

ORDINANCE NO. 326

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, AMENDING TITLE 5, CHAPTER 4, OF THE CITY CODE, IMPOSING A CURFEW, CREATING EXCEPTIONS THERETO, ESTABLISHING PENALTIES FOR VIOLATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council has determined that the interests of the Citizens of the City of Idaho City would best be served by adoption of a revised curfew ordinance;

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

SECTION 1. That Title 5, Chapter 4, of the Idaho City Code be amended as follows:

**CURFEW**

- 5-4-1: Curfew Imposed
- 5-4-2: Exceptions
- 5-4-3: Penalty

5-4-1: **CURFEW IMPOSED:** It shall be unlawful for any child under the age of eighteen (18) years to be present upon the streets or public places of the City between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. on Sunday through Thursday and twelve o'clock (12:00) midnight and five o'clock (5:00) A.M. on Friday and Saturday when said child is not accompanied by a parent, guardian, or other responsible adult. (Ord. 235, 2-22-1994)

5-4-2: **EXCEPTIONS:** The provisions of this Chapter shall not apply in the following circumstances:

- A. When accompanied by a parent of such child.
- B. When accompanied by an adult, at least twenty-one (21) years of age, who is not the parent and who is authorized by a parent of such child to take said parent's place in accompanying said child for a designated period of time and purpose within a specified area.
- C. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion or freedom of speech.
- D. In case of reasonable necessity for a child remaining on the streets and when returning home from and within one (1) hour after the termination of a church, school or city sponsored activity of a religious or other voluntary association.

E. When engaging in the duties of bona fide employment or traveling directly, without undue delay or detour from home to the place of employment, or from the place of employment to the home.

F. When the child is in a motor vehicle for the purpose of interstate travel, either through, or ending in the City of Idaho City.

G. When the child is seeking or providing emergency assistance to a family member or others. (Ord. 235, 2-22-1994)

**5-4-3: PENALTY:**

A. **First Violation:** When a child is detected in violation of Section 5-4-1 of this Chapter by a law enforcement officer, said law enforcement officer shall detain the child and contact the parents or guardians of the child and turn over the child to the parents or guardians. The law enforcement officer will document that the child has been in violation of this Chapter and cause a copy of such documentation to be given to the parent or guardian.

B. **Second And Subsequent Violations:** If the child is found in violation of the provisions of this Chapter on a second or subsequent occasion within one year of the first violation, such subsequent violations shall subject the child to the provisions of the Youth Rehabilitation Act. (Ord. 235, 2-22-1994)

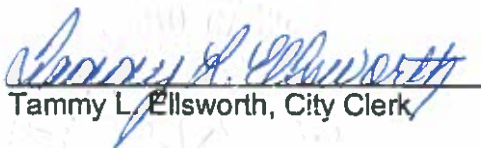
SECTION 2. That this ordinance shall be in full force and effect upon passage, approval and publication according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 22<sup>nd</sup> day of July, 2009.

APPROVED BY THE MAYOR of the City of Idaho City this 22<sup>nd</sup> day of July, 2009.

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James L. Obland, Mayor

ATTEST:

  
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Tammy L. Ellsworth, City Clerk



**ORDINANCE NO. 327**

**AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, AMENDING TITLE 5, CHAPTER 3, SECTION 15 OF THE CITY CODE, IMPOSING AN INFRACTION PENALTY FOR DOG-AT-LARGE VIOLATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, The City Council has determined that the interests of the Citizens of Idaho City would best be served by imposing an infraction penalty for dog-at-large violations;

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

SECTION 1. That Title 5, Chapter 3, Section 15, of the Idaho City Code be amended as follows:

**ANIMAL CONTROL**

5-3-15 **VIOLATION; PENALTY:** Any person violating the provisions of Section 5-3-8 requiring Animals to be Positively Controlled shall be deemed guilty of an infraction, and upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 268, 6-9-1998; amd. 2000 Code) Any other violation of the provisions of this chapter shall be deemed a misdemeanor.

SECTION 2. 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 22<sup>nd</sup> day of July, 2009.

APPROVED BY THE MAYOR of the City of Idaho City this 22<sup>nd</sup> day of July, 2009.

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James L. Obland, Mayor

ATTEST:

  
  
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Tammy L. Ellsworth, City Clerk

ORDINANCE NO. 328  
ANNUAL APPROPRIATION ORDINANCE  
FOR FISCAL YEAR 2009-2010

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, APPROPRIATING THE SUM OF \$2,342,560 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF IDAHO CITY FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE.

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

**SECTION 1.** That the sum of \$2,342,560.00 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, 2009.

**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	\$ 90,198.00
Law Enforcement	86,876.00
Fire Department	9,507.00
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TOTAL GENERAL FUND	\$ 186,581.00
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STREET FUND	36,725.00
SEWER FUND	214,690.00
WATER FUND	1,725,880.00
PARKS & RECREATION FUND	178,684.00
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TOTAL EXPENDITURES	<u>\$ 2,342,560.00</u>

**SECTION 3.** That a general tax levy on all taxable property within the City of Idaho City be levied in an amount allowed by law for the general purposes for said City, for the fiscal year beginning October 1, 2009.

