

**ORDINANCE # 245
ANNUAL APPROPRIATION ORDINANCE
1995-96 FISCAL YEAR**

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1995, APPROPRIATING THE SUM OF \$1,514,590.54 FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF 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 \$1,514,590.54 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, 1995.

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

General Administration:

Legal	1,000.00
Professional Services	430.00
Other Government	37,416.23
Capitol Outlay	200.00
Cash Carry Over	2,000.00
Tort Insurance	7,500.00
State and Federal Grants	49,100.00

Law Enforcement:

Administration	21,049.00
Other Law Enforcement expenses	5,671.97

Fire Department:

Administration	733.85
Other Fire Department expenses	3,314.00

Streets and Roads Department:

Administration	6,859.00
Maintenance	4,500.00
Lights	4,573.50
Other Street Expenses	8,842.40
Cash carry over	1,000.00
Capitol Outlay	1,500.00

Water Department:

Administration	28,336.39
Repair and Maintenance	10,000.00
Professional Services	6,000.00
Other Water Expenses	74,243.61
Bond and Interest	19,969.00
Capitol Outlay	44,051.00
Cash Carry Over	12,000.00
State and Federal Grants	892,300.00

Sewer Department:

Administration	28,336.39
Repair and Maintenance	11,000.00
Professional Services	18,000.00
Other Sewer Expenses	23,663.61
Bond and Interest	16,000.00
Capitol Outlay	5,000.00
Cash Carry Over	20,000.00
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, 1995.

Section 4: All Ordinances and parts of ordinances in conflict with this ordinance are here by repealed.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

ATTEST:


PAT CAMPBELL MAYOR


LESLIE A. BARKELL CITY CLERK

PUBLISHED: August 16, 1995

ORDINANCE NO. 244

WHEREAS, parking motor vehicles within the limits of Idaho City is currently not regulated and such parking has been haphazard and inconsistent; and

WHEREAS, such parking causes inconvenience to the residents of Idaho City and constitutes a traffic hazard for motorists;

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

I

Parking on public streets within the City of Idaho City shall be regulated as described below and in the official parking map made a part of this Ordinance:

A. Montgomery Street

1. No parking between Highway 21 and Walulla Street.
2. No parking on west side between Wall Street and Centerville Road.
3. Fifteen minute parallel parking on the west side between Walulla Street and Commercial Street and Commercial Street and Wall Street.
4. Parallel parking on the east side between Walulla and Wall Streets.
5. Parallel parking on the west side between Walulla and Commercial Streets.

B. Wall Street

1. No parking on north side between Main and Montgomery Streets.

C. Commercial Street

1. No parking between Main and Montgomery Streets.

D. Walulla Street

1. Parallel parking only on north side between Main and Montgomery Streets.

2. No parking on south side between Main and Montgomery Streets.

E. Main Street

1. One hour parallel parking on east side between Commercial and Wall Streets.
2. One hour diagonal parking on west side between Commercial and Wall Streets.
3. No parking on east side between School Street and Bear Run Road.
4. No parking on west side between School Street and Centerville Road.

F. Fire Hydrants

1. No parking in front of or within twenty (20) feet of fire hydrants.

G. R.V. Dump

1. No parking in front of or within twenty (20) feet of any R.V. dump.

Any person violating the provisions of this Ordinance as set out above is guilty of a misdemeanor.

II

If a city law enforcement officer, or other parking patrol officer is designated by the Mayor, observes a vehicle parked in violation of this Ordinance, he or she shall place a notice upon the vehicle indicating the time and date of the violation, the make, model, and license number of the vehicle, and the number of the Ordinance violated as well as a description of the violation, upon the vehicle. The notice shall also indicate the fine for the violation and that such fine must be paid to the City Clerk and the time limits for the payment of such fine.

III

Proof of who the registered owner of a vehicle upon which a notice of violation is placed shall be prima facie evidence that such registered owner was the driver of the vehicle at the time of the violation. It shall be the responsibility of the registered owner to prove that he or she was not driving the vehicle at the time of the violation.

