

ORDINANCE NO. 241

AN ORDINANCE OF THE CITY OF IDAHO CITY, A MUNICIPAL CORPORATION, SETTING FORTH A PURPOSE, ESTABLISHING A CITY OF IDAHO CITY AREA OF CITY IMPACT, DEFINING THE BOUNDARIES OF THE AREA OF CITY IMPACT, ESTABLISHING PROCEDURAL STANDARDS FOR MODIFICATIONS OF THE BOUNDARIES OF THE AREA OF CITY IMPACT, PROVIDING AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

SECTION 1

STATEMENT OF PURPOSE AND RECITALS

The purpose of this ordinance shall be to establish the physical boundaries of an area of city impact for the City of Idaho City in cooperation with Boise County.

WHEREAS, provisions of Idaho Code Section 67-6526 allow the establishment of an area of city impact to accomplish coordinated planning between the city and county governments; and

WHEREAS, representatives of the City of Idaho City and Boise County have met to develop mutually acceptable terms which will govern an area of city impact; and

WHEREAS, the governing bodies of these respective local governments have determined that the establishment of a mutually acceptable area of city impact will benefit the health, safety and Welfare of their respective constituencies;

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:

SECTION 2

BOUNDARIES OF THE AREA OF CITY IMPACT

Pursuant to the above-referenced negotiations, the following-described area is, and shall be, unless changed in accordance with the provisions of the ordinance, the defined area of city impact for the City of Idaho City in Boise County, Idaho. A map of the area encompassed by said area of city impact is attached to this Ordinance and labeled Exhibit "A" which Exhibit is incorporated herein by reference as if set forth in its entirety.

SECTION 3

MODIFICATION OF AREA OF CITY IMPACT BOUNDARIES

The area of city impact boundaries established by this ordinance may be modified by mutual agreement in accordance with the notice and hearing procedures set forth in the Idaho Code at any time. Either jurisdiction may unilaterally request that the modification of the area of city impact boundaries shall be effective unless or until the specific procedures required by this ordinance and the Idaho Code have been completed and agreement has been reached regarding new terms for the area of city impact.

SECTION 4

ENFORCEMENT

The provisions of this ordinance may be enforced by either the City of Idaho City or Boise County by virtue of legal action initiated to require specific performance with the terms of this ordinance, and the applicable statutes in the Idaho Code.

SECTION 5

EFFECTIVE DATE

This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication according to law.

SECTION 6

REPEAL OF CONFLICTING ORDINANCES

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Adopted and approved this 14th day of December,
1994, and signed by the Mayor of the City of Idaho City.

APPROVED:

Patricia Campbell
PATRICIA CAMPBELL, MAYOR

ATTEST:

Leslie A. Barkell
LESLIE A. BARKELL CITY CLERK

LEGAL NOTICE OF PUBLIC HEARING BEFORE THE CITY OF IDAHO CITY, CITY COUNCIL will hold a Public Hearing at 7:00 p.m. on December 14, 1994, at City Hall, 511 Main Street, Idaho City, Idaho.

The purpose of this Public Hearing is to take Public Testimony concerning an Ordinance defining and establishing the boundaries on a map to be adopted by the Idaho City Council, as the Area of City Impact for the City of Idaho City, Idaho pursuant to Idaho Code 67-6526 (a) and (e). said proposed map boundary being generally described, the Impact Boundaries are Inclusive of Sections, 13, 23, 24, 25, 26, 27, 33, 34, N1/2 35, N1/2 36, Township 6N Range 5E, Boise, Meridian.

Following Public Hearing, the Idaho City Council may adopt or reject any or all portions of the proposal. If the City Council intends to make a material change in the proposal, further notice and hearing shall be provided before the Idaho City Council adopts an Ordinance defining and establishing the boundaries on a map of the area of City Impact for the City of Idaho City, Idaho.

Documents may be reviewed at the office of the City Clerk, at 511 Main Street, City Hall, Idaho City, Idaho. From 8:30 a.m. to 12:30 p.m. and 1:00 p.m. to 5:00 p.m., Monday through Thursday, except Holidays. All interested persons are invited to attend this Public Hearing and present oral or written testimony concerning this matter. For more information call (208) 392-4585.



