

ORDINANCE # 272
APPROPRIATION ORDINANCE AMENDMENT
1997-98 FISCAL YEAR

AN ORDINANCE OF THE CITY OF IDAHO CITY, IDAHO, AMENDING ORDINANCE NO. 262, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1997, AND ENDING SEPTEMBER 30, 1998: APPROPRIATING ADDITIONAL MONIES THAT WERE RECEIVED BY THE CITY OF IDAHO CITY, IDAHO IN THE SUM OF \$108,613.00 AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Ordinance No. 262, the appropriation ordinance for the City of Idaho City, Idaho for the fiscal year commencing October 1, 1997, and ending September 30, 1998, be and the same is hereby amended as follows:

That the additional sum of \$21,188.00 be appropriated out of the revenues from the General Fund to be used for authorized and necessary activities.

That the additional sum of \$87,425.00 be appropriated out of revenues from the Firestation Grant Fund to be used for authorized and necessary activities

SECTION 2. This ordinance shall be in full force and effect from and after its passage, approval and publication the Idaho World; the official newspaper of said city.

APPROVED: 25 Sept 98

Thomas D. Corum
Thomas D. Corum, Mayor

ATTEST:

Beth A. Wilson
Beth A. Wilson, City Clerk

PUBLISHED: September 30, 1998.

**ORDINANCE # 271
ANNUAL APPROPRIATION ORDINANCE
1998-99 FISCAL YEAR**

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1998, APPROPRIATING THE SUM OF \$395,157.00 FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSED FOR WHICH SAID APPROPRIATION IS MADE.

Be it ordained by the Mayor and the City Council of the City of Idaho City, Boise County, and Idaho.

Section 1: That the sum of \$395,157.00 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, 1998.

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 FUND:

Administration	\$12,015
Legal	\$2,000
Professional Services	\$500
Other Government	\$69,382
Tort Insurance	\$12,125
State & Federal Grants	\$32,888

STREET:

Administration	\$8,598
Maintenance	\$3,500
Lights	\$3,000
Other Expenses	\$10,754

SEWER DEPT:

Administration	\$48,020
Repairs/Maintenance	\$6,000
Professional Services	\$8,600
Other Expenses	\$17,750
Bond & Interest	\$16,400

LAW ENFORCEMENT:

Administration	\$44,680
Other Expenses	\$16,620

FIRE DEPT:

Administration	\$1,025
Other Expenses	\$3,750

WATER DEPT:

Administration	\$63,379
Repairs/Maintenance	\$6,000
Professional Services	\$8,600
Other Expenses	\$25,121
Bonds & Interest	\$16,400
Capital Outlay	\$12,000

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, 1998.

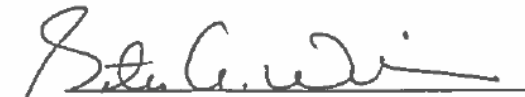
Section 4: All Ordinances and parts of ordinances in conflict with this ordinance are here by repealed.

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:


Thomas D. Corum, Mayor

ATTEST:


Beth A. Wilson, City Clerk

PUBLISHED: September 23, 1998

CITY OF IDAHO CITY, IDAHO

ORDINANCE NO. 270

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A HISTORIC PRESERVATION DISTRICT IN IDAHO CITY; DEFINING CERTAIN TERMS; PROVIDING REGULATIONS FOR THE HISTORIC PRESERVATION DISTRICT; PROVIDING FOR APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS; PROVIDING FOR CONTINUANCE OF EXISTING EXTERNAL APPEARANCES, OCCUPANCY AND USES; PROVIDING FOR COMPLAINTS REGARDING VIOLATIONS AND PENALTIES; PROVIDING FOR APPEALS AND VARIANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Title.

This ordinance shall be known as the Historical Preservation Ordinance of Idaho City, Idaho.

Section 2. Authority.

