

CITY CODE

OF

**IONA
IDAHO**



PREFACE

This volume of the City Code of the City of Iona, Idaho, as supplemented, contains all general ordinances adopted by the City prior to and including ***July 29, 2026***. General ordinances passed after that date supersede the provisions of this Code to the extent they are in direct conflict with each other. Users of this Code should contact the City Clerk to determine if any provision of this Code has been amended, superseded or repealed after that date.

The City Clerk

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TITLE 1 General Administration

<i>Chapter</i>	<i>Subject</i>
1	Official City Code
2	Saving Clause
3	Definitions and Constructional Rules
4	General Penalty Provisions
5	Mayor
6	Council
7	Appointive Officers
8	Employee Policies and Procedures
9	Oaths, Bonds and Official Conduct
10	Ordinances
11	Elections
12	Initiative, Referendum and Recall
13	City Finances
14	Public Records
15	Administrative Provisions

CHAPTER 1 Official City Code

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Maintenance of City Code

1-1-1: **TITLE.** This codification of the general ordinances of the City of Iona is declared to be the official City Code of the City of Iona. Any reference to the number of any section herein shall be understood to refer to the position of the same number, its appropriate heading and to the general penalty clause relating thereto, when reference is made to this Code by title in any legal document.

1-1-2: **ACCEPTANCE.** Any official copy of this Code shall be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of a general and permanent effect of the City.

1-1-3: **AMENDMENTS.** Any ordinance amending this Code shall set forth the Chapter, Title and Section number of the section or sections to be amended. All such ordinances shall comply with the provisions of this Code and Chapter 9, Title 50, Idaho Code, regarding passage, execution and publication of ordinances. All such amendments shall be promptly published and inserted in its proper place in each copy of this City Code.

1-1-4: **MAINTENANCE OF CITY CODE.** Upon receipt of each published ordinance the City Clerk shall maintain the same with the Clerk's official copy of the City Code and provide copies of any updated provision of the City Code to any person to whom the City provides a copy of the City Code. The City Clerk may collect a fee for each copy of the City Code, provided such fees shall be established by resolution duly passed by the City Council.

(Ord. 275-02-22, 2/15/2022).

CHAPTER 2 Saving Clause

SECTION:

- 1-2-1: Repeal of General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Saving Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES.** All general ordinances of the City are hereby repealed, except as herein specifically preserved or are by implication reserved from repeal, subject to the saving clauses herein contained, excluding without limitation all special ordinances relating to the following subjects: Tax levies, appropriation of public monies, boundaries and annexations, franchises, ordinances granting special rights to persons or correspondence, contracts, issuance of warrants, public salaries, ordinances establishing name or vacating streets, alleys or other public places, improvement districts, bonds, local elections, the sale or exchange of real estate, sign ordinances, economic development, urban renewal, public utilities, zoning and all special ordinances of any kind, except for those provisions in such special ordinances which this Code expressly amends.

1-2-2: **PUBLIC UTILITY ORDINANCES.** No ordinance or section thereof relating to railroad or railroad crossings of streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by the adoption of this Code or by the preceding section, except as this Code specifically provides for such repeal.

1-2-3: **SAVING CLAUSE.** Any ordinance amending or repealing any section of this Code shall not be deemed or construed to abate any pending action based upon such amended or repealed section, nor shall the passage of such ordinance prevent the arrest, prosecution and punishment of any violation of such section committed prior to the effective date of such ordinance.

CHAPTER 3 Definitions and Constructional Rules

SECTION:

- | | |
|--------|-------------------------------|
| 1-3-1: | General Constructional Rule |
| 1-3-2: | Plural and Singular Words |
| 1-3-3: | Masculine and Feminine Gender |
| 1-3-4: | Priority of Ordinance |
| 1-3-5: | Definitions |
| 1-3-6: | Captions |

1-3-1: **GENERAL CONSTRUCTIONAL RULE.** Except as expressly stated in this Code, all words shall have their ordinary, generally-accepted meaning.

1-3-2: **PLURAL AND SINGULAR WORDS.** Whenever any word in this Code is used in either the singular or in the plural form, then such word shall be deemed to include both the plural and singular forms of such word, unless the context indicates an intent otherwise.

1-3-3: **MASCULINE AND FEMININE GENDER.** When any person is referred to in any section of this Code by use of the masculine gender, then such reference shall be deemed to include the feminine gender unless the context indicates an intent otherwise.

1-3-4: **PRIORITY OF ORDINANCE.** In the event of any discrepancy or conflict between this Code and any ordinance passing or amending the same section of this Code, then the provisions of the ordinance shall prevail.

1-3-5: **DEFINITIONS.** Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below, unless the context clearly indicates otherwise:

- (A) AGENT: A person acting on behalf of another.

(B) BUILDING OFFICIAL:	The person or persons designated by the Mayor to perform the duties ascribed to the Building Official in this Code.
(C) CITY:	The City of Iona, County of Bonneville, State of Idaho.
(D) CITY ATTORNEY:	An attorney appointed by the Mayor to provide general counsel and legal assistance to the City and to prosecute or defend all civil actions in which the City is a party.
(E) CITY PROSECUTING ATTORNEY:	An attorney appointed by the Mayor to prosecute violations of this Code.
(F) COUNCIL:	The lawfully elected City Council of the City.
(G) CRIME:	An act in violation of this Code.
(H) FELONY:	A crime as defined under Idaho Code, Section 18-111.
(I) INFRACTION:	A civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding Three Hundred Dollars (\$300) and for which no incarceration may be imposed.
(J) LICENSE:	The permission granted for the carrying on of a business, trade, profession or occupation.
(K) MISDEMEANOR:	Every crime except a felony or an infraction.
(L) OCCUPANT:	Any person who occupies the whole or any part of such building or land whether alone or with others.
(M) OFFENSE	A crime or other violation of this Code.
(N) OPERATOR:	The person who is generally in charge of or responsible for conducting any business, profession or enterprise.
(O) OWNER:	Any person owning real or personal property, including any part owner, joint owner, tenant in common, joint tenant,

	remainderman or person holding a life estate or reversionary interest of any kind.
(P) PERSON:	An individual and any public or private corporation, firm, partnership, trust, estate, sole proprietorship, association, organization, government, or any other entity recognized under Idaho law.
(Q) PERSONAL PROPERTY:	Money, goods, chattels, effects, rights in action and all written instruments evidencing any pecuniary obligation.
(R) RIGHT OF WAY:	The privilege of the immediate use of the roadway or other property.
(S) STATE:	The State of Idaho.
(T) STREET:	All public roads, ways, alleys and rights of way used for the movement of vehicular traffic, including any public sidewalks adjacent thereto.
(U) TENANT:	Any person who occupies any building or real property for a consideration to the owner.
(V) UNIFORM FIRE CODE:	The Uniform Fire Code as adopted by Ordinance of the City.
(W) UNIFORM PLUMBING CODE:	The Uniform Plumbing Code as adopted by Ordinance of the City.
(X) UNIFORM BUILDING CODE:	The Uniform Building Code as adopted by Ordinance of the City.

(Ord. 219-05-18, 5/17/2018); (Ord. 325-02-26, 2/24/2026).

1-3-6: **CAPTIONS.** The captions and titles used at the commencement of each section or subsection of this Code are used only to indicate the content of the section and shall not limit, modify or in any manner affect the scope, meaning or intent of the provisions thereafter.

CHAPTER 4 General Penalty Provisions

SECTION:

- 1-4-1: Misdemeanor Penalty
- 1-4-2: Infractions
- 1-4-3: Applicability of Penalty
- 1-4-4: Multiple Violations
- 1-4-5: Prosecution Discretion
- 1-4-6: Penalty Against Officers

1-4-1: **MISDEMEANOR PENALTY.** Whenever any act or omission constitutes a crime not constituting a felony or infraction and no specific penalty is stated in this Code, such crime shall be punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment for any single violation.

(Ord. 100, 8/17/2005).

1-4-2: **INFRACTIONS.** Whenever any person commits an infraction and no specific penalty is provided for such act, such person shall be punishable by a fine not exceeding \$300 and no imprisonment may be imposed.

(Ord. 204-04-16, 4/19/2016).

1-4-3: **APPLICABILITY OF PENALTY.** The penalties provided in this Chapter shall be applied as though they were a part of every separate section of this Code.

1-4-4: **MULTIPLE VIOLATIONS.** Whenever the same person violates the same section of this Code on two or more days, then each violation on each day shall be deemed a separate offense and shall be separately punishable for each such offense.

1-4-5: **PROSECUTION DISCRETION.** Whenever the same offense, act or omission is punishable under different sections of this Code, the City Prosecuting Attorney may elect under which section to proceed; but no more than one sentence of imprisonment may be imposed against

the same person for the same offense; provided that revocation of a license or permit shall not be considered a penalty so as to bar imposition of a penalty under this Code.

1-4-6: **PENALTY AGAINST OFFICERS.** The penalty provisions of this chapter shall not apply to any section of this Code which designates the duties of any officer or employee of the City unless the intention to impose a fine or penalty is specifically and clearly expressed in the section creating the duty.

CHAPTER 5 Mayor

SECTION:

- 1-5-1: Powers and Duties
- 1-5-2: Term
- 1-5-3: Special Meetings
- 1-5-4: Ordinances and Contracts
- 1-5-5: Mayor May Offer Reward
- 1-5-6: Accounts and Reports of Officers
- 1-5-7: Extraterritorial Powers
- 1-5-8: Salary
- 1-5-9: Aid to Enforce Laws
- 1-5-10: Appointment of Committees
- 1-5-11: Declaration of Candidacy
- 1-5-12: Elections and Petition of Candidacy
- 1-5-13: Form of Petition

1-5-1: **POWERS AND DUTIES.** The Mayor shall be the chief executive officer of the City and shall have authority to hire, terminate, discipline, supervise and control all appointive officers and employees of the City, in the manner provided by this Code or State law. The Mayor shall preside at all meetings of the City Council and may determine the order of business, subject to such rules as the Council may provide by ordinance. The Mayor shall have a vote only when the vote of the Council is equally divided at any meeting where a quorum is present. The Mayor shall have the power to veto any ordinance, resolution or action taken by the Council, provided the Council may override such veto by a vote of one-half plus one of the members of the full Council. The Mayor shall have the authority and responsibility to enforce all police ordinances and regulations. The Mayor shall have authority to administer oaths and shall have all powers, prerogatives and authority conferred by ordinance, by the laws of the State and as may be conferred by resolution of the City Council.

1-5-2: **TERM.** The term of office of the Mayor shall be for a period of four years, commencing upon the issuance of a certificate of election at the first regular Council meeting in January following his or her election. Any vacancy in the office of Mayor shall be filled in the manner provided by State law.

1-5-3: **SPECIAL MEETINGS.** The Mayor may call special meetings of the Council, the object of which shall be submitted to the Council in writing and the call and object of which, as well as the minutes required to be kept by law, shall be entered in the journal of the City Clerk.

1-5-4: **ORDINANCES AND CONTRACTS.** The Mayor shall execute all ordinances, resolutions and contracts approved by the Council, including deeds, bonds, warrants and other agreements to which the City is a party.

1-5-5: **MAYOR MAY OFFER REWARD.** The Mayor may offer a reward not exceeding one thousand dollars (\$1,000) for the arrest and conviction of any person who violates this Code.

1-5-6: **ACCOUNTS AND REPORTS OF OFFICERS.** The Mayor may require any officer or employee of the City to exhibit all accounts, files or other papers pertaining to such office or employment and to report to the Council in writing regarding any subject or matter pertaining thereto.