Commissioner of Law Enforcement of the State of Idaho and provided a license as set forth in this ordinance is obtained from the Village of Idaho City, Idaho; the issuance of such license for the retail sale of liquor by the drink to be subject to the rules and regulations and provisions contained in Chapter 274, 1947 Session Laws and this ordinance..

Section 3. Before any retail sales of liquor by the drink may be made within the Village of Idaho City, an application for a license for such sale of liquor by the drink shall be filed with the Clerk of the Village of Idaho City on an application form provided by the Village of Idaho City therefor, said application shall provide among other things the following information:

- a. The name of the applicant;
- b. Whether the applicant is an individual, partnership, or corporation; if a partnership, the names of the partners; or if a corporation, the names of the officers and directors;
- c. A detailed description of the premises for which the license is sought;
- d. That said application will be accompanied by the license as issued by the Commissioner of the State of Idaho permitting the retail sale of liquor by the drink.

Such application shall be signed and verified by the applicant and if the applicant shall be a partnership, it shall be signed and verified by one of the partners, or if the applicant be a corporation or an association, it shall be signed and verified by an officer of such corporation or association.

With the application, the applicant shall deposit in lawful money of the United States of America a sum equivalent to the amount of the license fee hereinafter provided in this ordinance.

Such application shall be filed with the Clerk of the Village of Idaho City, Idaho, at least two days prior to a regular or special meeting of the council of the Village of Idaho City, Idaho. No license under this ordinance shall be issued except upon resolutions duly adopted by the Council of the

Village of Idaho City, Idaho.

The license fee so paid to the Village Clerk at the time of making an application shall be held by the Clerk pending final action upon the application by the Council of the Village of Idaho City, Idaho. Should the application be denied, the license fee so paid shall be returned to the applicant. If the application is approved the license fee shall be retained by the Village Clerk who shall thereupon issue to the applicant license hereinafter provided for.

Section 4. The license fee to be paid for the retail sale of liquor by the drink in the Village of Idaho City, Idaho, shall be the sum of \$225.00 for each calendar year, and if the license be issued in any other month than January of each year the license fee shall be prorated for the remainder of the license year as of the first day of the actual month of issue.

Section 5. The license issued under this ordinance shall set forth the name of the person to whom issued, the location of the premises and such other information as the Village Council of Idaho City, Idaho shall deem necessary. If issued to a partnership, the names of the persons constituting such partnership shall be set forth. If issued to a corporation or association, the names of the principal officers and the governing board shall be set forth. Such license shall be signed by the licensee and shall be nontransferrable. Every license issued under the provisions of this ordinance is separate and distinct and no person except the person therein named shall exercise any privilege granted thereunder and all licenses are applicable only in respect to the premises to which they are licensed.

Section 6. It shall be unlawful for any licensee to sell, give away, dispense, vend, or deliver any liquor in any fashion or by means or device, except upon the licensed premises.

Section 7. No licensee or his employed agents, servants, or bartenders shall sell, deliver, or give away, or cause to permit to be sold, delivered, or given away any liquor to:

1. Any person under the age of 21 years.
2. Any person actually, apparently or obviously intoxicated.

3. A habitual drunkard.

4. An interdicted person.

5. An Indian.

6. Any person under the age of 21 years, Indian or other person, who knowingly misrepresents his or her qualifications for the purpose of obtaining liquor from such licensee shall be equally guilty with such licensee and shall, upon conviction thereof, be guilty of a misdemeanor.

Section 8. Any duly authorized police officer of the Village of Idaho City, Idaho, shall have the right at any time to make an examination of the premises of any licensee as to whether the laws of the State of Idaho, the rules and regulation of the Commissioner of Law Enforcement of the State of Idaho, and this ordinance are being complied with.

Section 9. It shall be unlawful for any licensee to adopt or use any name, sign or advertisement outside of the licensed premises advertising the handling or sale of liquor.