This ordinance is adopted pursuant to authority granted by Title 67, Chapter 46, Idaho Code, and Ordinance No. 195 of the City of Idaho City.

Section 3. Purpose.

For the purpose of promoting the historic, educational, cultural, economic and general welfare of the people of Idaho City and all of Idaho through the preservation, restoration and protection of buildings, structures and appurtenances, sites, places and elements of historic interest within the area of Idaho City a historic district is hereby established by the City Council and Mayor of Idaho City. The boundaries of the historic district shall be as described in Exhibit A attached hereto.

ORDINANCE NO. 270

Section 4. Interpretation of Terms or Words.

Certain terms or words used herein shall be interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual;
- b. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular;
- c. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement;
- d. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied"; and
- e. The word "lot" includes the words "plot", "parcel" and "tract".

Section 5. Meaning of Terms or Words.

- a. Building: Any structure having a roof supported by columns or walls, and designed or intended for shelter, support, enclosure or protection of persons, animals or chattels.
- b. Commission: Idaho City Historic Preservation Commission.
- c. Exterior features: The architectural style, general design and general arrangement of the exterior of a building or structure, including the roof color, the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures.
- d. Exterior features (Outdoor advertising signs): The style, material, size and location of all such signs.
- e. The historic district: The historic district established in Section 3 of this ordinance.
- f. Historic preservation: The research, protection, restoration and rehabilitation of buildings, structures, landmarks, signs, appurtenances, objects, districts, areas and sites significant in the history, architecture, archeology, education or culture of the city, state or nation.
- g. Person-in-charge: The person or persons owning, or a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any person directly or indirectly in control of a lot located in the historic district.
- h. Structure: Anything constructed or erected, which requires location on the ground or

attached to something having location on the ground.

i. Mobile home: A vehicle designed to be used for human habitation, including a motor home, a travel trailer or a trailer house.

j. Use: The purpose for which land or a building therein is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

Section 6. Regulations and Approval Required:

a. Certificate of appropriateness required.

Certificates of appropriateness shall be required as provided in Idaho Code §§ 67-4608 and 67-4609.

All plans, elevations, roof colors, materials, textures and such other information deemed necessary by the Commission to determine the appropriateness of the exterior features, buildings, or structures, placed on property within the historic district, shall be made available to it by the applicant for a certificate of appropriateness.

The Commission shall review all plans submitted to it and shall approve those for exterior features which are in conformity with the design guidelines adopted by the City Council by resolution.

b. Road and street signs and lighting. Sign lettering should be consistent with the design guidelines adopted by the City Council.

c. Conservation of existing trees, shrubs and other landscaping. Retention of the trees, shrubs and other landscaping presently within the historic district is encouraged.

d. Mobile homes. No mobile home may be moved into the historic district after the effective date of this ordinance. Any mobile home existing within the historic district on the effective date of this ordinance may not be moved to another location within the historic district and may not be altered unless it is brought into compliance with the design guidelines adopted by the City Council.

e. Dry grass, weeds, dead brush and rubbish abatement. The person-in-charge of each lot within the historic district shall comply with all applicable regulations pertaining to removal of dry grass, weeds, dead brush and rubbish.

Section 7. Maintenance and Repair.

The person-in-charge of a building, structure, area or site within the historic district shall not permit the building, structure, area or site, to fall into a state of disrepair which may result in the deterioration of any exterior feature so as to produce or tend to produce, in the judgment of the Commission, a detrimental effect upon the character of the historic district as a whole or the life and character of a building or structure in the historic district. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior feature of a building or property that does not involve a change in design, building material, or outer appearance thereof, which is not inconsistent with the historic atmosphere of the historic district, nor to prevent the construction, reconstruction, alteration, demolition or removal of any feature when the demolition or removal is required for public safety because of unsafe or dangerous conditions, or for structural preservation.

Section 8. Continuance of Existing External Features, Occupancy and Uses.