**SECTION 4.** All ordinances and parts of ordinances in conflict with this ordinance are hereby 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.

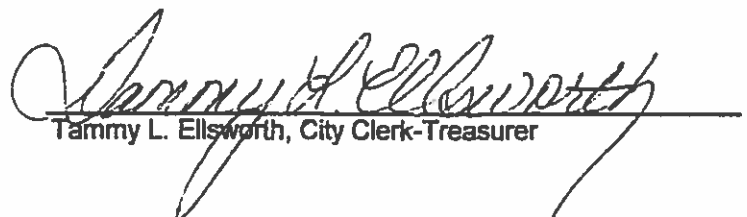
PASSED BY THE COUNCIL of the City of Idaho City this 9th day of September, 2009.

APPROVED BY THE MAYOR OF the City of Idaho City this 9th day of September, 2009.

Publish in The Idaho World September 16, 2009

ATTEST:

  
James L. Obland, Mayor

  
Tammy L. Ellsworth, City Clerk-Treasurer

**COPY**

ORDINANCE NO. 329  
APPROPRIATION ORDINANCE AMENDMENT  
FISCAL YEAR 2008-2009

AN ORDINANCE OF THE CITY OF IDAHO CITY, IDAHO, AMENDING ORDINANCE NO. 323, THE APPROPRIATIONS ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; ACCOUNTING FOR ADDITIONAL REVENUE RECEIVED BY THE CITY OF IDAHO CITY, IDAHO, AND APPROPRIATING THE SAME, IN THE AMOUNT OF \$103,578, AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Ordinance No. 323, the appropriations for the City of Idaho City, Idaho, for the fiscal year commencing October 1, 2008, and ending September 30, 2009, be and the same is hereby amended as follows:

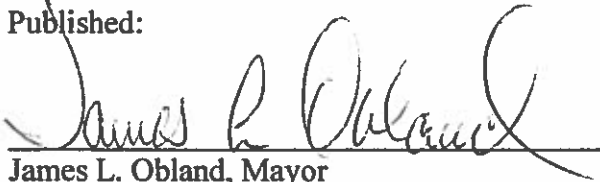
Additional revenue has accrued to the City of Idaho City in the amount of \$103,578 as a result of increases in state or federal grant allocations, increases in enterprise funds to finance the operation and maintenance of governmental facilities which are entirely or predominantly self-supporting by user charges, and/or additional revenue to the City other than as valorem tax revenues.

That the additional sum of \$103,578 be appropriated out of the revenues from the General Fund in the sum of \$16,755, Street Fund in the sum of \$9,448, Sewer Fund in the sum of \$14,835, Water Fund in the sum of \$37,547 and the Parks & Rec. Fund in the sum of \$24,993 to be used for authorized and necessary expenses.

SECTION 2. This ordinance shall be in full force and effect from and after its passage, approval and publication.

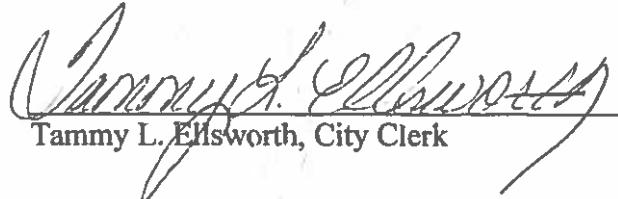
PASSED by the City Council and APPROVED by the Mayor of the City of Idaho City, Idaho, this 23<sup>rd</sup> day of September, 2009.

Published:



James L. Obland, Mayor

ATTEST:



Tammy L. Ellsworth, City Clerk

## **SUMMARY OF ORDINANCE NO. 330**

**A SUMMARY OF IDAHO CITY ORDINANCE NO. 330 ADOPTED BY THE CITY OF IDAHO CITY FEBRUARY 24, 2010, AND EFFECTIVE UPON PUBLICATION.**

**An Ordinance amending Title 9, Chapter 1, Water Regulations, and Title 9, Chapter 2, Sewer Regulations, of the City of Idaho City Code, amending definitions of "Customer" and "Sewer User" to clarify that it is the owner of real property who is responsible for initiating water and sewer service and paying for those services; and adding two new sections identifying the property owner's responsibilities relating to his or her water and sewer service accounts.**

**The full text of Ordinance No. 330 is available at City Hall, 511 Main Street, Idaho City, Idaho, and will be provided to any citizen upon personal request to the City Clerk at (208)392-4584.**