1-5-7: **EXTRATERRITORIAL POWERS.** The Mayor shall have the following extraterritorial powers over all persons, places and activities located outside the corporate boundaries:

- (A) To prevent, remove and abate nuisances located within three (3) miles of the corporate boundaries, at the expense of the person causing or maintaining the same and to exercise all powers conferred upon the City, pursuant to Idaho Code Section 50-334.
- (B) To enforce all health and quarantine laws and ordinances against any person or place located within five (5) miles of the corporate boundaries.
- (C) To enforce all laws and ordinances regulating or prohibiting the loading, storage and transportation of hazardous materials or chemicals within three (3) miles of the corporate boundaries.
- (D) To extend the City street lighting system for a distance of no greater than two (2) miles outside the corporate limits.

- (E) To enforce all platting, zoning, street and surface drainage ordinances applicable within one (1) mile of the corporate limits, to the fullest extent permitted under Idaho Code Sections 50-1306, 50-1330 and 67-6526.
- (F) To enforce all ordinances and to exercise all police powers conferred upon the City, except taxation, regarding offenses committed within one (1) mile of the corporate limits, to the fullest extent permitted by Idaho Code Section 50-606.

1-5-8: **SALARY.** The Mayor shall receive an annual salary of \$12,000.00, payable in twelve equal monthly installments.

(Ord. 106, 8/15/2006); (Ord. 164-13-11, 8/16/2011); (Ord. 230-07-19, 7/16/2019).

1-5-9: **AID TO ENFORCE LAWS.** The Mayor may call on every citizen residing in the City over the age of twenty-one (21) years and under the age of fifty (50) years to aid in enforcing the laws.

1-5-10: **APPOINTMENT OF COMMITTEES.** The Mayor may appoint committees from among the members of the Council to assist in the management and administration of the City. Each committee shall consist of two (2) or more members of the Council.

1-5-11: **DECLARATION OF CANDIDACY.** Each candidate shall file a Declaration of Candidacy with the City Clerk before any Petition of Nomination is signed or circulated. Such declaration shall be in substantially the following form:

DECLARATION OF CANDIDACY

I, the undersigned, affirm that I am a qualified elector of the City of Iona, State of Idaho, and that I have resided in the City for at least thirty (30) days. I hereby declare myself to be a candidate for the office of Mayor, for a term of four years, to be voted for at the election to be held on the _____ day of _____, 20____, and certify that I possess the legal qualifications to fill said office, and that my residence address is _____, Iona, Idaho, 83427.

(signed)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____.

(seal)

Notary Public for Idaho
Residing:
My commission expires:

(Ord. 188-10-14, 10/21/2014).

1-5-12: **ELECTIONS AND PETITION OF CANDIDACY.** All elections shall be non-partisan in nature and shall be conducted in the manner provided in Chapter 4, Title 50, Idaho Code. Candidates for election to the office of Mayor shall be nominated by petition in the form provided by Idaho Code 50-407 and in accordance with this Chapter. The completed declaration of candidacy shall be accompanied by (1) a petition of candidacy signed by not less than five (5) registered qualified electors; or (2) a nonrefundable filing fee of forty dollars (\$40.00) which shall be deposited in the city treasury.

(Ord. 188-10-14, 10/21/2014).

1-5-13: **FORM OF PETITION.** Petitions of Nomination shall be in substantially the following form:

PETITION OF CANDIDACY

This petition must be filed in the office of the City Clerk not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday immediately preceding election day. The submitted petition must have affixed thereto the names of at least five (5) qualified electors who reside within the City

I, the undersigned, being a qualified elector of the City of Iona in the State of Idaho, do hereby certify and declare that I reside at the place set opposite my name and that I do hereby join in the petition of _____, a candidate for the office of Mayor to be voted at the election to be held on the _____ day of _____, 20____.

Signature of Petitioner	Printed Name	Residence Address	Date Signed
-------------------------	--------------	-------------------	-------------

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(signed)

STATE OF IDAHO)
)ss.
County of Bonneville)

I, _____, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name and residence address correctly; and that each signer is a qualified elector of the State of Idaho, and the City of Iona

Signed:

Address:

(Ord. 188-10-14, 10/21/2014).

CHAPTER 6 Council

SECTION:

- 1-6-1: Regular Meeting
- 1-6-2: Special Meetings
- 1-6-3: Open Meetings
- 1-6-4: Term of Office
- 1-6-5: Salary
- 1-6-6: President of the council
- 1-6-7: Consent Agenda
- 1-6-8: Funds Controlled by Council
- 1-6-9: Election or Appointment
- 1-6-10: Declaration of Candidacy
- 1-6-11: Elections and Petitions for Candidacy
- 1-6-12: Form of Petition
- 1-6-13: Signatures on Petition
- 1-6-14: Filing of Petition

1-6-1: **REGULAR MEETING.** One regular meeting of the City Council shall be held each month at City Hall, 3548 North Main Street, Iona, Idaho, as specified annually by resolution of the City Council. The Mayor shall have the power to recess any meeting to a different place or time upon giving due notice thereof.

(Ord. 99, 8/17/2005); (Ord. 147-05-09, 12/15/2009); (Ord. 297-10-23, 10/17/2023).

1-6-2: **SPECIAL MEETINGS.** One half plus one members of the full Council may call a special meeting provided the object of which shall be submitted to the Council in writing, and the call and object of the meeting and all minutes required to be kept by law shall be entered upon the journal kept by the Clerk.

1-6-3: **OPEN MEETINGS.** All regular and special meetings of the Council shall be open to the public, except the Council may retire into a closed executive session as permitted by State law. The City Clerk shall record the vote of Council to retire into executive session and the Clerk shall state in the minutes the general purpose for such session. The Clerk or any other person appointed by the Mayor shall keep such minutes as will indicate the general tenor of the meeting, which minutes shall be recorded in the Clerk's journal. No final decision for which an affirmative vote of a majority of the Council is required by law, may be made while the Council is in executive session. For the purposes hereof, the term "meeting" shall mean any convocation of any meeting of the Council at which a quorum is present for the purpose of making a decision or deliberating toward a decision on any matter of public business.

1-6-4: **TERM OF OFFICE.** The Council members shall take office after ascribing to the oath of office and upon receipt of their certificates of election. Subscription to the oath of office and delivery of the certificates of election shall be done at the first regular Council meeting in January of the year following a general election. Newly elected members shall be sworn into office in the same order as the number of votes cast for each member at the same election, with the member receiving the most votes to be sworn first. Each member shall serve for a term of four (4) years, or until his or her successor is elected and sworn, whichever is longer.

1-6-5: **SALARY.** Each Council member shall receive an annual salary of \$3,600.00, payable in twelve equal monthly installments.

(Ord. 164-13-11, 8/16/11); (Ord. 230-7-19, 7/16/19).

1-6-6: **PRESIDENT OF THE COUNCIL.** At the first regular Council meeting in January of the year following a general election, the Council shall elect one of the Council members as President of the Council. The President of the Council shall preside at all meetings in the absence of the Mayor. During any temporary absence or disability of the Mayor, the President of the Council shall exercise the office of the Mayor until the Mayor shall return or the disability is removed. In case of vacancy in the office of Mayor, the President shall exercise the office of Mayor until such vacancy is filled. In the temporary absence of the Mayor and the President of the Council, the senior member of the Council, as determined from the date and order of swearing in, shall temporarily serve as the President of the Council until the Mayor or President returns.

1-6-7: **CONSENT AGENDA.** Whenever the Mayor considers an item to be routine and non-controversial, he or she may place the same on the consent agenda for consideration at any regular meeting of the Council, provided, however, any action which may be taken only by ordinance may not be placed on the consent agenda. Items of business on the consent agenda may include, but need not be limited to the following: approval of minutes; approval of citizen

appointments; referrals to committees; approval of reports; approval of authorization of communications; approval or resolutions or other items which had been considered by the Council at earlier meetings and setting of public hearings. The consent agenda may be considered by the Council as a single item and may be introduced by a motion to approve the consent agenda. On objection to the inclusion of any item on the consent agenda by any member of the Council, that item shall be removed from the consent agenda and may be considered at any time in the meeting which the Mayor deems appropriate. Neither a formal motion nor a second is necessary to remove an item from the consent agenda. Such objections shall be recorded prior to taking the vote to approve the consent agenda. There shall be no debate or discussion of any item on a consent agenda beyond asking questions for a simple verification. Passage of the consent agenda shall be fully equivalent to approval, adoption, or enactment of each motion, resolution or other item of business thereon as if each item thereon had been acted upon individually. Approval of the motion must be by a roll call vote. The City Clerk shall record in the Council minutes each item passed under the consent agenda, individually and in full.

1-6-8: **FUNDS CONTROLLED BY COUNCIL.** All monies and funds belonging to or controlled by the City shall be controlled and administered by the Mayor and Council in the manner required by law and subject to all ordinances and rules and regulations adopted by the Council as may be necessary for the efficient and prudent use and protection of the same.

1-6-9: **ELECTION OR APPOINTMENT.** All members of the Council shall be elected at large or appointed in the manner provided by law. At any general election, the candidate or candidates to receive the highest number of votes shall be declared the winner(s) and no candidate shall be required to receive a majority of the votes cast at the election.

1-6-10: **DECLARATION OF CANDIDACY.** Each candidate shall file a Declaration of Candidacy with the City Clerk before any Petition of Nomination is signed or circulated. Such declaration shall be in substantially the following form:

DECLARATION OF CANDIDACY

I, the undersigned, affirm that I am a qualified elector of the City of Iona, State of Idaho, and that I have resided in the City for at least thirty (30) days. I hereby declare myself to be a candidate for the office of City Council, for a term of four years, to be voted for at the election to be held on the ____ day of _____, 20____, and certify that I possess the legal qualifications to fill said office, and that my residence address is _____, Iona, Idaho, 83427.

(signed)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20__.

(seal)

Notary Public for Idaho

Residing:

My commission expires:

(Ord. 187-09-14, 10/21/2014).

1-6-11: **ELECTIONS AND PETITIONS FOR CANDIDACY.** All elections shall be non-partisan in nature and shall be conducted in the manner provided in Chapter 4, Title 50, Idaho Code. Candidates for election to the Council shall be nominated by petition in the form provided by Idaho Code 50-407 and in accordance with this Chapter. The completed declaration of candidacy shall be accompanied by (1) a petition of candidacy signed by not less than five (5) registered qualified electors; or (2) a nonrefundable filing fee of forty dollars (\$40.00) which shall be deposited in the city treasury.

(Ord. 187-09-14, 10/21/2014).

1-6-12: **FORM OF PETITION.** Petitions of Candidacy shall be in substantially the following form:

PETITION OF CANDIDACY

This petition must be filed in the office of the City Clerk not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday immediately preceding election day. The submitted petition must have affixed thereto the names of at least five (5) qualified electors who reside within the City

I, the undersigned, being a qualified elector of the City of Iona in the State of Idaho, do hereby certify and declare that I reside at the place set opposite my name and that I do hereby join in the petition of _____, a candidate for the office of City Council to be voted at the election to be held on the _____ day of _____, 20__.

Signature of Petitioner Printed Name Residence Address Date Signed

(signed)

STATE OF IDAHO)
)ss.
County of Bonneville)

I, _____, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name and residence address correctly; and that each signer is a qualified elector of the State of Idaho, and the City of Iona

Signed:

Address:

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____.

(seal)

Notary Public for Idaho
Residing:
My commission expires:

(Ord. 187-09-14, 10/21/2014).

1-6-13: **SIGNATURES ON PETITION.** A qualified elector may not nominate more persons than the number of seats up for election. Any signatures made in violation of this section shall be void for all petitions signed in violation of this section.

(Ord. 187-09-14, 10/21/2014).

