee and which may be provided by temporary haulers

The new Idaho Code section 50-344(2) will be effective on July 1, 2025. Following SWAC’s review and input, my office will present the proposed City Code updates to City Council at their workshop on July 15, 2025.

IN THE SENATE

SENATE BILL NO. 1073, As Amended in the House

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

RELATING TO MUNICIPAL CORPORATIONS; AMENDING SECTION 50-344, IDAHO CODE, TO
REVISE PROVISIONS REGARDING SOLID WASTE COLLECTION SYSTEMS IN CITIES;
AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-344, Idaho Code, be, and the same is hereby
amended to read as follows:

50-344. SOLID WASTE DISPOSAL. (1) Cities shall have the power to main-
tain and operate solid waste collection systems. Such maintenance and oper-
ation may, by exclusive or nonexclusive means, be performed by:

(a) Employees, facilities, equipment and supplies engaged or acquired
by cities;

(b) Contracts, franchises or otherwise providing maintenance and oper-
ation performed by private persons;

(c) Contracts providing for maintenance and operation performed by an-
other unit of government;

(d) Contracts, franchises or otherwise for maintenance and operation
that may provide solid waste collection for all or geographic parts of a
city;

(e) Any combination of paragraphs (a), (b), (c), and (d) of this
subsection.

(2) Notwithstanding any city contract or franchise for solid waste col-
lection to the contrary, any person may contract with a solid waste collec-
tion provider of the person's choosing for the use of solid waste collection
containers that are temporary and project-specific, as defined by city ordi-
nance.

~~(2)~~ (3) Upon a finding by the mayor or city manager for public safety or
necessary protection of public health and welfare and property, the provi-
sions of chapter 28, title 67, Idaho Code, shall not apply to solid waste col-
lection, as provided herein.

~~(3)~~ (4) Before entering into such contracts, franchises or otherwise, a
city may require such security for the performance thereof as it deems appro-
priate or may waive such undertaking.

SECTION 2. An emergency existing therefor, which emergency is hereby
declared to exist, this act shall be in full force and effect on and after
July 1, 2025.

4-1-3. Definitions.

Ada County Highway District (ACHD) means the Ada County highway district, a countywide highway district of Ada County, Idaho, duly formed and existing under chapter 14 of title 40, Idaho Code.

Bulky waste means waste materials intended for landfill disposal, except for major appliances; with sizes, weights or volumes greater than those allowed for wheeled carts and containers, such as water tanks and furniture. Bulky waste does not include construction debris, dead animals, hazardous materials, or animal stable matter.

City means the City of Meridian, Idaho.

Commercial premises means business, industrial and institutional premises and activities, including, but not limited to, construction sites, governmental agencies, and schools.

Commercial recycler means a person or business that: a) collects, hauls, transports, and/or disposes of source separated recyclable materials from commercial premises located within Meridian City Limits for the sole purpose of recycling; and b) does not collect, haul, transport, and/or dispose of solid waste. This term shall include any employee or other person acting on behalf of the commercial recycler.

Commingled recyclable material(s) (also known as single stream or single sort or fully commingled recyclable materials) means materials including, but not limited to, paper, fibers, plastics, and metals, which are separated from solid waste at the point of generation by the generator thereof but which are otherwise treated as a single mixture of materials for the purpose of being recycled.

Container means a large capacity receptacle designed for the collection of solid waste or recyclable materials that are created or accumulated at commercial or multi-family premises with four (4) or more units, including front loading containers, rear loading containers, and roll-off containers; also known colloquially as a dumpster.

Customer means an occupant or owner of any premises, including residential, multifamily, commercial or other establishment in the city for which solid waste service is, or has been, provided.

Franchisee means any person authorized by the City of Meridian, or employed by the City of Meridian to collect, handle, transport and dispose of solid waste and/or recyclable materials and who has executed a franchise agreement with the City of Meridian.

Fully automated solid waste collection system means a system for the collection of solid waste and recyclable materials from residential and multifamily premises of four (4) or fewer units which: a) allows a customer to prepare for collection only the amount of solid waste or recyclable materials that fits within franchise owned and supplied wheeled cart(s) provided to such customer; and b) under which the franchisee collects solid waste and recyclable materials contained within the wheeled cart(s) by means of trucks equipped with an automated hydraulic lifting mechanism.

Household solid waste means solid waste generated as a result of residential activities, including packaging materials, food scraps, paper, yard waste, and discarded household items.

Hazardous materials or wastes means any chemical, compound, mixture, substance or article which is designated as hazardous by the United States Environmental Protection Agency or appropriate state agency.

Infectious waste means human and animal biological waste, including blood, body fluids, feces, and/or objects and materials contaminated with same, including that generated by medical, surgical, dental, and veterinary offices, clinics, hospitals, and laboratories.