**ORDINANCE NO. 330**

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, WATER REGULATIONS, AND TITLE 9, CHAPTER 2, SEWER REGULATIONS, OF THE CITY OF IDAHO CITY CODE, AMENDING THE DEFINITIONS OF "CUSTOMER" AND "SEWER USER" TO CLARIFY THAT IT IS THE OWNER OF REAL PROPERTY WHO IS RESPONSIBLE FOR INITIATING WATER AND SEWER SERVICE AND PAYING FOR THOSE SERVICES; AND ADDING TWO NEW SECTIONS IDENTIFYING THE PROPERTY OWNER'S RESPONSIBILITIES RELATING TO HIS OR HER WATER AND SEWER SERVICE ACCOUNTS.**

**WHEREAS**, the City Council of Idaho City, Idaho has determined that the best interests of the public would be served by modifying Idaho City's water and sewer ordinances to clarify that it is the owner of real property who is responsible for initiating and maintaining water and sewer service to the property,

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

**SECTION 1.** That Section 9-1-3 (**DEFINITIONS**) is hereby amended to read as follows:

**CUSTOMER:** Any individual, firm, company, association, society, corporation or group owning real property who has applied for, been accepted and is currently connected to the water system for the benefit of that real property.

**SECTION 2.** Section 9-2-3 (**DEFINITIONS**) is hereby amended to read as follows:

**SEWER USER:** Any individual, firm, company, association, society, corporation or group owning real property who has applied for, been accepted and is currently connected to the sewerage system for the benefit of that real property.

**SECTION 3.** Section 9-2-30 (**MONTHLY USER CHARGES**) is hereby amended as follows:

A. Due Date: All monthly sewer charges shall be due and payable from the user to the city clerk within fifteen (15) days of the issuance of the bill for services. (Ord. 297, 1-14-2003)

**SECTION 4.** Section 9-2-31 (**DELINQUENCY NOTICE**) is hereby amended as follows:

A. Deemed Delinquent: Upon the user's failure to pay the monthly charges within fifteen (15) days as prescribed, the sewer bill will be considered delinquent. (Ord. 297, 1-14-2003)

**SECTION 5.** That a new Section, 9-1-27, F, be included in the Idaho City Code as follows:

F. Property Owner Responsible For City Water Service Charges: All real property owners who derive benefit from the city's water system shall, in return for said benefit, pay user charges. Only the property owner, or his duly authorized agent,

may initiate water service. All such service accounts shall be in the name of the owner. From the effective date hereof, each such water service account shall be the responsibility of the owner of the property served by the city water system. Each property owner shall execute such documentation as may be required by the city as a condition of receiving continuing water service. The city may allow the party responsible for payment of such charges on the date of enactment hereof to remain responsible for city water services until an unremedied delinquency occurs or until a new primary payer is proposed. If, after an account is in the name of the owner, the account becomes delinquent such that service is discontinued by the city, no subsequent city water service shall be given at the location that received services until all delinquent city water charges and assessments have been paid in full.

SECTION 6. That a new section, 9-2-30, D, be included in the Idaho City Code as follows:

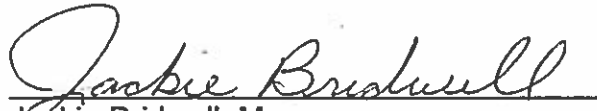
D. Property Owner Responsible for City Sewer Service Charges: All real property owners who derive benefit from the city's sewer system shall, in return for said benefit, pay user charges. Only the property owner, or his duly authorized agent, may initiate sewer service. All such service accounts shall be in the name of the owner. From the effective date hereof, each such sewer service account shall be the responsibility of the owner of the property served by the city sewer system. Each property owner shall execute such documentation as may be required by the city as a condition of receiving continuing sewer service. The city may allow the party responsible for payment of such charges on the date of enactment hereof to remain responsible for city sewer services until an unremedied delinquency occurs or until a new primary payer is proposed. If, after an account is in the name of the owner, the account becomes delinquent such that service is discontinued by the city, no subsequent city sewer service shall be given at the location that received services until all delinquent sewer charges and assessments have been paid in full.

SECTION 7 EFFECTIVE DATE

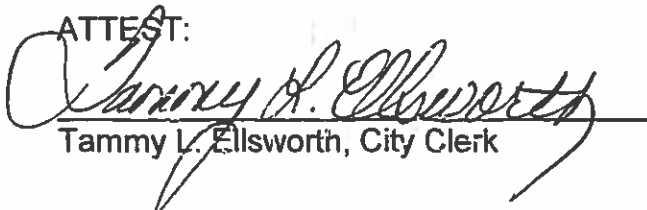
This ordinance shall be in full force and effect, from and after its passage, approval and publication, according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 24<sup>th</sup> day of February, 2010.

APPROVED BY THE MAYOR of the City of Idaho City this 24<sup>th</sup> day of February, 2010.

  
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Jackie Bridwell, Mayor

ATTEST:

  
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Tammy L. Ellsworth, City Clerk