IV

Fines for violation of this Ordinance shall be paid to the City Clerk of Idaho City. The City Council shall establish a fine schedule which will be adopted by resolution. The City Council shall be authorized to increase the fine if it is not paid within seven (7) days of the violation and to increase the fine further for each seven (7) day period after the violation that the fine is not paid, up to twenty-one (21). If the fine is paid, there will be no further prosecution of the matter. The fine schedule described above may be amended at any time by resolution of the City Council.

V

All monies received as fines pursuant to this Ordinance shall be collected by the City Clerk for Idaho City and shall be deposited in the general fund. The City Clerk shall maintain a record of receipt of such fines and shall prepare a monthly report of receipt.

VI

If the fine is not paid as described above within twenty-one (21) days of the violation, a misdemeanor complaint may be filed by the City Attorney against the registered owner of the vehicle.

VII

If any person wishes to contest the notice of violation, he or she must notify the City Clerk of his or her intentions within fourteen days of the date of violation. At that time, a misdemeanor complaint will be filed and the matter will be processed in magistrate court.

VIII

Upon placing a notice of violation upon any vehicle, the law enforcement officer, or other parking control officer as designated by the Mayor, shall file a copy of the notice of violation with the City Clerk not later than the next business day and shall retain a copy for his or her records.

IX

Signs shall be placed in all areas regulated by this Ordinance indicating the requirements of the Ordinance. Removal or destruction of any parking control signs shall constitute a misdemeanor and shall subject a violator to a fine of up to

\$300.00, incarceration in the county jail of up to six months or both such fine and jail time.

X

Any streets within the City which are not specifically mentioned in Section I of this Ordinance or referred to on the official parking map shall be considered not regulated by this Ordinance and no notice of violation for any parking upon any such streets shall be issued.

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 8th day of August, 1995, 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 Barkell, Idaho City Clerk

SUMMARY OF ORDINANCE NO. 243
REGULATION OF DOGS AND LIVESTOCK

Ordinance No. 243 of the City of Idaho City, Idaho, Repeals Ordinance Nos. 164 and 205. Ordinance No. 243 generally sets forth provisions regulating the licensing, ownership and control of dogs and livestock within the City limits of Idaho City. The Ordinance sets forth definitions and requires that dogs maintained within the City limits be licensed. It provides for an application and fees for licensing and provides for a renewal date for such license. In addition, the Ordinance requires that all dogs and livestock within the City of Idaho City be kept under positive control, sets forth the provisions regarding abandoned animals, requires a kennel license for multiple ownership of dogs, provides that no livestock may be maintained within the City unless the owner thereof has at least one-half acre of land per animal, sets forth provisions regarding the control of disease in livestock and dogs, provides that dogs shall be considered a nuisance if not kept under control by the owner. The Ordinance establishes a City pound, provides for the impounding of dogs by City officials and makes it a misdemeanor to interfere with the impounding of such animals. The Ordinance so provides for certain recordkeeping procedures to be utilized by the City of those dogs impounded in the City pound, sets forth provisions for the redemption of impounded animals, establishes fees for the impounding of dogs found within the City limits, establishes provisions for the sale of impounded dogs after notice to the public of such sale, provides for the destruction of diseased dogs, sets forth procedures for the sale of impounded animals and the destruction of such animals if not sold. The Ordinance also provides that violations of the Ordinance shall be a misdemeanor and subject the offender to a \$300.00 fine or imprisonment for not more than thirty (30) days or both fine and imprisonment.

The effective date of Ordinance No. 243 is upon its passage by the City Council and its publication as provided by law.

The full text of Ordinance No. 243 is on file in the City Hall and is available for inspection and copying during normal working hours.

ORDINANCE NO. 243

AN ORDINANCE REPEALING ORDINANCE NOS. 164 AND 205 OF IDAHO CITY AND REGULATING DOGS AND LIVESTOCK WITHIN THE CITY LIMITS OF IDAHO CITY; PROHIBITING CERTAIN ACTS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID REQUIREMENTS AND ESTABLISHING CIVIL AND CRIMINAL SANCTIONS FOR VIOLATIONS AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1. That Ordinance Nos. 164 and 205 of the City of Idaho City are hereby repealed.

SECTION 2. DEFINITIONS:

A. DOG: An animal of the species canis familiaris regardless of breed or gender, or other members of the canidae family which have been trained or domesticated; including canis latrans or wolf, canis lupus or coyote, or any animal which wholly or partially is a member of the genus canis.