Section 10. It shall be unlawful for any person to keep or maintain any room or premises in which liquor is received or kept, whether owned by such person or by another, or to which liquor is brought for consumption on the premises by members of the public or of any club, incorporated or unincorporated, a corporation or association, unless such person and the premises are licensed under Chapter 274, 1947 Idaho Session Laws and this ordinance.

Section 11. A violation of the provisions of this ordinance shall constitute a misdemeanor. Any person violating such provisions shall be guilty of a misdemeanor and upon conviction shall be fined not to exceed \$100.00 and upon failure to pay fine, shall be committed to the Village jail at the rate of \$1.50 per day until such fine is paid in full.

Section 12. This ordinance shall take effect from and after July 1, 1947.

Passed by the Board of Trustees of Idaho City, Idaho, this 9th day of June, 1947.

Attest: ANNE PECK Clerk.

HARRY PENROD - Chairman

ORDINANCE NO. 240

AN ORDINANCE OF THE CITY OF IDAHO CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING A CITY OF IDAHO CITY AREA OF IMPACT, DEFINING BOUNDARIES OF THE AREA IMPACT, ESTABLISHING STANDARDS APPLICABLE TO THE AREA OF IMPACT AND THE PROCEDURE FOR MODIFYING THOSE STANDARDS OF BOUNDARIES, PROVIDING AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, pursuant to Idaho Code Section 67-6526, the City of Idaho City and Boise County, Idaho, have conferred and negotiated in good faith upon an area of City impact for the City of Idaho City within the unincorporated area of Boise, County; and

WHEREAS, the City Council of Idaho City, pursuant to public notice as required by law, held a public hearing on the proposed area of city impact on the 14th day of December, 1994; and

WHEREAS, the City of Idaho City and Boise County, in accordance with the procedure required by law, have mutually agreed upon an area of city impact for the City of Idaho City within the unincorporated area of Boise County, Idaho;

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:

Section 1

PURPOSE: The purpose of establishing the Idaho City area of city impact is to identify an urban fringe area in the area in the unincorporated territory surrounding the city within which there is potential for development or changes in land use that must be planned for in an orderly and compatible manner in order to insure timely and economical provision of public services such as water supply, sanitary sewer collection and treatment, public safety services, other community service facilities, and to promote land use compatibility, street alignment and traffic flow objectives.

Section 2

AREAS OF CITY IMPACT DEFINED: The area of city impact shall consist of an area where development or use of land affects areas, geographic factors and areas that can reasonably be expected to be annexed to the city in the future. Within the area of city impact, certain county and city standards and hearing procedures set forth herein will be imposed.

Within that area, upon an application to the county or the county's planning commission for a subdivision, subdivision plat, zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, variance request, or similar land use request, the applicant shall provide written notice to the city clerk of Idaho City of any public hearing related to the application. The city shall have thirty (30) days after receipt of the notice to comment on such application.

Section 3

GEOGRAPHIC AREAS OF CITY IMPACT ESTABLISHED AND DEFINED:
The officially-adopted area of city impact is hereby established and shown on the map entitled "Idaho City Area of City Impact" and specifically adopted by Idaho City Municipal Ordinance NO. 240,

The Idaho City area of City impact shall be reevaluated by the City and Boise County as such times as they may agree upon to consider possible changes in the geographic area affected and/or other provisions of his ordinance including but not limited to applicable standards.

Section 4

STANDARDS: Upon adoption of an area of City impact by the city and county, the following standards shall apply whenever governing body of the city or county considers a zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, variance request or subdivision plat within the area of city impact. Within the area of city impact, the following standards shall apply:

1. Boise County Comprehensive Plan
2. Boise County Subdivision Ordinance; and
3. Boise County Zoning Ordinance; and
4. All other standards of and applicable Boise County codes and ordinances.

Section 5

ENFORCEMENT: Boise County shall be responsible for the administration and enforcement of the ordinances listed in Section 4.1 through 4.4 within the area of city impact, and shall permit fees for inspections performed to recapture direct costs of inspections, and any development fees for other costs arising from fulfilling the terms of each ordinance or regulation.

A certificate shall appear on the face of a final plat for execution by the City Engineer and/or city council attesting to the plat's conformance with municipal requirements and approval.