1-6-14: **FILING OF PETITION.** The petition must be filed in the office of the City Clerk no earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday immediately preceding election day.

(Ord. 187-09-14, 10/21/2014).

CHAPTER 7 Appointive Officers

SECTION:

- 1-7-1: Appointment
- 1-7-2: Compensation
- 1-7-3: Duties
- 1-7-4: Bonds
- 1-7-5: Personnel Policy and Code of Conduct
- 1-7-6: Reports and Accounts

1-7-1: **APPOINTMENT.** The Mayor shall, subject to confirmation by the Council, appoint a city clerk, treasurer, city attorney and such other appointive officers deemed necessary for the efficient operation of the City. The Mayor may suspend or remove any person from an appointive office, subject to the confirming vote of a majority of the Council, and the Council may, by unanimous vote without the Mayor's concurrence, suspend or remove such officers.

1-7-2: **COMPENSATION.** The Council shall determine the compensation and benefits to be paid or given to all appointive officers.

1-7-3: **DUTIES.** All appointed officers shall have such duties as may be prescribed by ordinance or by a written agreement approved by the Council.

1-7-4: **BONDS.** No bond shall be required of any appointive officer except as expressly required by this Code.

1-7-5: **PERSONNEL POLICY AND CODE OF CONDUCT.** All full-time appointive officers shall be subject to the City Personnel Policy.

(Ord. 328-07-26, 7/28/2026).

1-7-6: **REPORTS AND ACCOUNTS.** The Mayor and City Council may require any appointive officer to exhibit his or her accounts, papers or other documents and to make written reports pertaining to his or her office.

CHAPTER 8 Employee Policies and Procedures

SECTION:

- 1-8-1: Appointment
- 1-8-2: Personnel Policy and Code of Conduct
- 1-8-3: Salaries and Classification
- 1-8-4: Rules and Regulations
- 1-8-5: Availability of Policies
- 1-8-6: Deferred Compensation

1-8-1: **APPOINTMENT.** All appointive officers and employees of the City shall serve at the discretion of the Mayor and Council and shall have no right of continued employment or employment benefits, except as agreed in writing and expressly approved by the Council.

1-8-2: **PERSONNEL POLICY.** All employees shall be subject to the Personnel Policy as approved by the Council, except to the extent such Personnel Policy is inconsistent with any written collective bargaining contract approved by the Council.

(Ord. 328-07-26, 7/28/2026).

1-8-3: **SALARIES AND CLASSIFICATION.** All employees shall receive such salaries as may be also determined by the Council. Officers or employees shall be paid such salaries and benefits as may be determined by a written collective bargaining agreement or other agreement approved by the City Council.

1-8-4: **RULES AND REGULATIONS.** All employees shall abide by rules and regulations adopted by the division in which they are employed and by rules and regulations adopted by the Mayor.

1-8-5: **AVAILABILITY OF POLICIES.** Any person hired after the effective date of this Code shall be given a copy of the Personnel Policy at the time he or she is hired. Notwithstanding the foregoing, nothing herein shall prevent the application or enforcement of any

policy or procedure set forth in the Personnel Policy in the event an employee fails to receive a copy thereof at the time of his or her employment. One copy of the Personnel Policy shall be maintained in the office of the City Clerk. If the Personnel Policy is amended or modified, a copy of such amendment or modification shall be maintained in the office of the City Clerk.

(Ord. 328-07-26, 7/28/2026).

1-8-6: **DEFERRED COMPENSATION.** The Mayor and City Council may, by ordinance or by contract, provide for any retirement plan, deferred compensation plan, insurance benefits or other program benefits permitted by law.

CHAPTER 9 Oath, Bonds and Official Conduct

SECTION:

- 1-9-1: Oath
- 1-9-2: Bonds
- 1-9-3: Qualifications of Elective Officers
- 1-9-4: Interest in Contracts
- 1-9-5: Nepotism
- 1-9-6: Payments Unlawful
- 1-9-7: Payment for Public Services Prohibited
- 1-9-8: Public Accounts Required
- 1-9-9: Bribery
- 1-9-10: Compensation for Past Official Behavior
- 1-9-11: Gifts to Public Servants
- 1-9-12: Compensation for Assisting Private Interests
- 1-9-13: Interest in Sales
- 1-9-14: Unlawful Payment of Warrants

1-9-1: **OATH.** Every elective officer of the City, before duty, shall take and subscribe before a person authorized to administer public oaths, an oath substantially in the following form:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, the Constitution and the Laws of the United States, the State of Idaho, and the City of Iona, and that I will faithfully discharge the duties of (insert office) according to the best of my ability.

Said oath shall be certified by the officer before whom it was taken and the subscribed oath and certification shall be filed with the City Clerk.

1-9-2: **BONDS.** Before performing any duties of their respective offices, the following appointive officers shall furnish an official bond in the following amounts:

Clerk \$5,000.00

Treasurer \$5,000.00

If the offices of the Clerk and Treasurer are held by the same person, then only one bond need be posted. All office employees, except the Clerk and Treasurer, in the Mayor and City Clerk's office and all building inspectors shall be covered by a blanket bond in the amount of five thousand dollars (\$5,000.00). Such bonds shall be approved by the Mayor and Council and shall be filed with the Clerk, except the bond of the City Clerk, which shall be filed with Mayor. The premiums on such bonds shall be paid by the City.

1-9-3: **QUALIFICATIONS OF ELECTIVE OFFICERS.** No person shall hold any elective office unless he or she is a qualified elector of the City at the time of his or her election.

1-9-4: **INTEREST IN CONTRACTS.** No elective or appointive officer of the City shall have any interest in any contract prohibited by state law. No employee of the City shall have any interest in any contract in which he or she shall have any official discretion regarding the execution or administration thereof.

1-9-5: **NEPOTISM.** It shall be unlawful for any elective or appointive officer of the City to appoint or vote for the appointment of any person related to such officer or any of his or her associates in office by affinity or consanguinity within the second degree to any clerkship, office, position, employment or duty when the salary or compensation of such appointee is to be paid out of public funds.

1-9-6: **PAYMENTS UNLAWFUL.** No officer or employee of the City shall pay out of any public funds under his or her control or to draw or authorize the drawing of any warrant or authority for payment out of any public fund, any salary or compensation of a person who is ineligible under the preceding section.

1-9-7: **PAYMENTS FOR PUBLIC SERVICES PROHIBITED.** It shall be unlawful for any officer or employee of the City to personally accept payment for any service performed by such employee in the ordinary course of employment.

1-9-8: **PUBLIC ACCOUNTS REQUIRED.** It shall be unlawful for any elective or appointive officer who receives fees for services, or who receives public monies for safekeeping, to fail to keep a public account in which all receipts of fees or monies are entered. Such account shall also include a statement of whom and on what account such monies or fees are received. It shall also be unlawful for any elective or appointive officer to fail to keep a like account of all disbursements of public monies and to whom and on what account the same were paid.

1-9-9: **BRIBERY.** It shall be unlawful for any officer or employee of the City to accept any pecuniary benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant or to accept any benefit as consideration for a violation of a known legal duty as a public servant.

1-9-10: **COMPENSATION FOR PAST OFFICIAL BEHAVIOR.** It shall be unlawful for any officer or employee of the City to accept or agree to accept any pecuniary benefit as compensation for having as a public servant, given the decision, opinion, recommendation or vote favorable to another or for having otherwise exercised a discretion in his favor, or for having violated his duty.

1-9-11: **GIFTS TO PUBLIC SERVANTS.** Except as expressly stated in this Code, all words shall have their ordinary, generally-accepted meaning.

- (A) It shall be unlawful for any officer or employee of the City exercising regulatory functions or conducting inspections or investigations, or carrying on civil or criminal litigation on behalf of the City, or having custody of a prisoner, to solicit, accept or agree to accept any pecuniary benefit from a person known to be subject to such regulation, inspection, investigation or custody or against whom such litigation is known to be pending or contemplated.
- (B) It shall be unlawful for any officer or employee of the City having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the government to solicit, accept or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim or transaction.
- (C) For the purposes of this section, the term "pecuniary benefit" shall mean any benefit in the form of money, property, or any other thing the primary significance of which is economic gain, but excluding any advantage promised generally to a group or class of voters as a consequence of public measures which such officer supports or opposes.

(D) This section shall not apply to:

- (1) fees prescribed by law to be received by such officer or employee or any other benefit for which the recipient gives legitimate consideration or to which he is otherwise legally entitled;
- (2) gifts or other benefits on account of kinship or other personal, professional or business relationship independent of the official status of the receiver;
- (3) trivial benefits incidental to personal or business contacts and having no substantial risk of undermining official impartiality.

1-9-12: **COMPENSATION FOR ASSISTING PRIVATE INTERESTS.** It shall be unlawful for any officer or employee of the City to solicit accept or agree to accept compensation for advice or other assistance in preparing or promoting a bill, contract, claim or other transaction or proposal as to which such officer or employee knows that he or she has or is likely to have an official discretion to exercise.

1-9-13: **INTEREST IN SALES.** It shall be unlawful for any officer or employee of the City to be a purchaser at any sale made by them in their official capacity, or to act as a vendor at any purchase made by them in their official capacity.

1-9-14: **UNLAWFUL PAYMENT OF WARRANTS.** It shall be unlawful for any officer or employee of the City charged with the disbursement of public monies to pay any warrant or any other evidence of indebtedness when the same has been purchased, sold, received or transferred contrary to the provisions of this chapter.

CHAPTER 10 Ordinances

SECTION:

- 1-10-1: Presentment of Ordinances
- 1-10-2: Manner of Passage
- 1-10-3: Passage
- 1-10-4: Veto by Mayor; Passage over Mayor's Veto
- 1-10-5: Veto Certificate
- 1-10-6: Becoming Law without Mayor's Signature
- 1-10-7: Certificate
- 1-10-8: Passage Date
- 1-10-9: Publication and Effective Date
- 1-10-10: Recording of Ordinances
- 1-10-11: Book of Ordinances

1-10-1: **PRESENTMENT OF ORDINANCES.** Ordinances may be considered only at a regular meeting or a special meeting of the Council called for that purpose. All ordinances shall be presented in writing and the passage, execution and publication thereof shall conform to the provisions of this chapter.

1-10-2: **MANNER OF PASSAGE.** Every ordinance shall be read at three different Council meetings, two (2) readings of which may be by title only, and one (1) reading of which shall be in full, unless one-half plus one of the members of the Council shall dispense with this rule. An ordinance shall contain no subject which is not clearly expressed in its title and no ordinance or sections thereof shall be revised or amended unless the new ordinance contains the entire ordinance or sections as revised or amended, and the ordinance or section so revised or amended is repealed in its entirety. The passage or adoption of ordinances of a general and permanent nature, shall be by roll call and the yeas and nays shall be recorded by the Clerk. To pass or adopt any ordinance, a concurrence of a majority of the Council shall be sufficient, unless a greater number of votes is required by this Code or by state law.

1-10-3: **PASSAGE.** When any ordinance is passed, it shall forthwith be signed by the Mayor and attested by the Clerk, and the date of its passage by the Council shall be stated thereon. The Clerk shall attach to each ordinance a certificate of its authenticity, passage and execution and the seal of the City shall be impressed on the original thereof.

1-10-4: **VETO BY MAYOR; PASSAGE OVER MAYOR'S VETO.** If the Mayor neglects or refuses to sign an ordinance, he or she shall return the same to the Council with his or her objections and veto in writing on or before the date of the next regular meeting of the Council following its passage. When an ordinance is so returned by the Mayor the Council may reconsider the same. If four members of the Council approve the ordinance, it shall become law notwithstanding the Mayor's veto.