B. LIVESTOCK: For purposes of this Ordinance, the word livestock means any cattle, horses, mules, asses, swine, sheep or goats.

C. ANIMAL: For purposes of this Ordinance, the word animal shall apply to dogs and livestock, as defined above.

D. POSITIVE CONTROL: Positive control means either an attended animal or a controlled unattended animal.

E. ATTENDED ANIMAL: An attended animal is one accompanied by the owner or his agent, where the animal is:

- 1) under leash or similar devise; or
- 2) being ridden (e.g. horseback).

F. CONTROLLED UNATTENDED ANIMAL: A controlled unattended animal is one which is:

- 1) chained or tied within the owner's property in such a way that the animal cannot leave the physical confines of the owner's property. The sidewalks, streets, alleys, and the like, open to the public, shall not be deemed a part of the owner's property for the purposes of this Ordinance;

- 2) fenced within the owner's property in such a way as to comply with subparagraph #1, above; or

3) confined within a dwelling, barn or other building, not open to the public.

G. HOUSEHOLD: For the purpose of this Ordinance the word household and the premises of a household shall mean a dwelling place designed and normally used for and by a traditional single family unit such as a husband, wife and children, or the like, and includes but is not limited to separate single family structures, individual apartments, mobile homes, duplex halves, motel rooms or suites and the like. The fact that a unit may be occupied by multiple, adult, unrelated persons shall not affect the definition or limitations of use and numbers of animals allowed by this Ordinance.

SECTION 3. LICENSES REQUIRED: It shall be unlawful for any person to own, harbor, keep or possess a dog more than six (6) months old, within the City without first procuring a license therefore as provided by Section 4 of this Ordinance and attaching the metal tag provided by the City to the dog's collar; provided, however, that the provisions of this Section shall not apply to any person visiting the City for a period of not exceeding thirty (30) days, and owning and possessing a dog currently licensed, and bearing the license issued by another municipality, or other licensing authority.

SECTION 4. LICENSES; APPLICATION; FEES: All dog licenses shall be by calendar year beginning January 1st and expiring as of December 31st of the year in which issued. The owner or person having in charge any dog within the City shall make application to the City Clerk and pay a license fee in an amount as determined by resolution of the City Council for each and every dog; an animal is licensed from the date said dog is subject to licensing; and provided that the owner thereof, shall present to and file with the Clerk at the time of securing said license, a certificate of a licensed veterinarian that the dog has been spayed or neutered. A certificate of licensed veterinarian shall set forth that any dog being licensed under this section shall have had rabies shot or booster within the last 36 months. Upon receipt of such application, and payment of fees, the person issuing the license shall issue a receipt designating the owner's name and number of the license, the sex of the dog, the amount paid for said license, together with a metal tag bearing the number corresponding to that upon the receipt. It shall be unlawful for anyone to make a false statement in the application for a license.

Upon satisfactory proof that a license tag has been lost, a new tag of a different number may be issued upon the payment of a fee of 50 cents and the transaction shall be noted upon the City office file for the number originally issued.

All licenses shall be applied for prior to the expiration of the previous year's license. In the event application is not made and payment for the license is not submitted prior to February 1 for the year for which the license is applied for, the City shall be entitled to collect, and the applicant shall be required to pay a late fee, as established by the City Council by resolution, in addition to the license fee.

SECTION 5. ANIMALS TO BE POSITIVELY CONTROLLED: All dogs and livestock within the Corporate limits of Idaho City, shall be under positive control at all times.

In any case, civil or criminal, prosecuted pursuant to this Ordinance, a showing that an animal has: snapped at, bitten, attacked, cornered, or chased any person, animal or vehicle within the City, except upon the specific order of its master, and in the defense of said master; or which has gone uninvited upon the property of another and done actual damage, trampled upon or eaten any vegetation, or urinated or defecated upon said property, without prior permission of the property owner; shall be prima facie evidence that the animal was unattended and/or uncontrolled at the time of such act.

SECTION 6. ABANDONED ANIMALS: No owner, person having custody or person harboring any animal shall abandon such animal within the City limits. Any animal which is in the City limits and is not under positive control and which has a resident household outside the City limits is deemed abandoned for purposes of this Ordinance.