Nothing in this ordinance shall affect the external features or prevent the continuance of the existing occupancy or existing lawful use of any structure as it existed on the effective date of this ordinance.

Section 9. Certificate of Appropriateness.

a. Contents of application. An application for a certificate of appropriateness shall be signed by the person-in-charge of the property involved attesting to the truth and exactness of all information supplied on the application. In addition to any other information required by the city in applying for a building permit, the application for a certificate of appropriateness shall contain the following information:

- (1) Name, address, and phone number of the applicant.
- (2) Location of the lot involved.
- (3) Existing use and proposed use of the lot involved.
- (4) A plan of the project proposed in the application. The plan shall be drawn to scale showing actual dimensions and the shape of the lot involved.
- (5) Proposed architectural design, including elevations.
- (6) Proposed landscaping.

(7) Proposed construction materials for exterior features.

b. Approval of application. Within thirty (30) days after the receipt of an application, the Commission shall either approve or disapprove the application in conformance with the provisions of this ordinance. All certificates shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Commission after the Commission has marked the copy either as approved or disapproved and attested to by the signature of the chairman of the Commission on the copy. One (1) copy of plans, similarly marked, shall be retained by the Commission. The Commission shall issue a placard, to be posted in a conspicuous place on the lot involved, attesting to the fact that the use or alteration is in conformance with these provisions.

c. Expiration of certificate. If the work described in any certificate of appropriateness has not begun within one (1) year from the date of issuance thereof, the certificate shall expire, and it shall be rescinded by the Commission, and written notice thereof shall be given to the persons affected.

d. Record of certificates of appropriateness. The Commission shall maintain a record of all certificates of appropriateness it approves and shall furnish copies upon request to any person.

e. Failure to obtain a certificate. Failure to obtain a certificate of appropriateness as required in this ordinance shall be in violation of this ordinance.

f. Construction and use to be as provided in applications, plans and certificates. Certificates of appropriateness issued on the basis of plans and applications approved by the Commission authorize only the construction and uses set forth in the approved plans and applications or amendments thereto, and no other.

Section 10. Complaints Regarding Violations.

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person living in the historic district or who is the person-in-charge of a lot in the historic district may file a written complaint with the Commission. A complaint shall state fully the causes and basis upon which it is based. The Commission shall place the complaint in its records and shall immediately investigate and recommend that the City Council take action on the complaint as provided in this ordinance.

Section 11. Penalties.

Allowing deterioration by willful neglect of any lot, building, or structure within the historic district, failing to comply with this ordinance, or violating this ordinance shall constitute a misdemeanor. Each day a violation continues shall be considered a separate offense. The landowner, 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. Nothing in this ordinance shall prevent the City Council or any other public official or private citizen from taking any lawful action as is necessary to restrain or prevent any deterioration within the historic district by willful neglect or any violation of this ordinance.

Section 12. Appeals.

a. General. The City Council shall consider administrative appeals where it is alleged that an error has been made by the Commission in considering any application for a certificate of appropriateness or variances from the terms of this ordinance.

b. Administrative Appeals. Appeals to the City Council concerning interpretation or administration of these provisions may be taken by any person aggrieved by any decision of the Commission. Any appeal from a decision or action of the Commission shall be taken within twenty (20) days after the decision of action by filing with the Commission and with the City Council a notice of appeal specifying the grounds upon which the appeal is being taken. The Commission shall transmit to the City Council all the papers constituting the record upon which the appeal is based.

c. Stay of proceedings. An appeal stays all proceedings in furtherance of the action taken unless the Commission certifies to the City Council after the notice of appeal is filed with it that by reason of facts stated in the application, a stay would, in its opinion, cause imminent peril to life and property within the historic district. In this case, proceedings shall not be stayed other than by a restraining order which may be granted by the City Council or by a court based upon an application, with notice to the Commission showing due cause.

d. Procedure on appeal. Upon receipt of an appeal from the action of the Commission, the City Council shall set a hearing date to consider all information, testimony and Commission's minutes to reach a decision to uphold conditionally uphold or overrule the action of the

Commission. The City Council may overrule the Commission only by a favorable vote of one-half (1/2) plus one (1) of the full Council.