1-10-5: **VETO CERTIFICATE.** When any ordinance has been passed over the Mayor's veto, the Clerk shall attach a certificate to the ordinance stating the same was vetoed by the Mayor and that it received the required vote of the Council and the date of such action.

1-10-6: **BECOMING LAW WITHOUT MAYOR'S SIGNATURE.** If the Mayor refuses or neglects to sign any ordinance and fails to return the same to the Council in accordance with Section 1-10-4 above, it shall become effective without his signature.

1-10-7: **CERTIFICATE.** When any ordinance has become effective without the signature of the Mayor, the Clerk shall certify thereon that the Mayor has failed to sign or veto the ordinance, and that it has become effective without his signature.

1-10-8: **PASSAGE DATE.** An ordinance shall be considered passed on the date of its execution by the Mayor. In the case of passage pursuant to Section 1-10-4 the ordinance shall be deemed passed on the date of the regular meeting at which the ordinance was passed by the Council over the Mayor's veto. In the case of passage pursuant to Section 1-10-6, the ordinance shall be deemed passed at the conclusion of the next regular meeting following the meeting at which it was originally passed by the Council.

1-10-9: **PUBLICATION AND EFFECTIVE DATE.** All ordinances shall become effective upon their publication in the Official Newspaper and proof of publication thereof is filed with the Clerk. In lieu of publishing the entire ordinance, the City may publish a summary of the ordinance in accordance with Section 50-901(A), Idaho Code. Approval of the summary by the Council and the City Attorney shall be conclusive with respect to the completeness, adequacy and accuracy of the summary.

1-10-10: **RECORDING OF ORDINANCES.** The Clerk shall keep all original ordinances as passed, executed and published in a book provided by the City.

1-10-11: **BOOK OF ORDINANCES.** The City shall provide, and the City Clerk shall maintain, a book to be known as the City Ordinance Book. All general and special ordinances of the City shall be kept in the City Ordinance Book, irrespective of whether an ordinance is codified and published in the City Code.

CHAPTER 11 Elections

SECTION:

- 1-11-1: Conduct of Elections
- 1-11-2: Election Precincts
- 1-11-3: Campaign Expenditures
- 1-11-4: Opening and Closing of Election Polls

1-11-1: **CONDUCT OF ELECTIONS.** The conduct of all general and special elections, the nomination of candidates for elective office, notices of election, qualifications of elector and officers, and appointment and compensation of deputy registrars and election officials, provision for polling places, canvassing of the election returns, and all other election procedures of the City, shall be governed by Chapter 4, Title 50, Idaho Code. The registration of qualified electors shall conform to Title 34, Idaho Code.

1-11-2: **ELECTION PRECINCTS.** Unless otherwise determined by ordinance or resolution of the City Council, all election precincts within the City shall conform to the precinct boundaries established by the Bonneville County Board of Commissioners pursuant to the provisions of Chapter 3, Title 34, Idaho Code.

1-11-3: **CAMPAIGN EXPENDITURES.** The provisions of Section 67-6601 through 67-6623 and 67-6623 through 67-6628, Idaho Code, insofar as they relate to the reporting of campaign contributions, shall apply to all elections for Mayor and members of the Council.

1-11-4: **OPENING AND CLOSING OF ELECTION POLLS.** At all general elections of the City, the polls shall be opened at 8:00 a.m. and shall remain open until all registered electors of that precinct have voted or until 8:00 p.m. of the same day, whichever occurs first. At all special elections of the City, the polls shall be opened at such time as may be established by ordinance and shall remain open until all registered electors of that precinct have voted or until 8:00 p.m. of the same day, whichever comes first.

CHAPTER 12 Initiative, Referendum and Recall

SECTION:

- 1-12-1: Direct Legislation
- 1-12-2: Method for Exercising Initiative and Referendum
- 1-12-3: Date of Election
- 1-12-4: Limitations on Right

1-12-1: **DIRECT LEGISLATION.** The people of the City, in addition to the method of legislation otherwise provided, shall have the power of direct legislation by initiative and referendum.

1-12-2: **METHOD FOR EXERCISING INITIATIVE AND REFERENDUM.** The method for exercising the right of initiative and referendum shall be as provided in Chapter 18, Title 34, Idaho Code.

(Ord. 201-01-16, 1/19/2016).

1-12-3: **DATE OF ELECTION.** Initiative and referendum elections shall be held on the date authorized under Idaho Code § 34-106(8).

(Ord. 201-01-16, 1/19/2016).

1-12-4: **LIMITATIONS ON RIGHT.** The right of initiative and referendum shall, to the extent permitted by the Constitution and Laws of the State of Idaho, be limited solely to legislative matters and shall not be exercised to impair any vested contract or property right or deprive any person of due process of law. To the extent permitted by law, the right of initiative or referendum shall not be exercised with respect to any measure pertaining to bond issuance, tax levies, fiscal appropriations, zoning and discretionary or administrative matters, or any other matter in conflict with the Constitution and Laws of the State of Idaho.

(Ord. 201-01-16, 1/19/2016).

CHAPTER 13 City Finances

SECTION:

- 1-13-1: Presentment and Allowance of Claims
- 1-13-2: Tort Claims
- 1-13-3: Acceptance of Payment
- 1-13-4: Payment of Claims
- 1-13-5: Register of Warrants
- 1-13-6: Payment of Registered Warrants
- 1-13-7: Cancelled Warrants to be Filed
- 1-13-8: Designation of Depositories
- 1-13-9: Deposit of Public Funds by Treasurer
- 1-13-10: Certification of Depositories by Council
- 1-13-11: Investment of Idle Funds
- 1-13-12: Compliance with State Laws

1-13-1: PRESENTMENT AND ALLOWANCE OF CLAIMS.

- (A) All claims for payment for goods or services for which a written purchase order or contract has been duly approved or authorized by the Council shall be filed with the City Clerk prior to payment thereof. All such claims shall be reviewed by the City Clerk and shall be certified as correct prior to submission to the Council.
- (B) All bills shall be accepted, certified for payment and paid within sixty (60) calendar days after the billing is delivered to the Clerk, unless the claimant and the City have agreed by written contract for a longer period of time in which payment is to be made.
- (C) All claims, accounts or invoices shall state in detail the nature of each item for which payment is sought, the date the same became due and shall be accompanied by an affidavit of the claimant or his authorized agent stating that the service was performed or that the article was furnished as therein stated, or that the liability has accrued and that the same is a just and correct statement of the claim.

- (D) All claims for which payment has not been made within the time frame set forth above shall bear interest at the rate provided in Section 63-3045, Idaho Code, unless a different rate of interest or date of accrual has been agreed upon in writing between the City and the claimant.
- (E) Unless otherwise agreed in writing, no payment shall be made for partial deliveries or partial completion of any services.
- (F) Upon presentation of the claim to the Council, the claim may be allowed in whole or in part, and if rejected, it shall not be again considered by the Council except upon a majority vote of the whole Council to reconsider the claim.
- (G) Payment of such claims shall in all other respects conform to the provisions of Idaho Code Section 67-2302.

1-13-2: **TORT CLAIMS.** All claims for damages against the City shall be filed with the Clerk within the time and in the manner specified by Chapter 9, Title 6, Idaho Code. When the claim is filed, the Clerk shall date stamp the claim and execute an acknowledgment of the receipt of the claim. A claim shall be considered filed upon delivery of the claim to the Clerk and upon delivery to the claimant of a date stamped, acknowledged copy of the claim.

1-13-3: **ACCEPTANCE OF PAYMENT.** Whenever the Council orders payment of any claim, whether in whole or in part, acceptance of any warrant or check by the claimant shall be considered a settlement in full of said claim, and the same shall not be presented for further allowance, unless upon an affirmative vote of three-fourths of the members of the full Council.

1-13-4: **PAYMENT OF CLAIMS.** All claims allowed against the City shall be paid by warrant or check drawn upon the Treasurer, and signed by the Mayor, with the corporate seal of the City affixed thereto. Such warrants or checks shall also contain a statement of the amount of the appropriation and such other information as will adequately identify the claim.

1-13-5: **REGISTER OF WARRANTS.** The Clerk shall keep a register of all warrants drawn on the Treasurer showing the number, the date and the name of the payee, for what drawn, and upon what fund. Upon the return of the cancelled warrant, the Clerk shall note in the register the date of their return.

1-13-6: **PAYMENT OF REGISTERED WARRANTS.** The Treasurer shall keep a register of the warrants showing the number, date, amount of each warrant, the name of the payee,

for what drawn, the funds on which drawn, the date of presentment, the date of payment, and the amount paid thereon. Should any warrant be presented for payment and sufficient funds are not available to pay the same, the Treasurer shall sign the warrant and endorse thereon the words: "Presented but not paid for want of funds," giving the date of presentation and specifying the rate of interest such warrant shall draw. All warrants shall be paid in the order of presentation and registered by the Treasurer out of the appropriate funds. All warrants shall be cancelled by the Treasurer when paid and shall be returned to the Clerk.

1-13-7: **CANCELLED WARRANTS TO BE FILED.** Cancelled warrants returned by the Treasurer shall be filed in the office of the Clerk.

1-13-8: **DESIGNATION OF DEPOSITORIES.** The following financial institutions are hereby designated as the official depositories of the City: Zions Bank, N.A., Bank of Commerce, Key Bank and Westmark Credit Union. Notwithstanding the foregoing, the Council may designate other depositories by ordinance or resolution. All such deposits shall be subject to the limits set forth in Idaho Code §§ 50-1013 and 67-1210.

(Ord. 186-08-14; 10/21/2014).

1-13-9: **DEPOSIT OF PUBLIC FUNDS BY TREASURER.** Except where public moneys in the custody of the Treasurer at any one time are less than \$1,000, the Treasurer shall deposit, and at all times keep on deposit, in such designated depositories, all public moneys coming into his hands. In no case shall the deposit or deposits of public funds of the City in such depositories exceed at any one time in the aggregate the total of the capital and surplus or reserves and unallocated or undivided earnings, as applicable of any such depository.

1-13-10: **CERTIFICATION OF DEPOSITORIES BY COUNCIL.** Not less than once every six (6) months the City Council shall certify to the Treasurer the capital and surplus or reserves and unallocated or undivided earnings, as applicable, of each public depository into which public moneys have been deposited. Such certificates shall be immediately served on the Treasurer following their approval by the City Council.

1-13-11: **INVESTMENT OF IDLE FUNDS.** The Treasurer is hereby authorized and empowered to invest surplus or idle funds of the City in any investment permitted by Idaho Code §§ 57-127 and 50-1013. All interest received on such investments, unless otherwise required by law or ordinance, shall be paid into the general fund of the City. All such deposits shall be subject to the limits set forth in Idaho Code §§ 50-1013 and 67-1210.

(Ord. 186-08-14; 10/21/2014).

1-13-12: **COMPLAINCE WITH STATE LAWS.** The deposit and investment of all public moneys of the City shall conform in all respects to the Idaho Public Depository Law, as set forth in Chapter 1, Title 57, Idaho Code.

CHAPTER 14 Public Records

SECTION:

- 1-14-1: Open Records Policy
- 1-14-2: Hours
- 1-14-3: Exceptions
- 1-14-4: Copying Costs
- 1-14-5: Identification and Retrieval of Records
- 1-14-6: Custodian Defined
- 1-14-7: Request for Examination
- 1-14-8: Response to Requests for Examination
- 1-14-9: Mailing of Records
- 1-14-10: Electronic Duplication
- 1-14-11: Objection to Records Production
- 1-14-12: Retention of Temporary Records
- 1-14-13: Destruction or Alteration of Records

1-14-1: **OPEN RECORDS POLICY.** All records of the City shall be open to inspection and every person shall have a right to examine and make a copy thereof, subject to the provisions of this chapter. Nothing herein shall impose a duty upon the custodian of any public record to research, sort, manipulate, index or process information contained in any public record.