SECTION 7. KENNEL LICENSE: It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household more than three (3) dogs, unless the owner or person having custody or harboring three (3) dogs more than three (3) months old, shall have obtained a kennel license.

a) Application of any person owning, harboring or maintaining more than three (3) dogs must be accompanied by the written consent of at least 75% of all the persons in possession of the premises within a radius of 300' of the premises upon which said kennel is to be maintained.

b) The application shall state the name and address of the owner where the kennel is to be kept and the number of dogs.

c) The issuance of a kennel license shall not obviate the necessity of obtaining an individual dog license, nor shall any of the provisions thereof be deemed to vary or alter any of the zoning regulations of the City.

d) All applications for a kennel license shall be accompanied by a fee in an amount as determined by resolution of the City Council.

e) Kennel licenses must be renewed annually and such application must meet all of the requirements of this section each year.

SECTION 8. MAINTENANCE OF LIVESTOCK: No person shall keep, harbor or maintain any livestock within the City of Idaho City unless such person provides a minimum of one-half (1/2) acre per head of livestock, dedicated to such keeping, harboring or maintaining.

1) Any livestock which physically remains within the City for a period in excess of 24 hours, shall be deemed to be kept, harbored or maintained.

2) This section shall not apply to the Chief of Police of Idaho City, the Sheriff of Boise County, any brand inspector of the State of Idaho, or any veterinarian performing any duties required by Title 25, Idaho Code, or this Ordinance.

SECTION 9. DISEASE CONTROL:

a) Rabies: It shall be unlawful for any person to own, keep or harbor any dog afflicted with rabies.

b) Diseased Livestock: Any person who owns, keeps or harbors any livestock shall comply with the provisions of Title 25, Idaho Code.

SECTION 10. NUISANCE: It shall be unlawful for the owner of any animal to fail to exercise proper care and control of such animal and failing to prevent such animal from becoming a public nuisance. Excessive or continuous barking, molesting passers-by, chasing vehicles, habitually attacking other domestic animals, trespassing upon public or private property, causing damage to the property of another, or by trampling or eating the bushes, gardens or vegetation of another, are acts which are deemed to be a nuisance per se.

It shall be unlawful for any owner to fail to provide an animal with sufficient, good and wholesome food and water, proper shelter and protection, veterinary care, when needed to prevent suffering, and humane care and treatment.

SECTION 11. CITY POUND. The City Council is hereby authorized to establish a City pound within or without the City or to arrange for pound services with the Idaho Humane Society or a governmental entity within the State of Idaho for the impounding

and care of stray animals. The purpose of said pound being to keep and dispose of any animals impounded according to the provisions of this Ordinance or State law.

SECTION 12. IMPOUNDMENT, INTERFERENCE UNLAWFUL: The City Police Officers or Animal Control Officers as designated by the City Council are hereby authorized to seize and impound any animal within the City limits which is not under positive control or is abandoned or a dog which is not displaying a metal tag indicating licensing. It shall be unlawful for any person to hinder or molest any designated person who may be engaged in seizing, keeping or removing any animal in conformity with the provisions of this Ordinance.

SECTION 13. RECORDS. The Police Department shall keep a record of all animals impounded, which record shall contain a description of the animal, the place where and the date when, taken into custody, or when delivered to the City Pound. The Police Department shall provide a monthly statement to the City Council describing the animals impounded, the place where such animals were impounded, the date when the animals were taken into custody, and the disposition of any such animal.

SECTION 14. ANIMAL CONTROL OFFICERS:

a) The Mayor may designate and employ with the approval of the Mayor and City Council, such person or persons, to act as Animal Control Officers as may be required.

b) When livestock has been impounded, the City Police Officers, Animal Control Officer or other designated person shall comply with the requirements of Chapter 23, Title 25, Idaho Code.

SECTION 15. REDEMPTION-IMPOUNDED ANIMAL: Any animal impounded because it was found running at large, or without a license, may be redeemed by the owner prior to the sale or destruction of such animal, by paying all charges against the same, as provided by Section 16 of this Ordinance.