Multifamily premises means residential premises with two (2) or more dwelling units including, but not limited to, multiplex dwellings, apartments, condominiums, mobile home and manufactured housing communities, clusters of single-family residences, and duplexes. Multifamily premises shall not include dwelling hotels, motels, hospitals, nursing homes, or other congregate housing, care, or institutional facilities.

Occupant means the person in possession, charge or in control of any unit in multifamily premises, residential premises, commercial premises or other premises where solid waste is created or accumulated.

Overloading means exceeding the wheeled cart or container weight capacity or volume allowance, allowing objects to protrude outside of a wheeled cart or a container, or stacking solid waste or recyclable materials outside of a wheeled cart or container.

Owner means the person owning the real property where solid waste or recyclable materials are created or accumulated.

Person means any person, firm, partnership, association, institution, limited liability company, corporation, trust and/or any other legal entity whether for profit or nonprofit, public or private, and in the plural as well as singular.

Prohibited waste means and shall include any waste that has any of the following general characteristics: extreme temperature; harmful vapors; the presence of corrosive, flammable, explosive, or toxic chemicals; any physical or other properties that render collection operations hazardous or create a risk to the environment or public health and safety. Prohibited waste shall include, but shall not be limited to: liquid wastes, both bulk and contained; tires; hazardous waste; refrigerants and any equipment or machines containing refrigerants.

Putrescible waste means waste that can decay and stink or become putrid.

Recyclable materials means waste designated by the city and/or its franchisee as that which may be recycled, including, but not limited to, paper, cardboard, plastics, and metal.

Residential premises means a separate dwelling or residential unit in the city occupied by a person or group of persons which may be a single-family residence or multifamily premises. Each separate dwelling unit shall be considered a separate residence for solid waste service and billing purposes.

Solid waste means all materials discarded for disposal, including, but not limited to: putrescible and nonputrescible solid and semisolid waste, garbage, trash, rubbish, demolition and construction waste, industrial waste, vegetable solid and semisolid waste, dead animal remains in amounts not to exceed twenty five (25) pounds, reusable or recyclable materials, bulky waste, and other discarded matter.

Source separated recyclable material(s) means material(s) separated from solid waste and set into separate discrete material type containers at the point of generation by the generator thereof for the purpose of being recycled and which are handled separately throughout the collection process.

Temporary project means an activity, ninety (90) days or less in duration, that generates solid waste and that necessitates a container for collection and removal of such waste or materials.

Vector means an organism that can transmit disease.

Wheeled cart means a wheeled receptacle designed for the automated collection of solid waste or recyclable materials, thirty-five (35) to ninety-five (95) gallons in volume.

Yard waste means plant material such as leaves, grass, branches, brush, flowers, tree wood waste, and debris commonly thrown away in the course of maintaining yards and gardens, and other particular biodegradable waste including Christmas trees.

4-1-4. Compulsory use required.

All residential owners and/or occupants; all commercial owners and/or occupants; and all persons undertaking, providing, or allowing the provision of construction contractor or landscaper services; within the City of Meridian; shall pay for, and shall be provided, solid waste and recyclable materials collection services by the franchisee, except as otherwise provided in this chapter for temporary projects. Such services shall be provided in the manner and by the means as may be established ~~or adopted by City Council and/or by the franchisee pursuant to authority vested therein by ordinance, resolution, and/or by the~~ written franchise agreement and all applicable City ordinances and resolutions.

4-1-8. Collection of solid waste and recyclable materials.

A. *Collection at all premises.* The following provisions shall apply to all customers and premises within the City of Meridian:

1. *Containers and wheeled carts.* All solid waste and recyclable materials must be deposited in franchisee owned and supplied containers or wheeled carts for collection except for special collection services, [temporary project service](#), or the use of customer owned compactor containers on commercial or residential multifamily premises.
2. *Liquids.* All solid waste shall, before deposit in containers or wheeled carts, be free of any liquids.
3. *Containers and wheeled carts to be kept clean.* All customers shall maintain franchisee owned and supplied containers and wheeled carts in a clean condition, with the inside and outside thereof free and clean of soil, grease, odor, and/or decomposing material.
4. *Services to premises on nonpublic rights-of-way.* Franchisee shall provide service only to premises adjacent to public rights of way, unless otherwise authorized by the customer on a private or nonpublic right-of-way. The franchisee may provide collection services to premises on a private or nonpublic right of way where the customer has provided written indemnification of the city and the franchisee for any road or other damage or injury to persons or property incurred while in the course and scope of franchisee's provision of solid waste and recyclable materials collection services.
5. *Notice of noncollection.* When the franchisee encounters prohibited or improperly prepared solid waste and/or recyclable materials, the franchisee shall collect any properly prepared materials and leave the improperly prepared materials, with a written notice affixed thereto. Such written notice shall include the date, time, and service address, with a brief description of the reason for noncollection. The franchisee shall keep a copy of the notice for thirty (30) days, and shall supply a copy of such notice upon request.