Section 13. Variances.

a. Authorized. The Commission may authorize in specific cases such variance from the terms of this ordinance as will not be contrary to the historic preservation of the historic district, where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming condition of neighboring lands, structures or buildings in the historic district shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

b. Application and standards for variances. A variance from the terms of these provisions shall not be granted by the Commission unless and until a written application for a variance is submitted to the Commission containing:

(1) Name, address, and phone number of applicant.

(2) Location of the lot involved.

(3) Description of nature of variance requested.

(4) A narrative statement demonstrating that the requested variance conforms to the following standards:

(a) That special conditions and circumstances exist which are peculiar to the lot structure or building involved and which are not applicable to other lots, structures or buildings in the historic district;

(b) That a literal interpretation of these provisions would deprive the applicant of rights commonly enjoyed by other properties in the historic district under the terms of this ordinance;

(c) That special conditions and circumstances do not result from the actions of the applicant;

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by these provisions to other lots, structures or buildings in the historic district.

A variance shall not be granted unless the Commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant.

c. Public hearing. Upon receipt of the application for a variance, the Commission shall hold a public hearing, publish notice in a newspaper and give written notice to all adjacent property owners and to the applicant. The applicant shall pay all direct costs for publication incurred by the City.

d. Action by commission. Within thirty (30) days after the public hearing the Commission shall approve, conditionally approve or disapprove the request for a variance.

Upon granting or denying an application the Commission shall specify:

- (1) The standards used in evaluating the application;
- (2) The reasons for approval or denial;
- (3) The actions, if any, that the applicant could take to obtain a variance.

The applicant or any affected person who appeared in person or in writing before the Commission may appeal the decision of the Commission to the City Council, provided the appeal is submitted to the Council within fifteen (15) days from the Commission's action. The procedure on such appeal shall be as provided in Section 12(d) herein above.

e. Notification to applicant. Within ten (10) days after a decision has been rendered, the Commission shall provide the applicant with written notice of the action on the request.

Section 14. Severability.

In the event any portion of this ordinance or part thereof shall be determined by any court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions hereunder or parts thereof, shall remain in full force and effect, and shall in no way be affected, impaired or invalidated thereby.

Section 15. Effective Date.

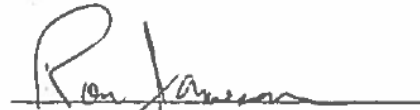
This ordinance shall be in full force and effect from and after its passage, approval and publication hereof.

PASSED by the Council of the City of Idaho City, Idaho, this 8th day of September, 1998.

APPROVED:

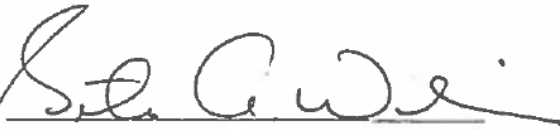


THOMAS D. CORUM, MAYOR



RON JAMESON, CHAIRMAN

ATTEST:



BETH A. WILSON, CITY CLERK

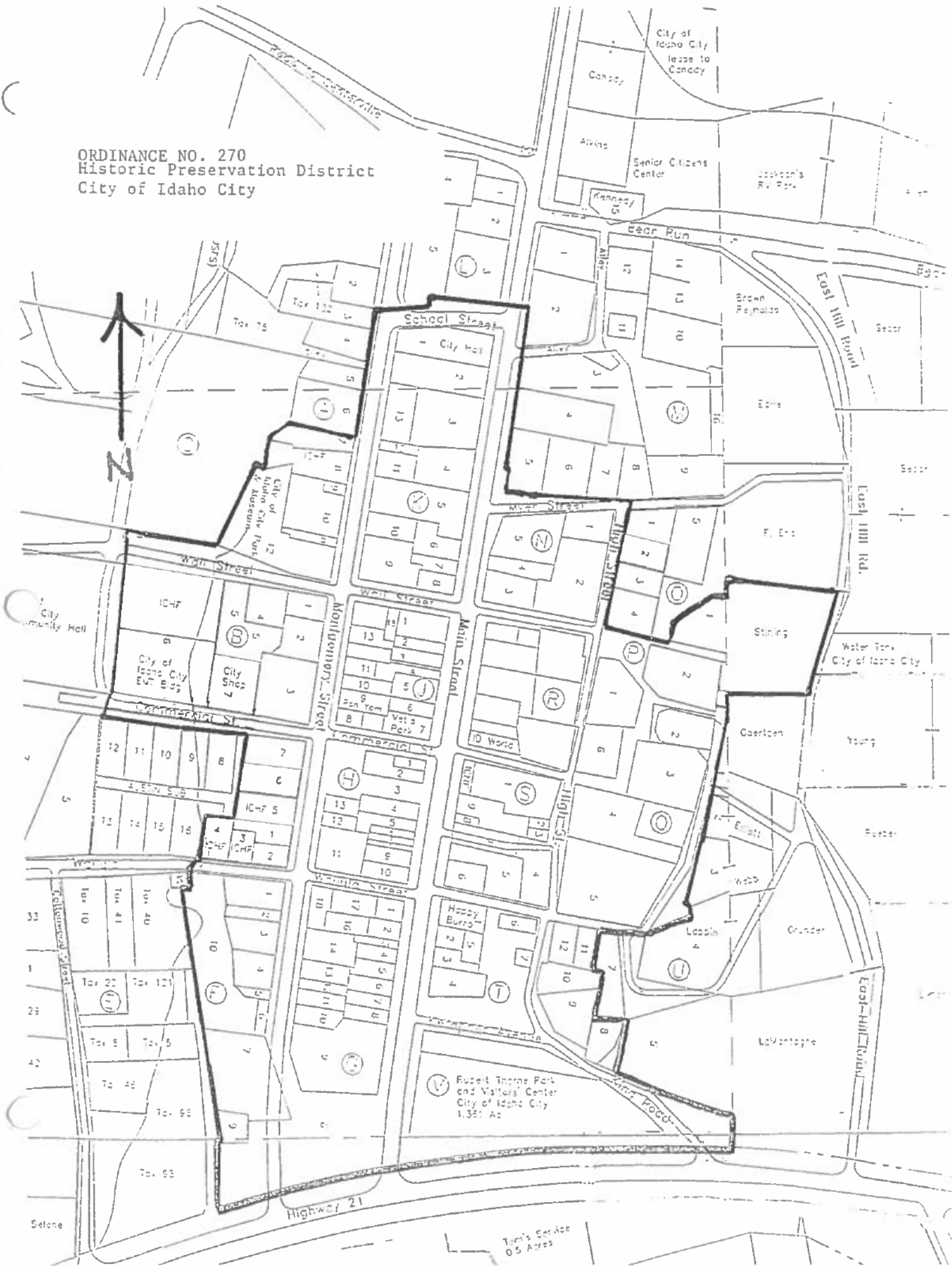
ORDINANCE NO. 270

Exhibit A

Beginning at the corner of Highway 21 and the east side of Montgomery Street and commencing easterly along the north right-of-way of Highway 21 to a point on the right-of-way due south of the SE corner of the Idaho City original townsite; thence north to the SE corner of the original townsite; thence in a northerly direction along the east boundary of the original townsite to the SE corner of Lot 5 Block U; thence northwesterly along the south boundary of Lot 5, Block U (also being the north side of King Road) to a point lying 37 feet from the SE corner of Lot 8, Block U; thence N 17° E 88 feet more or less to the NE corner of Lot 8, Block U; thence in a westerly direction along the North boundary of Lot 8 to the NW corner of Lot 8; thence in a northerly direction along the west boundary of Lots 7, Block U to Wallula Street; thence, following the south and east side of Wallula Street (also being the north and west side of Lots 1,2,3,4,6 and 7, Block U) to the north corner of Lot 1, Block U lying on the east boundary of the original townsite; thence northerly along the east boundary of the original townsite (said line also being the east side of Lot 3, Block P) to the SW corner of Parcel No. 7852 (known as the Stirling residence); thence easterly to the SE corner of Parcel 7852; thence northerly to the NE corner of Parcel 7852; thence westerly to the NW corner of Parcel 7852, a point lying on the east boundary of the original townsite; thence south along the east boundary of the original townsite to the NE corner of Lot 1, Block P; thence westerly and southerly along the boundaries of said Lot 1, Block P to its SW corner; thence westerly along the north boundary of the alley therein located to its intersection with the easterly boundary of High Street; thence north along the east side of High Street to its intersection point with Myer Street; thence north to the north side of Myer Street; thence westerly along the north side of Myers Street to its intersection point with the east side of Main Street; thence north along the east side of Main Street to a point of intersection with the projection of the north side of School Street; thence west across Main Street to the NE corner of School Street; thence west along the north side of School Street to its intersection point with Montgomery Street; thence west across Montgomery Street to the west side of Montgomery Street; thence southerly along the west side of Montgomery Street to the NE corner of Lot 7, Block A; thence