

ORDINANCE NO. 318

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, AMENDING CHAPTER 2, TITLE 3 OF THE IDAHO CITY CODE, CHANGING THE RENEWAL DATES FOR ALCOHOL LICENSES, RESTRICTING CONDUCT ON LICENSED PREMISES, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council has determined that the sale of alcoholic beverages within the city limits should be regulated in order to protect the health, safety and welfare of the citizens of Idaho City and visitors to Idaho City,

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

That Chapter 2, Title 3 of the Idaho City Code is hereby amended as follows:

3-2-5: LICENSE; FEE; TERM; RENEWAL:

The license fee imposed and collected shall be established by resolution adopted by the Council. ~~for each license year, which license year shall be from January 1 to December 31; provided, however,~~ All licenses issued pursuant to the provisions of this chapter shall expire at one o'clock (1:00) A.M. on the first day of a designated renewal month for Idaho City, to be determined by the director of the Idaho state police pursuant to Idaho Code, chapter 9, title 23 as it may from time to time be amended and/or retitled. [I]f the license is issued for less than a full calendar year, the license fee shall be prorated on a daily basis, as of the day of actual issuance.

3-2-6: PREMISES REQUIREMENTS:

Every licensee must conform to all regulations and laws of the State and the provisions of this Chapter. Full and unobstructed view of premises where liquor by the drink is sold shall always be maintained by said licensee. All premises shall be adequately lighted.

Every licensee, licensed under the terms of this Chapter, shall at all times conduct the licensed premises in a quiet and orderly manner and shall not permit or allow any boisterous or disorderly conduct on or about such premises.

EFFECTIVE DATE:

That this ordinance shall be in full force and effect upon passage, approval and publication according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 23rd day of October, 2007.

APPROVED BY THE MAYOR of the City of Idaho City this 23rd day of October, 2007.


Phillip J. Canody, Mayor

ATTEST:


Tammy L. Ellsworth, City Clerk

ORDINANCE NO. 317

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 the "ANNEXATION DESCRIPTION", attached hereto, which lie contiguous and adjacent to the corporate limits of Idaho 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.

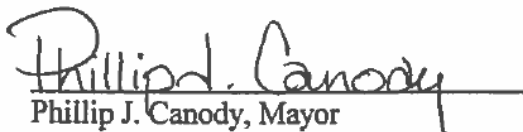
SECTION 3: The City Clerk of Idaho City is hereby directed to file immediately after the passage and approval hereof a copy of this ordinance with the State Tax Commission and a copy with the County Recorder of Boise County, as provided by Section 63-215 and 50-223, Idaho Code.

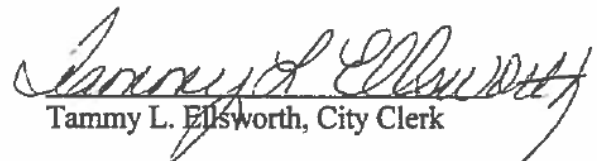
SECTION 4: This Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 23rd day of October, 2007.

APPROVED BY THE MAYOR of the City of Idaho City this 23rd day of October, 2007.

ATTEST:


Phillip J. Canody, Mayor


Tammy L. Ellsworth, City Clerk

Project: 10-07-055
Date: August 27, 2007

ANNEXATION DESCRIPTION

That portion of the Southeast $\frac{1}{4}$ of Section 26, and the Northeast $\frac{1}{4}$ of Section 35, Township 6 North, Range 5 East, Boise Meridian, Boise County, Idaho, and more particularly described as follows:

Commencing at the South $\frac{1}{4}$ Corner of Section 26, thence along the Southerly boundary of Southeast $\frac{1}{4}$ of said Section, North $89^{\circ}19'12''$ East, 1,618.97 feet to a point on the Northerly boundary of the Placer Claim, per BLM mineral survey No. 1541, the POINT OF BEGINNING;

thence along said boundary, North $78^{\circ}36'52''$ West, 380.88 feet to the Southeast corner of Mores Creek Crossing Subdivision, & Easterly boundary of Idaho City, City limits;

thence along the said boundary's, the following 9 courses and distances:

1. North $21^{\circ}24'07''$ East, 397.46 feet;
2. North $26^{\circ}00'53''$ West, 74.72 feet;
3. North $21^{\circ}59'07''$ East, 113.00 feet;
4. North $68^{\circ}00'53''$ West, 144.91 feet;
5. South $76^{\circ}29'07''$ West, 96.93 feet;
6. North $13^{\circ}30'53''$ West, 36.00 feet;
7. Along a curve to the left 239.55 feet, having a radius of 1,525.00 feet, a delta of $09^{\circ}00'00''$, and a long chord which bears North $18^{\circ}00'53''$ West, 239.30 feet;
8. Along a reverse curve to the right 137.44 feet, having a radius of 375.00 feet, tangents of 69.50 feet, a delta of $21^{\circ}00'00''$, and a long chord which bears North $12^{\circ}00'53''$ West, 136.68 feet;
9. North $01^{\circ}30'53''$ West, 13.07 feet;

thence along the Southerly boundary of Idaho City, City limits, the following 3 courses and distances:

1. Along a non tangent curve to the left 255.71 feet, having a radius of 2,914.79 feet, tangents of 127.94 feet, a delta of $5^{\circ}01'35''$, and a long chord which bears North $87^{\circ}47'45''$ East, 255.62 feet;
2. North $85^{\circ}10'55''$ East, 67.04 feet;
3. South $76^{\circ}12'11''$ East, 589.82 feet;

thence South $10^{\circ}04'42''$ East, 222.63 feet;

thence South $06^{\circ}11'46''$ West, 122.73 feet;

thence along a non tangent curve to the right 51.82 feet, having a radius of 185.00 feet, tangents of 26.08 feet, a delta of $16^{\circ}02'54''$, and a long chord which bears South $75^{\circ}20'28''$ East, 51.65 feet;

thence South $19^{\circ}00'28''$ West, 203.20 feet;

thence South $21^{\circ}59'07''$ West, 110.05 feet;

thence South 54°50'45" West, 60.06 feet;

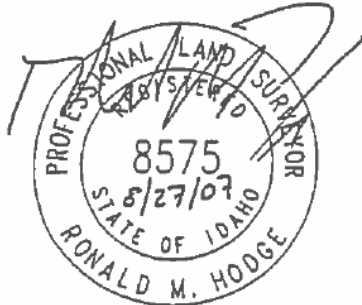
thence South 16°10'12" West, 296.43 feet to the Northerly boundary of the Placer Claim, per BLM mineral survey No. 1541;

thence along said boundary, North 78°36'52" West, 176.50 feet to the POINT OF BEGINNING.

Containing 15.963 acres, more or less.

END OF DESCRIPTION.

Prepared by:
J-U-B Engineers, Inc.
Ronald M. Hodge, P.L.S.



RMH/Tik:JAM

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Colleen Marks, L.S. 7045 • 6405 Ustick Road • Boise, Idaho 83704

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PARCEL A

A parcel of land lying in a portion of the SE1/4 SW1/4 of Section 26, T.6N., R.5E., Boise Meridian, Boise County, Idaho, said parcel being more particularly described as follows:

Commencing at a found Drill Steel marking the S1/16 Corner of said Section 26, T.6N., R.5E., Boise Meridian, Boise County, Idaho; thence S.88°59'38"W. 300.00 feet along the north line of the said SE1/4 SW1/4 of Section 26 to a point, said point bears N.88°59'38"E. 1044.26 feet from a found Brass Cap marking the SW1/16 Corner of said Section 26; thence S.08°44'22"E. 141.50 feet to a found 5/8" iron pin, said pin lying along the southerly right of way of Idaho State Highway 21 and also along a curve to the left; thence along said southerly right of way of Idaho State Highway 21 and along said curve to the left a distance of 289.64 feet, said curve having a delta of 05°53'44", a radius of 2814.79 feet, tangents of 144.95 feet and a long chord of 289.51 feet which bears S.84°04'08"W. to a set 1/2" iron pin, said pin marking the REAL POINT OF BEGINNING;

thence S.07°48'09"E. 121.72 feet to a set 1/2" iron pin;

thence S.51°34'27"W. 44.67 feet to a set 1/2" iron pin;

thence S.07°24'15"E. 98.03 feet to a set 1/2" iron pin;

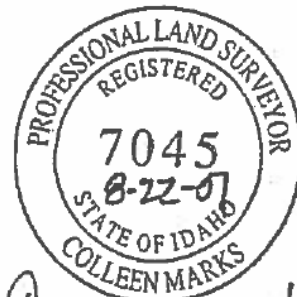
thence S.78°40'40"W. 152.09 feet to a set 1/2" iron pin;

thence N.12°07'55"W. 240.80 feet to a set 1/2" iron pin lying along the said southerly right of way of Idaho State Highway 21 and also marking a point along a curve to the right;

thence along said southerly right of way of Idaho State Highway 21 and along said curve to the right a distance of 209.48 feet, said curve having a delta of 04°15'50", a radius of 2814.79 feet, tangents of 104.79 feet and a long chord of 209.43 feet which bears N.78°59'21"E. to the point of beginning, containing 1.01 acres, more or less.