1-14-2: **HOURS.** All records open to the public shall be available for inspection or copying upon the request of any member of the public during regular office hours of the City Clerk or custodian of the records, as may be established by executive order of the Mayor or by Ordinance of the City Council. Public records may not be removed from the custodian's office without the permission of such custodian.

(Ord. 132, 1/15/2008).

1-14-3: **EXCEPTIONS.** Except as otherwise determined by specific resolution of the Council, the public shall have no right to inspect or copy the following records:

- (A) All records exempt from inspection and copying by law.
- (B) Records prepared, considered or received in relation to or in anticipation of any matter which is properly the subject of an executive session under Idaho Code Section 67-2345.
- (C) All public records to the extent it is necessary to preserve any privilege established by law or pursuant to the Idaho Rules of Evidence, or to the extent necessary to preserve and maintain records relating to a privilege of any officer, employee, agent of the City or any other person who delivers records or documents to the City having an expectation of the confidentiality thereof under such privileges.

1-14-4: **COPYING COSTS.** Every division or department of the City may establish a reasonable fee for providing copies under the provisions of this chapter, provided such fees shall not exceed the actual expense of making the copy. The custodian of the public records may require payment of the estimated costs of copying in advance.

1-14-5: **IDENTIFICATION AND RETRIEVAL OF RECORDS.** All requests for inspection or copying shall be made directly to the custodian of the desired records and shall be sufficiently specific to allow ready identification of the records desired. In the event a request for inspection or copying fails to state the specific identity or location of public records, then the custodian shall have no obligation to locate, retrieve or copy such records, beyond indicating the general location of records of the type indicated and then allowing such person to examine the records so indicated.

1-14-6: **CUSTODIAN DEFINED.** For the purpose of this chapter, the term “custodian” shall mean (A) the City Clerk, including any and all employees or representatives of the City Clerk and (B) the person having actual physical custody of the records for which inspection or copying is sought. The custodian shall have custody of, control of, and/or authorized access to the pertinent records of the City. The custodian shall also receive all public records requests, with any employees or representatives of the custodian acting as alternate custodians for contingencies.

(Ord. 220-05-18, 5/17/18).

1-14-7: **REQUEST FOR EXAMINATION.** The custodian shall make no inquiry of the person requesting inspection or copying of any public record, except to determine the nature or identity of the records sought and the mailing address and telephone number of the person making the request. The custodian of the public records, or his or her agent, may require the request for

inspection or copying be made in writing, and in such event, the time frames set forth in Section 1-14-8 below shall not commence until the written request is delivered to the person having physical custody of such records, notwithstanding any prior verbal request.

1-14-8: **RESPONSE TO REQUESTS FOR EXAMINATION.** The custodian of any public record shall grant or deny a request for examination or copying within three (3) working days after the request is received, provided if the custodian determines a longer period of time is needed to locate or retrieve the records, the custodian shall notify the person requesting the records and shall provide the public records no later than ten (10) working days following receipt of the request. No request shall be denied, unless the denial is in writing, following approval by the City Attorney, in accordance with Idaho Code Section 9-339. For the purposes of this section, a request for copying shall not be deemed made until the request has been personally communicated to, or a written request is delivered to, the custodian of the records sought. Communications or written requests made to any other officer, agent or employee of the City shall not be deemed effective until such communication or written request is actually delivered to such custodian.

1-14-9: **MAILING OF RECORDS.** In the event a request is made for copies of public records to be delivered by mail or other carrier, the custodian may require advance payment of the mailing or shipping costs for such public records.

1-14-10: **ELECTRONIC DUPLICATION.** No person shall, without the consent of the custodian, use any electronic machine, computer, tape recorder, copier or device, other than equipment provided by the City, for the purpose of copying any public record. The custodian may consent to such copying only upon a determination that such copying presents no risk of having such record altered, damaged or destroyed.

1-14-11: **OBJECTION TO RECORDS PRODUCTION.** In the event the custodian of any public record of the City produces records upon the request of any person, such response shall be deemed satisfactory, unless such person files a written objection with the producing custodian within three (3) working days after such records are produced. Such objection shall state the specific reason why the response is inadequate and shall be considered a new request for the purposes of this chapter and Idaho Code Sections 9-337 through 9-347.

1-14-12: **RETENTION OF TEMPORARY RECORDS.** Temporary records which are not routinely subject to audit, or duplicate copies of any public records, may be destroyed by the custodian thereof, without further resolution of the City Council and without passage of a resolution listing, in detail, the records to be destroyed. Any temporary record which is not subject to routine audit and which in the discretion of the custodian thereof has no continuing legal or

historical significance and for which no significant public purpose would be served by retaining the same may be destroyed in the ordinary course of business without resolution of the Council or supervision of the City Clerk. All other permanent, semi-permanent and temporary records shall be kept and retained for the periods required under Idaho Code Section 59-907.

1-14-13: **DESTRUCTION OR ALTERATION OF RECORDS.** Any person who alters, destroys, falsifies or who without authority removes or attempts to remove any public records from the office of the custodian or who deliberately disarranges or destroys the classification, retention or retrieval system therefor, is guilty of a misdemeanor. Such person may also be denied any further right of access to such records.

CHAPTER 15 Administrative Provisions

SECTION:

- 1-15-1: Corporate Seal Design
- 1-15-2: Adoption of Seal
- 1-15-3: Custodian of Corporate Seal
- 1-15-4: Official Newspaper
- 1-15-5: Official City Map

1-15-1: **CORPORATE SEAL DESIGN.** The corporate seal of the City shall be as follows:



1-15-2: **ADOPTION OF SEAL.** The seal described above is adopted as the corporate seal of the City of Iona, Bonneville County, Idaho.

1-15-3: **CUSTODIAN OF CORPORATE SEAL.** The Clerk shall be the custodian of the corporate seal of the City.

1-15-4: **OFFICIAL NEWSPAPER.** The Post Register is designated as the official newspaper of the City. All writings required to be published by the City under any law of the State, or any provision of this Code, shall be published in the official newspaper.

1-15-5: **OFFICIAL CITY MAP.** A current map of the City, and drawn to a scale of one inch to three hundred feet (1" to 300'), shall, at all times, be kept on file in the office of the City Clerk which map shall be known as the Official Map of the City. The boundaries of the City as shown on said map shall constitute the official city limits of the City. Such map shall be deemed to be a part of this Code as fully as if set forth herein.

TITLE 2 Boards and Commissions

<i>Chapter</i>	<i>Subject</i>
1	[Repealed]
2	Historic Preservation

CHAPTER 1 [Repealed] (Ord. 324-02-26, 2/24/2026)

CHAPTER 2 Historic Preservation

SECTION:

- 2-2-1: Purpose
- 2-2-2: Definitions
- 2-2-3: Creation of Historic Preservation Commission
- 2-2-4: Organization, Officers, Rules and Meetings
- 2-2-5: Powers, Duties and Responsibilities
- 2-2-6: Designation of Historic Property
- 2-2-7: Designation of State-Owned Property Prohibited
- 2-2-8: Procedure for Designation
- 2-2-9: Change in Use of Historic Property
- 2-2-10: Exemption from Health or Building Codes
- 2-2-11: Penalty

2-2-1: **PURPOSE.** The purpose of this Ordinance is to promote the educational, cultural, economic and general welfare of the public of the City of Iona through identification, evaluation, designation, and protection of buildings, sites, districts, areas, structures and objects that reflect significant elements of the City's, the State's, and the Nation's historic, architectural, archaeological, and cultural heritage.

(Ord. 65A, 4/20/2004).

2-2-2: **DEFINITIONS.** The following words and phrases when used in this Chapter shall have, unless the context clearly indicates otherwise, the following meanings:

CITY:	The City of Iona.
COMMISSION:	The Historic Preservation Commission of the City of Iona.
HISTORIC PROPERTY:	Any building, structure, district, area or site that is significant in the history,

architecture, archaeology or culture of this community, the state or the nation.

**DESIGNATED HISTORIC
PROPERTY:**

Historic Property which meets the criteria established for inclusion of the property in the National Register of Historic Places, and which has been so designated by the City Council in accordance with the provisions of this Chapter.

**HISTORIC
PRESERVATION:**

The identification, evaluation, recordation, documentation, curation, acquisition, management, protection, restoration, rehabilitation, stabilization, maintenance, interpretation, conservation, and education of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of this state, its communities or the nation.

(Ord. 65A, 4/20/2004).

2-2-3: CREATION OF HISTORIC PRESERVATION COMMISSION.

- (A) There is hereby created a Historic Preservation Commission which shall consist of three (3) members who shall be appointed by the Mayor with the advice and consent of the Council.
- (B) All members of the Commission shall have a demonstrated interest, competence, or knowledge in history or historic preservation. The Council shall endeavor to appoint at least one (1) member with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, conservation, landscape architecture, law, or other historic preservation related disciplines.
- (C) Initial appointments to the commission shall be made as follows: One (1) one-year term; one (1) two-year term; one (1) three-year term. All subsequent appointments shall be made for three-year terms. Commission members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments and the appointee shall serve for the remainder of the unexpired term of his or her predecessor.
- (D) The members of the Commission may be reimbursed by the City for expenses incurred in connection with their duties.

(Ord. 65A, 4/20/2004).

2-2-4: **ORGANIZATION, OFFICERS, RULES AND MEETINGS.**

- (A) The Commission shall have the power to make reasonable rules as necessary for the execution of its duties as set forth in this Chapter. At least one (1) copy of the rules of procedure and bylaws adopted by the Commission shall be kept at the office of the City Clerk and shall be available for public inspection during regular business hours.
- (B) The Commission shall elect officers from among the Commission members. The chairperson shall preside at all meetings of the Commission. The vice-chairperson shall, in the absence of the chairperson, upon his or her resignation or inability to act for any reason, perform the duties of the chairperson.
- (C) All meetings of the Commission shall be open to the public and follow the requirements of Idaho's open meeting laws. The Commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions.
- (D) The Commission may recommend to the City Council, the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the Commission.

(Ord. 65A, 4/20/2004).

2-2-5: **POWERS, DUTIES AND RESPONSIBILITIES.** The Commission shall be advisory to the City Council and shall be authorized to:

- (A) Conduct a survey of local Historic Properties.
- (B) Recommend the acquisition of fee and lesser interests in Historic Properties, including adjacent or associated lands, by purchase, bequest, or donation.
- (C) Recommend methods and procedure necessary to preserve, restore, maintain and operate Historic Properties under the ownership or control of the City.
- (D) Recommend the lease, sale, or other transfer or disposition of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
- (E) Review and recommend grants or contracts with any state or federal government, or any agency of either, or any other organization created for the purpose of the furthering objectives of Historical Preservation.
- (F) Cooperate with the federal, state, and local governments in the pursuance of the objectives of Historic Preservation.
- (G) Make recommendations to the City, Bonneville County, the State, or the United States government, and the agencies of these entities, with respect to any planning or zoning matter undertaken or proposed to be undertaken and which affects any Historical Property.

- (H) Recommend ordinances and otherwise provide information for the purposes of encouraging Historic Preservation in the City.
- (I) Promote and conduct an educational and interpretive program on Historic Preservation and Historic Properties in the City.
- (J) Commission members, employees or agents of the Commission may enter private property, buildings, or structures in the performance of its official duties only with the express consent of the owner or occupant thereof.
- (K) Review nominations of Historic Property within the City for designation within the National Register of Historic Places.