westerly along the north boundary to the NW corner of Lot 7, Block A; thence southerly along the west boundaries of Lots 7 and 8, Block A (encompassing the Idaho City Historical Foundation park property) to the SW corner of Lot 8, Block A; thence westerly and southerly along the boundaries of Lot 12, Block A (encompassing the Idaho City Historical Foundation park and museum property) to the SW corner of Lot 12, Block A on the north side of Wall Street; thence westerly along the north side of Wall Street to a point due north of the NW corner of Lot 6, Block B (known as the Idaho City Historical Foundation's Territorial Penitentiary property); thence south crossing Wall Street to the NW corner of Lot 6, Block B; thence southerly along the west boundary of Lot 6, Block B to the SW corner of Lot 6, Block B; thence crossing Commercial Street in a southwesterly direction to the NW corner of Lot 12 of Austin Subdivision, a replat of Block D of the original townsite; thence along the

south side of Commercial street and the north boundaries of Lots 8,9,10,11 and 12 and alleyway within Austin Subdivision to the NW corner of Lot 7, Austin Subdivision; thence southerly along the west boundary of Lots 5, 6 and 7 to the NE corner of Lot 4; thence westerly along the north boundary of Lot 4 to the NW corner of Lot 4; thence southerly along the west boundary of Lot 4 to the SW corner of Lot 4 all within Austin Subdivision; thence crossing Wallula Street in a southwesterly direction to the NW corner of Lot 10, Block F of the original townsite; thence southerly along the west boundary of Lots 7, 9 and 10, Block F to the SW corner of Lot 9, Block F; thence south to the north right-of-way of Highway 21; thence easterly along the north right-of-way of Highway 21 to the east side of Montgomery Street and the Point of Beginning.

ORDINANCE NO. 270
Historic Preservation District
City of Idaho City



ORDINANCE NO. 269

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CORPORATE LIMITS OF IDAHO CITY, WHICH LANDS ARE LOCATED IN BOISE COUNTY, IDAHO, AND PROVIDING AN EFFECTIVE DATE THEREFORE

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

SECTION 1: That the lands and territory describe in Exhibit "A", attached hereto, which lie contiguous and adjacent to the corporate limits of Idaho City and of which the record owners have requested annexation be, and the same are hereby, annexed to the corporate limits of Idaho City, and by such annexation of said territory and all lands included therein, are hereby annexed and included within the territorial limits of the City of Idaho City.