Section 6

HEARING PROCEDURE WITHIN THE AREA OF CITY IMPACT:

A. All applications for subdivision plats and all other applications (e.g. zone changes, comprehensive plan amendments, variance, conditional use, etc.) within area of city impact shall be filed by the applicant with Boise County. All approvals and public hearings in the area of city impact shall be held as required by Idaho Code Section 67-6501, et seq. and Idaho Code Section 50-1301, et seq.

B. It is the intent of this section to maintain the status quo for the processing of subdivisions on process at the time of the adoption of this ordinance.

c. It is the intent of this section that the processing of the subdivisions be administered by the county, but with the inclusion of city input.

Section 7

STANDARDS AMENDMENT AND NOTICE: Prior to amendment by the county of any of Boise County's Ordinances set forth above in Section 4, which are applicable in the area of city impact, the county shall forward the proposed change to the city for review and comment at least thirty (30) days prior to the first public hearing at which such amendment will be considered.

Section 8

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

Section 9

Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be constructed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the city if Idaho City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

Section 10

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 11

This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication according to law.

adopted and approved this 14th day of December, 1994, and signed by the Mayor of the City of Idaho City.

APPROVED:

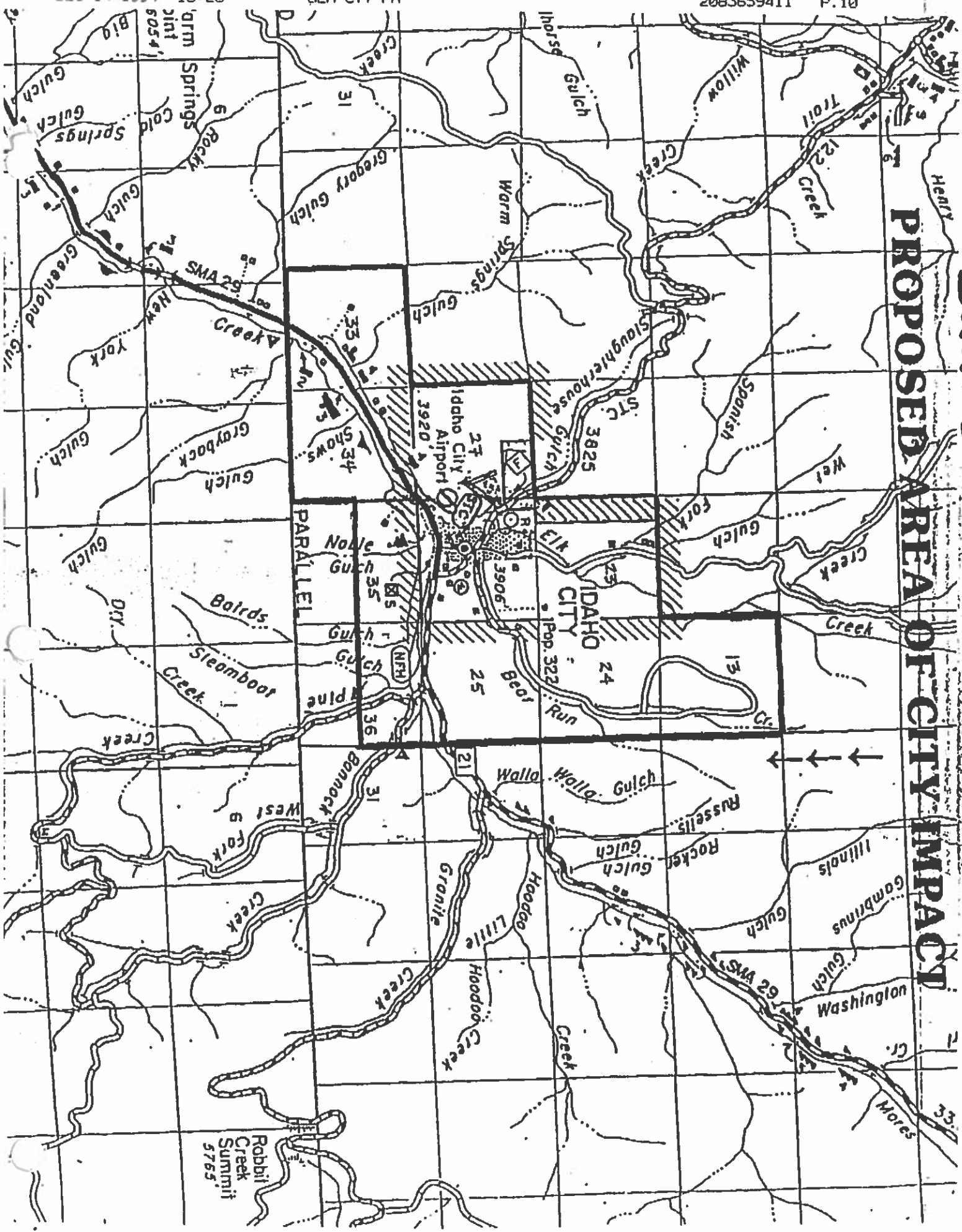
Patricia Campbell
PATRICIA CAMPBELL, MAYOR