(Ord. 65A, 4/20/2004).

2-2-6: **DESIGNATION OF HISTORIC PROPERTY.** The City Council may adopt an ordinance designating one (1) or more Historic Properties, based upon the consideration of the following criteria: The historical, architectural, archeological and cultural significance of the property; its suitability for preservation or restoration; its educational value; the cost of acquisition, restoration, maintenance, operation or repair of such property; the possibilities for adaptive or alternative use of the property; its appraised value; and the administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs. In order to make such designation, the City Council shall ensure that it meets the criteria established for inclusion of the property in the National Register of Historic Places, as required under Title 67, Chapter 46, Idaho Code and further the Council shall require the observance of the waiting period set forth in § 67-4615, Idaho Code, prior to its demolition, material alteration, remodeling or removal. The Ordinance shall also provide for a suitable sign or marker on or near the property indicating that the property has been so designated.

(Ord. 65A, 4/20/2004).

2-2-7: **DESIGNATION OF STATE-OWNED PROPERTY PROHIBITED.** Nothing in this Chapter shall authorize or be construed to allow the designation, regulation, conditioning or restriction upon the use of any Historic Property or facility owned by the State of Idaho.

(Ord. 65A, 4/20/2004).

2-2-8: **PROCEDURE FOR DESIGNATION.** No property may be designated as historic property until the following procedural steps have been taken:

- (A) The Commission shall make an investigation and report to the City Council on the historical, architectural, archeological or cultural significance of the property in question.

- (B) A public hearing has been conducted before the City Council on the proposed designation, after giving sufficient written notice to the owners and occupants of the property and posting public notice in a prominent location on or immediately adjacent to the property proposed for designation.
- (C) The City Council has adopted an ordinance making such designation, and specifically describing the property encompassed within such designation.
- (D) Upon adoption of the ordinance, the owners and occupants of each designated historic property shall be given written notification of such designation by the local governing body. One (1) copy of the ordinance shall be filed by the Commission in the office of the Bonneville County Recorder.
- (E) The Commission shall give written notice of such designation to the Bonneville County tax assessor. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax assessor in appraising it for tax purposes.

(Ord. 65A, 4/20/2004).

2-2-9: **CHANGE IN USE OF HISTORIC PROPERTY.**

- (A) A historic property designated by ordinance as herein provided may be demolished, materially altered, remodeled, relocated or put to a different use only after one hundred eighty (180) days' written notice of the owner's proposed action has been given to the Commission. During this period, the commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property. During this period, or at any time prior thereto following notice of designation to the owner as provided in section 67-4615 d, Idaho Code, and where such action is reasonably necessary or appropriate for the continued preservation of the property, the Commission may enter into negotiations with the owner for the acquisition by gift, purchase, or exchange of the property or any interest therein. The Commission may reduce the waiting period required by this section in any case where the owner would suffer extreme hardship, unless a reduction in the required period were allowed. The Commission shall have the discretionary authority to waive all or any portion of the required waiting period, provided that the alteration, remodeling, relocation or change of use is undertaken subject to conditions agreed to by the Commission insuring the continued maintenance of the historical, architectural, archeological or cultural integrity and character of the property.
- (B) Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature in or on a historic property that does not involve a change in design, material, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the commission that such action is required for the public safety because of an unsafe or dangerous condition.

- (C) Nothing in this act shall authorize or be construed to allow the designation, regulation, conditioning or restriction by ordinance or other means of any property or facility owned by the state of Idaho.

(Ord. 65A, 4/20/2004)

2-2-10: **EXEMPTION FROM HEALTH OR BUILDING CODES.** The City Council, in order to promote the preservation and restoration of any historic property may, by resolution, exempt a historic property from the application of any city, health or building code, following a recommendation of such exemption by the Commission, provided however before adopting such resolution the City Council shall make a finding that the application of such health or building codes would prevent or seriously hinder the preservation or restoration of said historic property and is necessary to accomplish the objectives of this chapter.

(Ord. 65A, 4/20/2004).

2-2-11: **PENALTY.** Any owner or lessee of property designated as a historic property under the terms of this chapter, who by willful neglect allows such property to deteriorate in any manner which materially detracts or diminishes the historic nature of such property shall be guilty of a misdemeanor.

(Ord. 65A, 4/20/2004).

TITLE 3 Operational Divisions

<i>Chapter</i>	<i>Subject</i>
1	Police Division
2	Public Works Division
3	[Repealed]

CHAPTER 1 Police Division

SECTION:

- 3-1-1: Creation of Division
- 3-1-2: Contracting Police Services
- 3-1-3: City's Operation of Police Division
- 3-1-4: Arrests
- 3-1-5: Appointment of Special Police Officers
- 3-1-6: Unclaimed Personal Property
- 3-1-7: Record of Unclaimed Property
- 3-1-8: Advertisement and Sale of Unclaimed Property
- 3-1-9: Reimbursement to Owner
- 3-1-10: Extraterritorial Powers

3-1-1: **CREATION OF DIVISION.** The Police Division is hereby established as an administrative division of the City.

(Ord. 241-07-20, 7/21/2020).

3-1-2: **CONTRACTING POLICE SERVICES.** The City may, in lieu of operating a police department, contract with another competent law enforcement agency within the state of Idaho to furnish police services to the City, provided that such contract shall be subject to the approval of a majority of the Council. Should the City determine to contract for police services, it shall be subject to the following:

- (A) **Duties.** The contracted law enforcement agency that constitutes the Police Division shall ensure the laws of the State of Idaho and the ordinances of the City are obeyed and executed, and he shall have such other powers and duties prescribed herein, agreed in the City's contract, or granted or imposed by law.
- (B) **Chief of Police.** The Chief of Police (as that term is used in this Code) shall be the chief administrative officer of the City's contract.

(Ord. 241-07-20, 7/21/2020).

3-1-3: **CITY'S OPERATION OF POLICE DIVISION.** Should the City determine to operate the Police Division of the City, it shall be subject to the following:

- (A) **Offices.** The Police Division shall be composed of the Chief of Police (as that term is used in this Code) and other such offices as the Mayor and Council deem necessary to preserve the peace, enforce the laws and safeguard the property and inhabitants of the City.
- (B) **Appointment of Officers and Members.** The Mayor, subject to confirmation by the Council, shall appoint the Chief of Police and all other officers and members of the Police Division.
- (C) **Chief of Police.** The Chief of Police shall be the chief administrative officer of the Division and all officers of the Division shall be under his immediate supervision, direction and control. The Chief of Police shall ensure the laws of the State of Idaho and the ordinances of the City are obeyed and executed, and he shall have such other powers and duties prescribed herein or granted or imposed by law.
- (D) **Removal of Chief of Police.** The Chief of Police may be removed, with or without cause, by the Mayor, subject to confirmation by a vote of at least three members of the Council, provided the Council may, on its own initiative, remove the Chief upon a unanimous vote of the full Council.
- (E) **Police Officers.** All police officers shall be subject to the direction of the Mayor, Council and Chief of Police. All police officers shall perform all duties of policemen, preserve order and peace, ensure all laws are enforced, and carry out the lawful instructions of the Chief in all matters pertaining to the enforcement of laws and the protection of persons and property within the City.
- (F) **Reports.** All police officers shall report to his or her immediate supervisor every violation of law observed while on duty. If any police officer uses force by gun, club, fist, weapon of any kind or uses physical force in any manner upon any person, the officer shall immediately report the same in writing to the Chief of Police or the commanding officer on duty. Such report shall detail the time, place and circumstances, and the necessity for the use of such violence, and the identities of any persons present at the time.
- (G) **Conduct of Police Officers.** All police officers on duty shall refrain from drinking any spirited liquor, wine, beer or any intoxicating beverage, nor shall any officer perform any duty of their office while in an intoxicated condition; nor shall they, whether on or off duty, violate any laws or ordinances of the City, the State of Idaho or the United States, or conduct themselves in any manner which brings disrespect to the City or the Police Division.
- (H) **Compensation.** The compensation of the Chief of Police and all officers of the Police Division shall be determined by the Council.
- (I) **Removal of Police Officers.** Any officer who neglects or refuses to report any violation of law by any other officer of the police force, or who fails to observe the rules or

regulations of the Police Division or the Civil Service Commission, may be removed from office. Such removal shall be in accordance with the Civil Service laws, ordinances, and rules and regulations.

- (J) **Duties of Chief Regarding Unlicensed Businesses.** The Chief of Police shall enforce all laws and ordinances pertaining to the licensing of any business, occupation or enterprise in the City.
- (K) **Oath of Officers.** The Chief of Police and every police officer before entering upon his or her duties shall subscribe to the official oath set forth in Chapter 9, Title 1 of this Code.
- (L) **Outside Employment.** No member of the Police Division shall engage in any other employment or undertaking which will interfere with the performance of his or her duties or which will bring disrespect upon the City or the Division. Before engaging in any outside employment or undertaking, all members of the Division shall obtain the written approval of the Mayor.

(Ord. 241-07-20, 7/21/2020).

3-1-4: **ARRESTS.** A police officer may make an arrest in obedience to a warrant of arrest delivered to him, or may, without a warrant, arrest a person as permitted by Idaho Code section 19-603 or in any other manner allowed by the laws and Constitution of the State of Idaho.

(Ord. 241-07-20, 7/21/2020).

3-1-5: **APPOINTMENT OF SPECIAL POLICE OFFICERS.** The Mayor may appoint special police officers to serve during a limited period and they shall conform to all of the rules and regulations as regular police officers, except that they need not be in uniform. Upon such appointment and their subscription to the official oath, such special officers shall have all authority to act as peace officers, under the provisions of this Chapter, provided, however, in no event shall such appointment be for a period greater than one (1) year.

(Ord. 241-07-20, 7/21/2020).

3-1-6: **UNCLAIMED PERSONAL PROPERTY.** The Chief of Police and officers of the Police Division may take possession of any automobile, bicycle, wagon or other conveyance, machine, implement or other item of personal property found deserted and unclaimed for a period of twenty-four (24) hours upon the streets or public property of the City. The Chief of Police and any officer of the Police Division may take possession of any real personal property left or found upon private property when the ownership is unknown, when requested to do so by the owner of such real property.

(Ord. 241-07-20, 7/21/2020).

3-1-7: **RECORD OF UNCLAIMED PROPERTY.** All unclaimed property taken into possession shall be listed in a book with the following information:

- (A) Place where found or taken possession of;
- (B) Description of the article;
- (C) Name of officer taking possession of the article;
- (D) Date of taking possession;
- (E) The identity, address and telephone number of the person reporting the property as abandoned.

(Ord. 241-07-20, 7/21/2020).