6. *Temporary project service.* Pursuant to Idaho Code section 50-344, any person may contract with a solid waste collection provider of the person's choosing for the use of solid waste collection containers and collection services for a temporary project, as such term is defined in this chapter. The following shall apply to temporary project service:

- a. The owner of a property on which a temporary project is occurring shall be presumed to be responsible for carrying on or allowing the carrying on of temporary project service.
- b. The owner of a property on which a temporary project is occurring shall carry on or allow the carrying on of such temporary project for no longer than ninety (90) days. If a project or undertaking is of a duration longer than ninety (90) days, the owner shall utilize, or require the person carrying on the temporary project to utilize, solid waste collection services provided by franchisee.
- c. One (1) temporary project may occur per property per calendar year.
- d. No person shall use a temporary project container to contain household solid waste, prohibited waste, or putrescible waste.
- e. No person shall place solid waste not generated by the temporary project in a temporary project container.
- f. All temporary project containers shall have clearly readable identification on at least two sides with the company name and an active phone number at which the entity providing the container and/or collection services may be reached.
- g. Entities providing solid waste collection services for temporary projects shall collect temporary project waste at least once every thirty (30) days, unless greater frequency is appropriate, in the City's discretion, considering protection of the environment and public health and safety.

h. Wheeled carts shall not be used as temporary project containers.

B. *Collection at commercial premises.* The following provisions shall apply to all commercial customers and premises within the City of Meridian:

1. *Frequency of service.* Franchisee shall provide commercial service every day except Sunday, commencing at 4:00 a.m. Public and private schools shall be serviced between 4:00 a.m. and 7:00 a.m. Franchisee shall collect solid waste and recyclable materials from commercial premises ~~in one of the following manners, per customer election:~~

~~a. *Regular service.* Franchisee may collect solid waste and recyclable materials regularly, at least once weekly.~~

~~b. *On call service.* Franchisee may collect solid waste and recyclable materials within the next working day of a customer request. The city utility billing department may require a deposit as a condition of initiating, continuing, or restoring on call service. On call customers not generating wet or putrescible wastes shall receive collection services at least once per month, unless the city determines another minimum service interval is appropriate, considering protection of the environment and public health and safety.~~

~~c. *Temporary service.* Franchisee may provide collection services to temporary accounts for construction, landscaping, demolition, or other short-term projects. Temporary service shall be provided no longer than one hundred twenty (120) days. Use of temporary service shall not replace regular solid waste and recyclable materials collection service for the premises. Solid waste and recyclable materials not generated by the short-term project shall not be placed in a temporary container. Temporary service for construction and demolition wastes will be limited to roll-off containers, except where construction and demolition trash service can only be provided with a three-yard container due to inadequate space or other site restrictions. The city utility billing department may require a deposit as a condition of initiating, continuing, or restoring temporary service. Temporary customers not generating wet or putrescible wastes shall receive collection services at least once per month, unless the city determines another minimum service interval is appropriate, considering protection of the environment and public health and safety.~~

2. *Types of container.* The franchisee shall collect solid waste and recyclable materials from commercial premises in one (1) of the following types of container, per arrangement with the customer:

a. *Containers.* Commercial premises solid waste service may be provided with franchisee owned and supplied containers in the size requested by the customer, subject to approval by the franchisee.

b. *Compactor service.* The franchisee may provide collection services to commercial premises utilizing a compactor container where the customer has provided written indemnification of the city and the franchisee for any road or other damage or injury to persons or property incurred while in the course and scope of franchisee's provision of solid waste and recyclable materials collection services, and shall contact the franchisee to confirm that the compactor container and location are compatible with collection vehicles and equipment.

3. *Container placement standards.*

a. All commercial property owners shall screen commercial solid waste collection equipment from public streets. All such barriers shall comply with all applicable city ordinances, requirements and/or standards. No commercial collection location shall be on a public right of way or impede pedestrian traffic unless an appropriate variance is granted by the roadway authority.

b. As to any newly constructed or remodeled commercial premises, customers shall ensure that the collection site complies with the following standards:

- (1) All containers shall be placed on a firm, level surface pad of concrete or asphalt at least three (3) inches thick, at least twelve (12) feet wide by ten (10) feet deep for solid waste collection.
- (2) All gates shall be constructed to rest in an open position to avoid swinging shut during collection.
- (3) The collection space shall allow collection vehicles to turn in a forty-five-foot radius and back up a distance of at least fifty (50) feet.
- (4) The space shall allow at least fourteen (14) feet vertical clearance at all access points, twelve (12) feet width drive clearance, and at least twenty (20) feet vertical clearance in front of the container.

4. On call service. Franchisee shall provide on-call service as requested by a customer for projects over ninety (90) days in duration, or as otherwise needed. Franchisee shall provide on-call service within two working days of a customer request, and shall collect wet or putrescible wastes at least every thirty (30) days.