ATTEST:

Leslie A. Barkell
LESLIE A. BARKELL CITY CLERK

EXHIBIT A

PROPOSED AREA OF CITY IMPACT

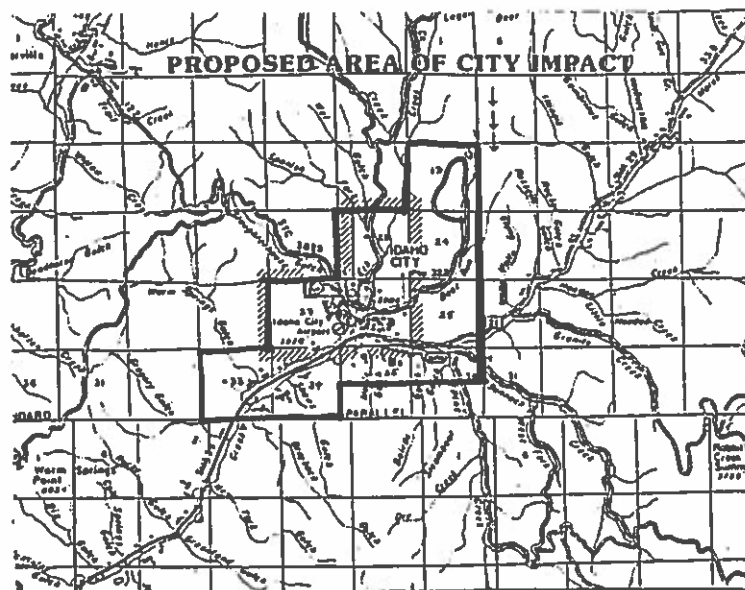


LEGAL NOTICE OF PUBLIC HEARING BEFORE THE CITY OF IDAHO CITY, CITY COUNCIL will hold a Public Hearing at 7:00 p.m. on December 14, 1994, at City Hall, 511 Main Street, Idaho City, Idaho.

The purpose of this Public Hearing is to take Public Testimony concerning an Ordinance defining and establishing the boundaries on a map to be adopted by the Idaho City Council, as the Area of City Impact for the City of Idaho City, Idaho pursuant to Idaho Code 67-6526 (a) and (e). said proposed map boundary being generally described, the Impact Boundaries are Inclusive of Sections, 13, 23, 24, 25, 26, 27, 33, 34, N1/2 35, N1/2 36, Township 6N Range 5E, Boise, Meridian.

Following Public Hearing, the Idaho City Council may adopt or reject any or all portions of the proposal. If the City Council intends to make a material change in the proposal, further notice and hearing shall be provided before the Idaho City Council adopts an Ordinance defining and establishing the boundaries on a map of the area of City Impact for the City of Idaho City, Idaho.

Documents may be reviewed at the office of the City Clerk, at 511 Main Street, City Hall, Idaho City, Idaho. From 8:30 a.m. to 12:30 p.m. and 1:00 p.m. to 5:00 p.m., Monday through Thursday, except Holidays. All interested persons are invited to attend this Public Hearing and present oral or written testimony concerning this matter. For more information call (208) 392-4585.