SUBJECT TO AND/OR TOGETHER WITH:

Any easements and/or rights of way of record or in use.



Colleen Marks

ORDINANCE NO. 316

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, REPEALING TITLE 5, CHAPTER 6 OF THE CITY CODE AND REPLACING IT WITH A NEW TITLE 5, CHAPTER 6, OF THE CITY CODE, REGULATING THE CREATION OF NOISE WITHIN THE CITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council has determined that the generation of noise within the city limits should be regulated in order to protect the health, safety and welfare of the citizens of Idaho City and visitors to Idaho City,

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

That Title 5, Chapter 6 of the Idaho City Code is hereby repealed and shall be replaced with a new Title 5, Chapter 6 to be enacted as follows:

5-6-1: PURPOSE:

The purpose of this article is the protection of the health, safety, and welfare of the residents of the city. It is determined that sound can and does constitute a hazard to the health, safety, welfare, and quality of life of residents of the city. The mayor and council, by way of Idaho Code section 50-308 are empowered to impose reasonable limitations and regulations upon the production of sound to reduce the harmful effect thereof. Now, therefore, it is hereafter the policy of this city to prevent and regulate sound generated by loud amplification devices wherever it is deemed to be harmful to the health, safety, welfare, or quality of life of the residents of the city, and this article shall be liberally construed to effectuate that purpose.

5-6-2: DEFINITIONS:

For the purpose of this article, the following definitions shall apply:

LOUD AMPLIFICATION DEVICE: Any equipment designed or used for sound production, reproduction, or amplification, including, but not limited to, any radio, television, phonograph, musical instrument, stereo, tape player, compact disc player, loudspeaker, public address (PA) system, sound amplifier, or comparable sound broadcasting device.

PERSON: Any individual, association, organization, or entity having legally recognized existence, whether public or private.

PLACE OF RESIDENCE: Any building or portion thereof adapted or used and intended for the overnight accommodation of persons. In the event the building is used for

multiple individual units (i.e., apartment, condominium, hotel, motel, duplex, triplex, etc.), each individual unit shall be considered a separate residence for the purpose of this article.

PLAINLY AUDIBLE: Sound for which the information content is clearly communicated to the listener, including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, comprehensible musical rhythms, melody, or instrumentation, and the source of which is identifiable to the listener.

5-6-3: PUBLIC NOISE PROHIBITED:

Between the hours of eleven o'clock (11:00) P.M. one day and seven o'clock (7:00) A.M. the next day, it shall be unlawful for any person, or business to make, cause, or allow loud or offensive noise by means of voice, musical instrument, horn, radio, loudspeaker, automobile, machinery, other sound amplifying equipment, or any other means which disturbs the peace, quiet, and comfort of any reasonable person of normal sensitiveness residing in the area. "Loud or offensive noise" is that which is plainly audible within any place of residence, business, or restaurants other than the source of the sound, or upon a public right of way or street at a distance of one hundred feet (100') or more from the source of such sound.

5-6-4: LOUD AMPLIFICATION DEVICES UPON OR WITHIN MOTOR VEHICLES PROHIBITED:

It shall be unlawful for any person to operate or permit the operation of any loud amplification device upon or within a motor vehicle in such a manner that the sound therefrom is plainly audible upon a public right of way or street at a distance of fifty feet (50') or more from the source of the sound.

5-6-5: EXCEPTIONS:

The following sounds are exempted from the provisions of this article:

- (1) Sounds caused by an emergency vehicle or personnel when responding to an emergency call or acting in time of emergency.
- (2) Sounds caused by activities upon any municipal, school, religious, or publicly owned property or facility provided that such activities have been authorized by the owner of such property or facility or its agent.
- (3) Sounds caused by parades, fireworks displays, or any other event for which a permit for the activity is required and has been obtained from the authorized governmental entity within such hours as may be imposed as a condition for the issuance of said permit.
- (4) Sounds caused by burglar alarms that are not in violation of this code.

(5) Sounds caused by safety warning devices required by law.

5-6-6: PENALTY:

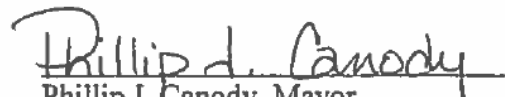
A violation of any provision of this article shall be a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this code.

5-6-7: EFFECTIVE DATE:

That this ordinance shall be in full force and effect upon passage, approval and publication according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 23rd day of October, 2007.

APPROVED BY THE MAYOR of the City of Idaho City this 23rd day of October, 2007.


Phillip J. Canody, Mayor

ATTEST:


Tammy L. Ellsworth, City Clerk