SECTION 16. FEES; IMPOUNDING:

a) The Animal Control Officer or Chief of Police shall be entitled to charge a fee for seizing or removing, keeping, boarding and selling of any animal which fee shall be, for keeping and selling retained by the City as payment towards the cost and expense incurred by the City in the seizing, removing, keeping, boarding and selling of such animal. The fees which may be charged by the City for impounding, keeping and selling any animal, to be paid upon redemption or sale of such animal shall be as set by the City Council by resolution. Said resolution shall take effect upon

passage by the City Council. The Chief of Police or any designated Animal Control Officer who receives money pursuant to this section shall provide a monthly accounting of all receipts and expenditures to the City Council.

b) In addition to the foregoing, any person redeeming any dog, shall prior to or at the time of the redemption, take out a license for the same, unless such dog shall already have a license for the calendar year; and any person purchasing a dog at any sale herein provided for, shall promptly take out a license for same. The owner of any unlicensed dog which is impounded and subsequently redeemed by that owner, shall be required to pay, in addition to the license fee, a civil penalty in an amount as established by resolution of the City Council. A fraction of a day shall be deemed a full day and any portion of a day in excess of any multiple of twenty four (24) hours, shall be deemed a day.

SECTION 17. SALE; NOTICE:

a) Dogs: Within 24 hours, excluding Saturday and Sunday and Holidays, after any dog shall have been impounded, the Chief of Police or Animal Control Officer shall give notice of impounding and of the impending sale by posting a notice at the police headquarters, at the pound, and to the owner, if known, describing the animal impounded, and notifying the owner to pay the charges thereon, and remove same prior to the time fixed for the sale thereof; and that, otherwise, the animal will be sold at a public sale at a time and place named in said Notice which time shall be not less than five (5) days from the date of posting such Notices, excluding Saturday, Sunday and Holidays.

b) Livestock: All notices regarding the sale of stray or impounded livestock shall be in accordance with the provisions of Chapter 23, Title 25, Idaho Code.

SECTION 18. MAINTENANCE OF LIVESTOCK:

a) DISEASED DOG; DESTRUCTION: Any dog impounded hereunder and suffering from serious injury or disease, may be humanely destroyed at the discretion of the Chief of Police or Animal Control Officer.

b) Livestock Disposition: Any livestock impounded hereunder and suffering from serious injury or disease shall be disposed of in accordance with the provisions of Title 25, Idaho Code. The Animal Control Officer, Chief of Police or other designated person shall comply with all of the disease control reporting requirements of such Title.

SECTION 19. SALES; BIDS; TITLE: The sales herein provided for shall be for cash to the person making the highest bid, at or above the charges incurred by the City against said animal. In the event there be no bid at or above said charges the Chief of Police or Animal Control Officer may destroy any such animal offered for sale. The purchaser at such sale, had after notices herein provided for, shall acquire absolute title to the animal purchased.

SECTION 21. CIVIL REMEDIES: The City Council shall be entitled to enforce any of the provisions of this Ordinance through any civil remedies available at law or equity. These remedies shall include, but not be limited to, injunctions, restraining orders, writs of mandate, and damage awards. These remedies shall be in addition to, and not exclusive of, any criminal remedies available under Section 20 of this Ordinance.

SECTION 22. This Ordinance shall be in full force and effect upon the signing, approval and publication as required by law.

Adopted and approved this 25th day of APRIL, 1995, 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 Barkell, Idaho City Clerk

ORDINANCE NO. 243
Page 8 of 1

ORDINANCE NO. 242

AN ORDINANCE REPEALING THE REQUIREMENTS OF THE CITY SEWER LINE BEING WITHIN THREE HUNDREDS (300) FEET OF THE PROPERTY LINE OF PROPERTY WITHIN THE CITY LIMITS IN ORDER TO REQUIRE AN OWNER TO CONNECT TO THE CITY SEWER SYSTEM.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF IDAHO CITY, IDAHO, Section 11 of Ordinance No. 183 of the City of Idaho City, Idaho, is hereby amended as follows:

The following clause is removed from said Section:

"..., provided, however, that said sewer is within three hundred feet (300') of any property line of the building to be served or common property line in a multiple building development."

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 February, 19 95, and signed by the Mayor of the City of Idaho City.

ATTEST:

APPROVED:


LESLIE A. BARKELL CITY CLERK


PAT CAMPBELL MAYOR