ORDINANCE NO. 239

AN ORDINANCE REPEALING THE PROVISIONS OF ORDINANCE NO. 183 WHICH SET OUT THE SEWER SYSTEM CONNECTION FEES FOR VARIOUS TYPES OF USERS AND REPLACING WITH PROVISIONS FOR CONNECTION FEES FOR INDUSTRIAL USERS, NON-RESIDENTIAL USERS, AND MULTIPLE-UNIT RESIDENTIAL USERS.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF IDAHO CITY, IDAHO

I.

Section 24(c) Ordinance No. 183 is hereby repealed and is replaced with the following provisions:

(C) The sewer connection fee for single residential users shall be as set out in Section 26 of this Ordinance.

1. Industrial users shall be charged according to separate agreement with the City pursuant to Sections 27-29 of this Ordinance.

2. All other non-residential users which have more than one equivalent connection as defined by Section 24 (B) of this ordinance shall be assessed a connection fee pursuant to an appraisal and separate agreement with the city. Such fee shall be based on the impact the user is projected to have on the system and may include a capital costs recovery component.

3. Multiple-unit residential users shall be assessed one connection fee for each unit. This category includes but is not limited to apartments, condominiums, hotels, motels, mobile home courts or parks, duplexes, triplexes, fourplexes, recreational vehicle parks and residential care facilities.

This Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication according to law.

Adopted and approved this 23 day of August, 1994, and signed by the Mayor of the City of Idaho City.



Pat Campbell Mayor
City of Idaho City, Idaho

Attest:


Leslie A. Barkell, Idaho City Clerk

ORDINANCE NO. 238
ANNUAL APPROPRIATION ORDINANCE
1994-95 FISCAL YEAR

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1994, APPROPRIATING THE SUM OF \$1,434,367.97 FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE.

BE IT ORDAINED by the Mayor and the City Council of the City of Idaho City, Boise County, Idaho.

SECTION 1: That the sum of \$1,434,367.97 be, and the same is appropriated to defray the necessary expenses and liabilities of the City of Idaho City, Boise County, Idaho for the fiscal year beginning October 1, 1994.

SECTION 2: The Objects and purposes for which such appropriation is made, and the amount of each object and purpose is as follows:

ESTIMATED EXPENDITURES:

<u>General Administration</u>	\$ 4,612.00
Legal	3,000.00
Professional Services	500.00
Other Government	36,132.15
Capitol Outlay	1,000.00
Cash Carry Over	5,000.00
Tort Insurance	7,500.00
<u>LAW ENFORCEMENT:</u>	
Administration	20,322.00
Other Law Enforcement expenses	3,056.79
<u>FIRE DEPARTMENT</u>	
Administration	733.85
Other Fire Department Expenses	3,773.21
<u>STREETS AND ROADS DEPARTMENT:</u>	
Administration	6,459.00
Maintenance	5,000.00
Lights	9,136.00
Other Street Expenses	3,000.00
Cash Carry Over	200.00
Capitol Outlay	3,000.00
<u>WATER DEPARTMENT:</u>	
Administration	16,311.12
Repair and Maintenance	20,860.00
Professional Services	7,000.00
Other Water Expenses	29,324.25
Bond and Interest	19,969.00
Capitol Outlay	19,000.00
Cash Carry Over	1,835.63
State and Federal Funds	892,300.00

SEWER DEPARTMENT:

Administration	\$ 16,311.12
Repair and Maintenance	5,000.00
Professional Services	14,000.00
Other Sewer Expenses	14,700.00
Bond and Interest	16,000.00
Capitol Outlay	73,688.88
Cash Carry Over	2,000.00
Restricted Bond Reserve	23,642.97
State and Federal Funds	150,000.00

SECTION 3: That a general tax levy on all taxable property within the City of Idaho City be levied in a amount allowed by law for the general purposes for said city for the fiscal year beginning October 1, 1994.

SECTION 4: All Ordinances and parts of ordinances in conflict with this ordinance are here by repealed.

SECTION 5: This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Idaho World, a Newspaper of general circulation in the City of Idaho City, and the official newspaper of said city.