3-1-8: **ADVERTISEMENT AND SALE OF UNCLAIMED PROPERTY.**

- (A) **Duty to Advertise and Sell.** The Chief of Police may advertise and sell at public auction any unclaimed article of personal property but only if any unclaimed bicycle has been held for a period of at least ninety (90) days, any unclaimed personal property with a fair market value of less than twenty five dollars (\$25.00) has been held for a period of at least thirty (30) days, and any other unclaimed personal property has been held for a period of at least six (6) months. Such sales shall be in accordance with the provisions of this Chapter.
- (B) **Notice of Sale.** A Notice of Sale shall be published at least once a week for not less than two (2) consecutive weeks in the official newspaper, with the second publication being not less than five (5) nor more than ten (10) days before the date of the sale. Whenever the Police Division knows the name and address of the owner or other person entitled to possession of any article to be sold at such sale, a copy of the notice of sale shall also be mailed to such owner or other person entitled to possession at his or her last known address, postage prepaid, at least five (5) days prior to such sale.
- (C) **Conduct of Sale.** The sale shall be by public auction for cash, lawful money of the United States of America. The Chief of Police may determine the number of items to be sold at the sale and may determine whether these items are sold singly or in lots. The Chief of Police, upon request, shall give or cause to be given a bill of sale to the highest bidder upon payment of the amount bid. All goods shall be sold as is and without warranty of title, merchantability, fitness, or other express or implied warranty of any kind or nature.
- (D) **Proceeds.** The proceeds of sale shall be applied first to all costs assessed or incurred against the personal property so sold including any storage charges and expenses of sale incurred by the City Clerk and the Police Division, and the balance of such proceeds, if any, shall be deposited in a separate fund with the City Treasurer for a period of one (1) year from the date of sale. Any person claiming title to, or ownership of, such proceeds by

reason of ownership of such personal property at the time of sale shall make written application therefor to the Police Division. If satisfactory proof of such title or ownership is furnished within one (1) year of the receipt of such proceeds, then the proceeds shall be delivered to the claimant. If no claim and proof is made before the expiration of one (1) year from the date of the receipt of the proceeds, the same shall be credited to the general fund of the City, and no claim therefor shall be thereafter considered.

(Ord. 241-07-20, 7/21/2020).

3-1-9: **REIMBURSEMENT TO OWNER.** If the owner of any article held under the provisions of this Chapter, appears prior to the time of such sale and makes proper proof of ownership, the Chief of Police shall deliver possession thereof to the owner upon payment of any storage costs therefor. The Chief of Police shall from time to time prepare a uniform schedule of reasonable storage charges for such articles, which schedule shall be filed with the City Clerk and at the office of the Police Division.

(Ord. 241-07-20, 7/21/2020).

3-1-10: **EXTRATERRITORIAL POWERS.** All police officers may exercise, to the fullest extent permitted by law, all extraterritorial authority conferred upon them pursuant to Idaho Code Section 67-2337, may make arrests and issue citations while in fresh pursuit of any person who has violated any state law or City ordinance, and shall aid and assist the Mayor in enforcing any extraterritorial powers or authority as set forth in this Code.

(Ord. 241-07-20, 7/21/2020).

CHAPTER 2 Public Works Division

SECTION:

- 3-2-1: Establishment of Public Works Division
- 3-2-2: Duties of the Division
- 3-2-3: Management of Division
- 3-2-4: No Private Duty

3-2-1: **ESTABLISHMENT OF PUBLIC WORKS DIVISION.** The Division of Public Works is hereby established as an administrative division of the City.

3-2-2: **DUTIES OF THE DIVISION.** The Division of Public Works shall supervise and control:

- (A) The construction, operation and maintenance of all public streets, sidewalks, alleys, bridges, highways and rights of way, including the placement and operation of street regulatory and informational signs.
- (B) The construction, operation and maintenance of all sewer facilities and appurtenances, including sanitary sewers, pumping stations, storm sewers, drains, ditches, culverts and streams and water courses under the jurisdiction of the City.
- (C) The administration of all rules, regulations and ordinances pertaining to the construction, maintenance and operation of all streets, sidewalks, rights of way, easements, sewers, sanitation facilities, waterlines and pumps, gas lines, telephone and communication lines and subdivision improvements.
- (D) The making of all surveys, maps, public works plans, drawings and other documents required for the construction, maintenance and operation of all public works owned or operated by the City.
- (E) The preparation of contract drawings, specifications and cost estimates for all public works construction and maintenance and the supervision of such construction, including field inspections.
- (F) The construction, operation and maintenance of all public water supply and distribution facilities.

- (G) The collection and disposal of all refuse and the cleaning of all streets and alleys, including the removal of snow therefrom.

3-2-3: **MANAGEMENT OF DIVISION.** The Division of Public works shall be managed by a committee appointed by the Mayor and confirmed by a majority of the members of the Council.

3-2-4: **NO PRIVATE DUTY.** Nothing in this chapter shall create a private right, duty or obligation of the City in favor of any person, or give rise to any private right of action, on account of any failure by the City or any employee of the Public Works Division to perform the duties prescribed herein.

CHAPTER 3 [Repealed] (Ord. 325-02-26, 2/24/2026)

TITLE 4 Business Regulations

<i>Chapter</i>	<i>Subject</i>
1	Business Licenses
2	Liquor by the Drink
3	Beer
4	Wine
5	Amusements
6	Itinerant Merchants, Mobile Food Vendors and Door-to-Door Salesman
7	Pawnbrokers, Secondhand Precious Metal Dealers and Secondhand Stores
8	Scrap Dealers

CHAPTER 1 Business Licenses

SECTION:

- 4-1-1: License Required
- 4-1-2: Form of License
- 4-1-3: License Fees Payable in Advance
- 4-1-4: Application for License
- 4-1-5: Temporary License
- 4-1-6: Approval of License
- 4-1-7: License Nontransferable
- 4-1-8: Separate Licenses Required
- 4-1-9: Revocation of Licenses
- 4-1-10: Display of License
- 4-1-11: Expiration Date

4-1-1: **LICENSE REQUIRED.**

(A) **Definitions.** The following words and phrases when used in this Section shall have, unless the context clearly indicates otherwise, the following meanings:

- (1) BUSINESS: Any industry, vocation, occupation, trade, profession, or craft.
- (2) CLERICAL BUSINESS: A Business that is (a) a Home Occupation, as defined in Section 11-1-5 of this Code, and (b) regardless of the nature of the underlying Business conducted, only uses one building for office, clerical, planning, file storage, or similar uses
- (3) REGULAR SERVICE BUSINESS: A Business that provides services, documents, or intangible products.
- (4) SMALL SERVICE BUSINESS: A Regular Service Business that is (a) a Home Occupation, as defined in Section 11-1-5 of this Code, and (b) is physically

visited at its location by fewer than ten individuals (regardless of whether such individuals are employees, vendors, customers, clients, or otherwise) per calendar month.

- (5) REGULAR MERCHANDISING BUSINESS: A Business that buys and sells products without changing the form of the products.
 - (6) SMALL MERCHANDISING BUSINESS: A Regular Merchandising Business that is (a) a Home Occupation, as defined in Section 11-1-5 of this Code, and (b) is physically visited at its location by fewer than ten individuals (regardless of whether such individuals are employees, vendors, customers, clients, or otherwise) per calendar month.
 - (7) MANUFACTURING BUSINESS: A Business that consists only of one or more uses that are light industrial (as defined in Title 11 of this Code).
 - (8) INDUSTRIAL BUSINESS: A Business that consists only of one or more uses that are heavy industrial (as defined in Title 11 of this Code).
- (B) **General Requirement.** No person shall operate, conduct, or engage in any Business within the City without first obtaining a license from the City. Licenses shall be issued upon payment of the fees specified in this Title, upon the applicant's compliance with the applicable provisions of this Title, and upon approval of the Council.
- (C) **Exceptions.** Notwithstanding Subsection (B), above, no Business shall be required to obtain a business license if it:
- (1) is a sole proprietorship that is not subject to any of the other Chapters of this Title; and is either (a) a Clerical Business, (b) a Small Service Business, or (c) a Small Merchandising Business;
- or
- (2) solely operates in the boundaries of the City to conduct Door-to-Door Sales, work as an Itinerant Merchant, and/or work as a Mobile Food Vendor (all as defined in this Chapter).
- (D) **Nature of Business License.** All licenses shall be a personal privilege of the holder. Except as expressly provided in this Title, a license shall become null and void if the holder

ceases to personally supervise, conduct, and operate the Business for which the license has been issued. Unless otherwise provided in this Title, no license fee or any part thereof may be refunded even though the licensee does not operate for the period or any portion of the period for which the license was issued

- (E) **Enforcement.** The failure to obtain a business license when one is required is an infraction.

(Ord. 233-08-19, 8/20/2019); (Ord. 318-04-25, 4/22/2025).

4-1-2: **FORM OF LICENSE.** The City Clerk shall prepare license forms for licenses issued under this Title. The license shall specify the holder's name, the type of business licensed, the principal place of business of the licensee and the expiration date of the license. The Clerk shall account for all licenses signed by the Mayor, shall countersign the licenses and deliver the licenses to licensees. The City Clerk shall collect all license fees and promptly deliver them to the City Treasurer. The City Treasurer shall issue a receipt for any license fees received from the Clerk.

4-1-3: **LICENSE FEES PAYABLE IN ADVANCE.** All fees required by this Title shall be paid in advance at the office of the City Clerk. The initial license application fee submitted with the application for a business license (including any re-application after a license is revoked or terminated for any reason) shall be \$100; thereafter, the annual renewal fee for a business license shall be \$50 per year.

(Ord. 236-12-19, 12/17/2019).

4-1-4: **APPLICATION FOR LICENSE.** Any person desiring to obtain any license provided for in this Title shall first apply in writing under oath to the City Council. The application together with the license fee shall be delivered to the City Clerk. The City Clerk shall prescribe the form of the application. The application shall contain the following information:

- (A) Applicant's full name and date of birth, form of doing business, (*i.e.*, sole proprietorship, partnership, corporation, etc.) and the name under which the business is to be conducted;
- (B) Applicant's state of residence and principal place of business;
- (C) Applicant's business and residential mailing addresses and telephone numbers;
- (D) The street address within the City where each place of business is to be conducted;
- (E) The nature of the business to be licensed;
- (F) The number of years the applicant has engaged in such business;

- (G) The zoning of the property on which the business will be conducted;
- (H) Whether the business is a Home Occupation and, if so, what category (as described in Section 11-11-12) of Home Occupation the business is, along with the reasons for Applicant's asserted categorization; and
- (I) Any other information required by this Title or by the Clerk in order to determine the applicant's fitness or qualifications for the license.

The City Clerk shall forward a copy of each business license application to the Chief of Police, the Fire Chief, and the State of Idaho Department of Health, as applicable, and other appropriate City Division Directors for their review and recommendation.

(Ord. 233-08-19, 8/20/2019); (Ord. 242-07-20, 7/21/2020); (Ord. 325-02-26, 2/24/2026).

4-1-5: **TEMPORARY LICENSE.** Upon receipt of the affirmative recommendation of the Chief of Police and other City Division Directors, as appropriate, the Clerk may issue a temporary license to any applicant, except applicants for liquor-by-the-drink, massage therapists or itinerant merchants licenses. Such temporary license shall expire upon the issuance or denial of a license by the Council or at the expiration of thirty (30) days after the date such temporary license was issued, whichever is sooner. Such temporary license shall state its expiration date on the face thereof.

(Ord. 325-02-26, 2/24/2026).

4-1-6: **APPROVAL OF LICENSE.** Except as otherwise provided in this Title, the City Clerk shall present all license applications to the City Council not later than the second regular Council meeting after the application was delivered to the Clerk. At that meeting, the City Council may grant or deny the application or refer it to the appropriate City division for further investigation and review. In any event, the Council shall grant or deny the application on or before the second regular Council meeting following its initial presentation to the Council. After due consideration of the application, the Council shall either grant the application and order the Clerk to issue the license or deny the application and return the license fee with a notice of rejection to the applicant. The Council may deny the application upon finding that the applicant does not meet any of the qualifications of this Title, that applicant's conduct of business will contravene any provision of the City's Building Code, Fire Code, Zoning Ordinance, or any other applicable regulation, ordinance or statute of the City, Bonneville County, State of Idaho or the United States, that the applicant has been convicted of a felony, or that the applicant has engaged in any fraudulent, deceptive or unlawful business practices within ten (10) years prior to the date of his or her application for a business license.