SECTION 2: That from and after the effective date of this ordinance, all property included within the boundaries of the territory described in Section 1 hereof, and annexed to Idaho City as provided by Section 1, and all persons residing therein, shall be subject to all statutes pertaining to Idaho City and all ordinances, police regulations, taxation, and other powers of Idaho City, and all persons within the said territories annexed shall be and are entitled to all the rights and benefits as are other persons residing within the corporate limits of Idaho City.

SECTION 3: The City Clerk of Idaho City is hereby directed to file immediately after the passage and approval hereof a copy of this ordinance with the State Tax Commission and a copy with the County Recorder of Boise County, as provided by Section 63-2215 and 50-223, 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.

Adopted and approved this 23rd day of June, 1998, and signed by the Mayor of the City of Idaho City and the Chairman of the City Council.



Thomas D. Corum, Mayor
City of Idaho City, Idaho



Ron Jameson, Chairman
Idaho City Council

ATTEST:

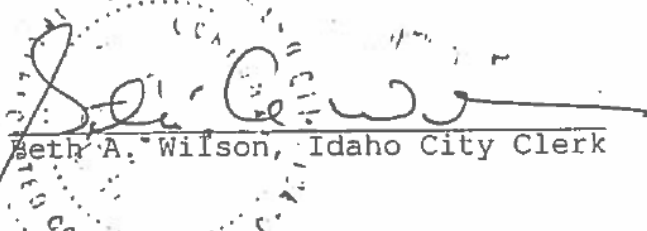

Beth A. Wilson, Idaho City Clerk

EXHIBIT "A"

CEMETERY PROPERTY/DOG POUND:

Lot Eleven of Section 26 and the East half of the Southeast Quarter of the Northeast Quarter of Section 27 and those portions of Sections 26 and 27, Township 6 North Range 5 East of the Boise Meridian, Boise County, Idaho more particularly described as follows:

Beginning at the North one-sixteenth section corner common to Sections 26 and 27, monumented with an iron pipe, 2 ½ inches in diameter and USDI Bureau of Land Management brass cap;

Thence N89°18'12"W for a distance of 647.49 feet to the Center East Northeast one-sixty-fourth section corner of section 27, monumented with an iron pipe, 2 ½ inches in diameter, and USDI Bureau of Land Management brass cap;

Thence N0°42'46"E 153.72 feet to Angle Point No.1, monumented with an aluminum pipe, 1 inch in diameter and USDA Forest Service aluminum cap;

Thence S 89°22'00"E 399.28 feet to angle Point No. 2, monumented with an aluminum pipe, 1 inch in diameter and USDA Forest Service aluminum cap;

Thence S0°44'38"W 53.83 feet to Angle Point No. 3, monumented with an aluminum pipe, 1 inch in diameter, and USDA Forest Service aluminum cap;

Thence S89°20'34"E 446.18 feet to Angle Point No. 4, monumented with an aluminum pipe, 1 inch in diameter, and USDA Forest Service aluminum cap;

Thence S0°44'17"W 92.42 feet to the North one-sixteenth section line of Section 26, monumented with an aluminum pipe, 1 inch in diameter, and USDA Forest Service aluminum cap;

Thence S88°19'22"W 198.07 to the point of beginning.

Excepting therefrom the following parcels of land:

Parcel One:

The South 160 feet of the East half of the Southeast Quarter of the Northeast Quarter of Section 27 Township 6 North Range 5 East of the Boise Meridian.

Parcels Two and Three:

Those parcels of land previously annexed as City Surplus Property Lots 1 and 2 in Ordinance No. 259

Parcel Four (County Shop Property):

A tract of land situated in the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 26, Township 6 North, Range 5 east, Boise Meridian, Boise County, Idaho described as follows:

Commencing at a brass cap monumenting the West $\frac{1}{4}$ corner of said Section 26, said brass cap being the REAL POINT OF BEGINNING.