APPROVED:

Pat Campbell
Pat Campbell Mayor

ATTEST:

Leslie A. Barkell
Leslie A. Barkell City Clerk

Published: August 31, 1994

ORDINANCE NO. 237

AN ORDINANCE AMENDING ORDINANCE NO. 227 , PROVIDING THAT ONE MEMBER OF THE IDAHO CITY PLANNING AND ZONING COMMISSION MAY BE FROM THE ESTABLISHED IMPACT ZONE.

WHEREAS, Ordinance No. 227, was implemented on the 14th day of August, 1979, which Ordinance created a Planning and Zoning Commission; and

WHEREAS, it is anticipated that the City of Idaho City will expand geographically in the near future; and

WHEREAS, it is deemed appropriate that persons living in the established city impact zone should have representation on the Idaho City Planning and Zoning Commission;

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:

Section II of Ordinance NO. 227 be amended to read as follows:

CREATION OF THE COMMISSION

The Commission shall consist of five (5) members. They shall be appointed by the Mayor of Idaho City and confirmed by the City Council. ~~All~~ At least four (4) members must have been residents of Idaho City two (2) ~~five (5)~~ years prior to their appointment, and must remain residents of this county while serving on the Commission. One (1) member of the commission may reside outside the corporate limits of the City, but shall be a resident of the established impact zone. Such member must remain a resident in the impact zone or within the City Limits while serving on the commission. The terms of office for the appointive members shall be three (3) years. All vacancies shall be filled in the same manner as original appointments. Members may be removed after public hearing by a majority vote of the governing body. Members shall be affiliations, but may be reimbursed for mileage a rate established by the governing board and per diem at a rate established by the governing board, up to the amount appropriated by the governing board for such purposes.

This Ordinance shall take effect and be in full force and effect on the _____ day of _____, 19_____.

Adopted and approved this 26th day of APRIL, 1994, and signed by the Mayor of the City of Idaho City,

Patricia Campbell
Patricia Campbell, Mayor
City of Idaho City, Idaho

Attest:

Leslie A. Barkell
Leslie A. Barkell, City Clerk

This Ordinance shall take effect and be in full force and effect on the 24th day of AUGUST, 1993.

Adopted and approved this 24th day of AUGUST, 1993, and signed by the Mayor of the City of Idaho City and the Chairman of the City Council.

Patricia Campbell
Patricia Campbell, Mayor
City of Idaho City, Idaho

ATTEST:

Leslie A. Barkell
Leslie Barkell, Idaho City Clerk

ORDINANCE NO. 236.

AN ORDINANCE ESTABLISHING PROCEDURES FOR CONSTRUCTION OR PLACEMENT OF STRUCTURES UPON PROPERTY IN THE CORPORATE LIMITS OF IDAHO CITY; PROVIDING FOR BUILDING PERMITS AND OCCUPANCY PERMITS; PROVIDING REGULATIONS AND REQUIREMENTS FOR NEW STRUCTURES; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of Idaho City, Idaho, deems it necessary for the health, peace, safety, convenience, order and prosperity, general welfare of the present and future inhabitants of Idaho City to formulate and adopt a Comprehensive Plan and Zoning Ordinance; and

WHEREAS, the Idaho City Planning and Zoning Commission has only recently been re-formed and is currently updating the Comprehensive Plan; and

WHEREAS, it is anticipated that the Comprehensive Plan and proposed Zoning Ordinance will not be in effect for several months; and

WHEREAS, new growth within the corporate limits of Idaho City may have the effect of creating zoning problems which are not consistent with the developing comprehensive plan; and

WHEREAS, the Planning and Zoning Commission has recommended that an interim Ordinance be adopted in order to regulate and plan the growth in Idaho City until the Comprehensive Plan and Zoning Ordinance are fully developed;

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:

1. This Ordinance shall be known and entitled as the Idaho City Building Code Ordinance.

2. The 1994 edition of the Uniform Building Code is hereby adopted as the standard with which all new construction must comply after the effective date of this Ordinance. A copy of the Uniform Building Code is available at the Idaho City Clerk's Office during normal business hours.

3. Any mobile home or trailer or manufactured home which is proposed to be placed upon property inside the corporate limits of Idaho City shall meet the standards set forth by the Idaho State Industrial Commission. This requirement shall also apply to moving an existing mobile home or trailer or manufactured home from one lot inside the city limits to another lot inside the city limits.

Any such mobile home or trailer shall not be older than the year 1976.

4. No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefor issued by the Idaho City Planning and Zoning Commission. Building Permits shall be issued only in conformity with the provisions of this Ordinance. Any construction already commenced on the date this Ordinance becomes effective shall not be affected by this Ordinance. However, actual work must be performed within one hundred twenty (120) days of the effective date of this Ordinance, or the owner must then obtain a Building Permit and comply with the terms of this Ordinance.

5. The application for a Building Permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and be considered revoked if work has not begun within one hundred twenty (120) days from the date the permit was issued. At a minimum, applications shall contain the following information:

1. Name, address and telephone number of the applicant;
2. Legal description of the property;
3. Existing use;
4. Proposed use;
5. Plan, drawn to scale, showing the exact dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed buildings or alteration;
6. Building heights;
7. Number of off-street parking spaces;
8. Number of dwelling units;
9. Proposed sewer and water facilities;
10. Such other matters as may be necessary to determine conformance with, and provide for, the enforcement of this Ordinance, and other applicable city and county Ordinances.

11. Flood Plain Permit if applicable.

6. Within thirty (30) days after the receipt of an application, the Planning and Zoning Commission shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All Building Permits shall, however, be conditional upon the commencement of work within one hundred twenty (120) days. One copy of the plan shall be returned to the applicant by the Planning and Zoning Commission after the Commission shall have marked such copy either as approved or disapproved and attested to same by the signature of the Planning and Zoning Chairman on said copy. One copy of plans similarly marked shall be retained by the Planning and Zoning Commission. The Commission shall issue a placard, to be posted in a conspicuous place on the property in question attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.

7. If the work described in any Building Permit has not begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire and be considered revoked by the Commission. No written notice of expiration or revocation need be given to the persons affected.

8. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof thereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor by the Planning and Zoning Commission stating that the proposed use of the building or land conforms to the requirements of this Ordinance and with all conditional provisions that may have been imposed. This provision shall not apply to structures already occupied or used prior to the commencement of addition or remodel work.

9. Failure to obtain a Building Permit or a Certificate of Occupancy shall be a violation of this Ordinance. Use, arrangement or construction contrary to that authorized through the Building Permit shall also be deemed a violation of this Ordinance.

10. The City Council shall have the authority to take whatever steps are necessary to civilly enjoin any violation of this Ordinance. Further, violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains any such violation may be found guilty of a separate offense.

11. Any person who is aggrieved by any decision made by the Planning and Zoning Commission shall have the right to appeal such

decision to the City Council. Any appeal must be filed with the City Clerk within thirty (30) days of the final decision being filed by the Planning and Zoning Commission. The City Council shall schedule a hearing on the appeal, at which time oral testimony, under oath, shall be taken, as well as documentary evidence entered into the record. Such hearing shall be scheduled to take place within thirty (30) days of the date of filing of the notice of appeal. The City Council shall make a determination within thirty (30) days of such hearing. In making its determination, the City Council will either uphold the decision of the Planning and Zoning Commission in whole or in part, or overturn the decision of the Planning and Zoning Commission. The City Council shall make written Findings of Fact and Conclusions of Law and shall indicate what, if any, action the appealing party can take to obtain a favorable decision. Any party who is aggrieved by a decision of the City Council shall have the right to appeal such decision to the District Court within twenty-eight (28) days, as stated in the Idaho Code.

This Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication according to law, and shall be effective for no longer than twenty-four (24) months unless sooner repealed.

Adopted and approved this 22 day of March, 1994, and signed by the Mayor of the City of Idaho City and the Chairman of the City Council.

Patricia Campbell
Patricia Campbell, Mayor
City of Idaho City, Idaho

ATTEST:

Leslie A. Barkell
Leslie Barkell, Idaho City Clerk

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