Thence N00°00'34"E a distance of 328.69 feet to a steel pin;
Thence N89°09'56"E a distance of 528.84 feet to a steel pin;
Thence S28°20'52"W a distance of 376.44 feet to a steel pin;
Thence S89°10'00"W a distance of 350.13 feet to the REAL POINT OF BEGINNING.

CITY SEWER PLANT PROPERTY:

Parcels of land in Mineral Survey No. 1483, Boise County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of Section 26, Township 6 North, Range 5 East of the Boise Meridian, said point being southeasterly of the highway center line approximately 240 feet, thence S03°36'E 669.23 feet to the REAL PLACE OF BEGINNING;
Thence S60°19'53"W 450.0 feet to a point;
Thence N29°31'30"W 275.0 feet to a point;
Thence N60°19'53"E 450.0 feet to a point;
Thence S29°31'30"E 275.0 feet to the REAL PLACE OF BEGINNING.

AND

Commencing at the Southwest corner of Section 26, Township 6 north, Range 5 east of the Boise Meridian said point being southeasterly of the highway center line approximately 240 feet, thence S54°39'W 294.13 feet to the REAL PLACE OF BEGINNING;

Thence N60°28'30"E 1000.0 feet to a point;
Thence S29°31'30"E 569.53 feet to a point;
Thence S60°19'53"W 275.0 feet to a point;
Thence N29°31'30"W 350.0 feet to a point;
Thence S60°19'53"W 750.0 feet to a point;
Thence N29°31'30"W 222.04 feet to the REAL PLACE OF BEGINNING.

AND

Commencing at the Southwest corner of Section 26, Township 6 north, Range 5 east of the Boise Meridian said point being southeasterly of the highway center line approximately 240 feet, thence S54°39'W 294.13 feet to a point; thence S 29° 31'30"E 222.04 feet to the REAL PLACE OF BEGINNING;

Thence S 29° 31'30"E 350.0 feet to a point;

Thence N60°19'53"E 750.0 feet to a point;

Thence N29° 31'30"W 350.0 feet to a point;

Thence S60°19'53"W 750.0 feet to the REAL PLACE OF BEGINNING.

IDAHO CITY RECREATION AREA (BLM LAND/IDAHO CITY LEASE):

Lots 10, 13 and 14 and the Northeast ¼ of the Southeast ¼ of Section 26 Township 6 North Range 5 East of the Boise Meridian, Boise County, Idaho.

FRED CARLSON PARCEL:

Lot 4, S½SW¼NW¼ and NW¼SW¼ Section 25 Township 6 North Range 5 East of the Boise Meridian, Boise County, Idaho.

CITY OF IDAHO CITY
SUMMARY OF ORDINANCE NO. 268
REGULATION OF DOGS AND LIVESTOCK

Ordinance No. 268 of the City of Idaho City, Idaho, Repeals Ordinance Nos. 164, 205 and 243. Ordinance No. 268 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 record keeping 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. 268 is upon its passage by the City Council and its publication as provided by law.

The full text of Ordinance No. 268 is on file in the City Hall and is available for inspection and copying during normal working hours.

ORDINANCE NO. 268

AN ORDINANCE REPEALING ORDINANCE NOS. 164, 205 and 243 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, 205 and 243 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.

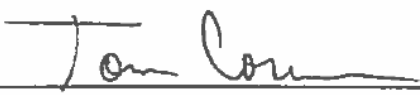
SECTION 19. SALES; BIDS; TITLE: The sales herein provided for shall be for cash to the person making the highest bid, at or above the charges incurred by the City against said animal. In the event there be no bid at or above said charges the Chief of Police or Animal Control Officer may destroy any such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

SECTION 20. VIOLATIONS; PENALTY: Any person, firm, company, corporation, or association violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding \$300.00, or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

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 9th day of June, 1998, and signed by the Mayor of the City of Idaho City and the Chairman of the City Council.



Tom Corum, Mayor
City of Idaho City, Idaho

ATTEST:



Beth Wilson, Idaho City Clerk