4-1-7: **LICENSE NONTRANSFERABLE.** Except as specifically provided by this Code or State law, licenses issued by the City shall not assigned or transferred to any person other than the named holder. Issuance of a license by the City shall not authorize any person other than the person or entity named thereon to conduct such business; nor shall it authorize any business other than that named to be done or transacted. Issuance of a license shall not permit the named business to be conducted in any place other than the location or locations described in the application without prior approval of the Council. All licenses shall state the location of the business upon the face thereof.

4-1-8: **SEPARATE LICENSES REQUIRED.** A separate license and license fee shall be required for each business subject to the provisions of this Title, regardless of whether two (2) or more businesses are conducted or operated by the same person or entity or whether two (2) or more businesses are conducted within the same building or at the same location.

4-1-9: **REVOCATION OF LICENSES.** The Council may revoke any license issued under this Title at any time if the licensee does not comply with the applicable provisions of this Title or for other just cause. Before revoking any license, the City Clerk shall give written notice to the license holder of such proposed action at least ten (10) days prior to the date such proposed action is submitted to the Council. The license holder shall be given an opportunity to appear before the Council and show cause why his or her license should not be revoked.

4-1-10: **DISPLAY OF LICENSE.** All licensees shall post their licenses in a place conspicuous to the public in each business location and shall produce the license whenever required by any officer or other person having the authority to examine it. If an applicant desires to conduct business in more than one location, the Clerk may issue duplicate originals of the license for display in each place of business.

4-1-11: **EXPIRATION DATE.** No license shall be granted for a period greater than one year, and all licenses shall expire on December 31 of the calendar year for which they are issued, unless another expiration date is endorsed on the license by the Clerk.

CHAPTER 2 Liquor by the Drink

SECTION:

- 4-2-1: Definitions
- 4-2-2: License Required
- 4-2-3: License Fee
- 4-2-4: Application for License
- 4-2-5: Investigation
- 4-2-6: Form of License; Display
- 4-2-7: Expiration of Licenses
- 4-2-8: Multiple Licenses Prohibited
- 4-2-9: Transfer of Licenses
- 4-2-10: Persons Not Qualified to be Licensed
- 4-2-11: Sanitary Requirements
- 4-2-12: Location Restrictions
- 4-2-13: Bartender's Permit Required
- 4-2-14: Applications and Fees
- 4-2-15: Qualifications
- 4-2-16: Expiration; Renewal
- 4-2-17: Revocation by Clerk
- 4-2-18: Right of Entry
- 4-2-19: Hours of Sale
- 4-2-20: Restriction of Sales by Licensee
- 4-2-21: Sales to Disqualified Persons under Age 21
- 4-2-22: Liquor Catering Permit
- 4-2-23: Application for Liquor Catering Permit
- 4-2-24: Persons Under Specified Ages Prohibited to be at Licensed Places
- 4-2-25: Exceptions

4-2-1: **DEFINITIONS.** Certain words and phrases used in this Chapter are defined as follows:

DIRECTOR:	The Director of the Idaho Department of Law Enforcement.
LICENSEE:	The person to whom a license to sell and dispense liquor by the drink is issued under the provisions of this Chapter.
LICENSE:	A license issued by the Council to a qualified person, under which it shall be lawful for the licensee to sell and dispense liquor by the drink at retail.
LIQUOR:	Any kind of liquor which may be sold by a State liquor store.
INTERDICTED PERSON:	A person to whom the sale of liquor is prohibited under the laws of the State.
PREMISES:	The building, room or place in which the sale of liquor by the drink at retail by a licensee is authorized under the provisions of Title 23, Chapter 9, Idaho Code, as amended, and under this Chapter.
BARTENDER:	Any person, whether agent, servant, employee, or person acting in any other capacity, who pours, mixes, or prepares any liquor by the drink upon any licensed premises. This shall not apply to any person who solely pours, mixes or prepares wine by the drink at retail as defined by Section 4-4-1 of this Code.

4-2-2: **LICENSE REQUIRED.** No person shall sell or dispense liquor by the drink at retail on any premises in the City without first obtaining licenses as required by this Chapter and Title 23, Chapter 9, Idaho Code, as amended.

4-2-3: **LICENSE FEE.** Each licensee shall pay in advance an annual license fee of five hundred dollars (\$500.00).

4-2-4: **APPLICATION FOR LICENSE.** Each applicant for a license shall file with the Clerk an application in writing, verified under oath, stating the following:

- (A) That the applicant lawfully holds a license issued by the Director pursuant to the provisions of Title 23, Chapter 9, Idaho Code, as amended.
- (B) A description of the premises for which the license is sought, their location and the name of the owner of the premises.
- (C) The names and addresses of all persons who will have any ownership or equity interest in any business to be carried on in the licensed premises, including without limitation interests arising from conditional sales contracts, partnerships, trusts or shares of corporate stock and the amount and nature of such interest.
- (D) The names and addresses of the applicant and all members of a partnership or association and all officers, members of the governing board and all stockholders of any corporation or any entity identified pursuant to subsection (C) above.
- (E) Any other information reasonably necessary for the City Clerk to determine the applicant's qualifications or disqualifications for a license.

If during the term of any license issued under this Chapter any change shall take place in any of the information stated in the application, the licensee shall deliver a verified report of the change to the Clerk no later than seven (7) working days after the change occurs.

4-2-5: **INVESTIGATION.** Upon receipt of an application for a license or for a transfer of a license under this Chapter, accompanied by the necessary license or transfer fee, the Clerk and Chief of Police shall investigate all information stated in the application and report the results of the investigation to the City Council. If the Council determines that the contents of the application are true, that the applicant is qualified to receive a license, that the premises are suitable for carrying on the intended business and that the requirements of this Chapter have been met, a license shall be issued or transferred. Otherwise, the application shall be denied and the license or transfer fee refunded.

4-2-6: **FORM OF LICENSE; DISPLAY.** Every license issued under this Chapter shall state the name of the person or business entity to whom issued and the location by street and number or other definite designation of the premises. If issued to a partnership, the names of the persons constituting the partnership shall be stated. If issued to a corporation or association, the names of the principal officers and the members of the governing board shall be stated. The license shall be signed by the licensee and shall be posted on the licensed premises in a place conspicuous to the public. No person except the named licensee shall exercise any of the privileges granted

under the license. Licenses issued under this Chapter apply only to premises for which they have been issued.

4-2-7: **EXPIRATION OF LICENSES.** All licenses shall expire at midnight on December 31 of the calendar year for which they are issued.

4-2-8: **MULTIPLE LICENSES PROHIBITED.** No person shall be granted more than one license in any calendar year. No partnership, association or corporation holding a license under this Chapter shall have as a member, officer or stockholder any person who has financial interest of any kind in, or is a member of, another partnership or association or an officer or shareholder of another corporation holding a license under this Chapter.

4-2-9: **TRANSFER OF LICENSES.** No license may be transferred to another person, unless the transferee first obtains approval of the City Council upon application containing substantially the same information required by Section 4-2-4 of this Chapter. If the proposed transferee is qualified for the license, the Council shall approve the transfer and the City Clerk shall reissue the license in the name of the transferee. The fee for each license transfer shall be one hundred dollars (\$100.00). The fee shall accompany the application for transfer.

4-2-10: **PERSONS NOT QUALIFIED TO BE LICENSED.** No license shall be issued or transferred to:

- (A) Any person, or any partnership, corporation, trust, association or other legal entity, at least one of whose members, officers or governing board, within three years prior to the date of making application, has been convicted of any violation of the laws of the United States, the State of Idaho or any other state of the United States relating to the importation, transportation, manufacture or sale of liquor; or who has been convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment, or completed any sentence of confinement for, any felony within five (5) years prior to the date of making application for a license.
- (B) A person who is engaged in the operation, or interested therein, of any house or place for the purpose of prostitution or who has been convicted of any crime or misdemeanor opposed to decency and morality.
- (C) A person whose license issued under this Chapter has been revoked; an individual who was a member of a partnership or association which was a licensee under this Chapter and whose license has been revoked; an individual who was an officer, member of the governing board or one (1) of the ten (10) principal stockholders of a corporation which was a licensee under this Chapter and whose license has been revoked; a partnership or

association one (1) of whose members was a licensee under this Chapter and whose license was revoked; a corporation one (1) of whose principal stockholders was a licensee under this Chapter and whose license has been revoked; an association or partnership, one (1) of whose members was a member of a partnership or association licensed under the provisions of this Chapter and whose license has been revoked; a partnership or association, one (1) of whose members was an officer, a member of the governing board or one (1) of the ten (10) principal stockholders of a corporation which was a licensee under this Chapter and whose license has been revoked; a corporation, one (1) of whose officers, members of the governing board, or ten (10) principal stockholders was a member of a partnership or association licensed under this Chapter and whose license has been revoked; a corporation, one (1) of whose officers, members of the governing board or ten (10) principal stockholders was an officer, member of the governing board, or one (1) of the ten (10) principal stockholders of a corporation which was a licensee under this Chapter and whose license has been revoked.

- (D) Any officer, agent or employee of any distillery, winery, brewery, or any wholesaler or jobber of liquor or malt beverages, except as provided by section 23-912, Idaho Code.
- (E) A person who does not hold a retail beer license issued by the State.

Any license, held by any person who later becomes disqualified under the provisions of this Section, shall be promptly revoked by the Council.

(Ord. 127, 1/15/2008).

4-2-11: **SANITARY REQUIREMENTS.** All licensed premises shall be maintained in a sanitary condition according to the applicable laws of the State and ordinances of the City.

4-2-12: **LOCATION RESTRICTIONS.** No license shall be issued for any premises in any residential zone or within three hundred (300) feet of any public school, church or any other place of worship, measured in a straight line between the nearest property line of such public building or place of worship and the nearest entrance to the licensed premises. This limitation shall not apply to any duly licensed premises that at the time of first licensing did not come within the restricted area but subsequent to first licensing came therein. No licenses shall be issued to any person for the operation of a licensed business upon any premises which were used by any occupant whose license under this Chapter was revoked within one (1) year prior to the date of the new application for issuance or transfer of a license.

4-2-13: **BARTENDER'S PERMIT REQUIRED.** No person shall act as a bartender in any premises licensed within the City to sell liquor by the drink unless that person holds a bartender's permit issued by the City.

4-2-14: **APPLICATIONS AND FEES.** Applications for bartender's permits shall be made on forms furnished by the Clerk and shall be accompanied by a permit fee of twenty dollars (\$20.00), or ten dollars (\$10.00) for the renewal of any bartender's permit that has not been revoked or terminated for cause. No licensee shall employ any person, allow the employment of any person, or permit any person to perform the services of a bartender unless that person holds a valid bartender's permit issued by the City.

4-2-15: **QUALIFICATIONS.** The City Council shall approve issuance of bartender's permits only to persons who satisfy the following conditions:

- (A) The person must be at least twenty-one (21) years of age and of good moral character.
- (B) The person shall not have been convicted, paid any fine or received any withheld judgment or deferred sentence for a violation of any law relating to the importation, transportation, manufacture or sale of liquor.
- (C) The person shall not have been convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment or completed any sentence for any felony within five (5) years prior to the date of applying for a permit.
- (D) The person shall not have been a licensee under Title 23, Chapter 9, Idaho Code or under this Chapter, who has had a license revoked within five (5) years prior to the date of applying for a bartender's permit.
- (E) The person shall not have been a member of a partnership or association or an officer, member of the governing board or one (1) of the ten (10) principal stockholders of a corporation which was licensed under Title 23, Chapter 9, Idaho Code, or under this Chapter and whose license was revoked within five (5) years prior to the date of applying for a bartender's permit.
- (F) The person shall not have had a bartender's permit issued by the City revoked within five (5) years prior to the date of applying for a subsequent bartender's permit.

4-2-16: **EXPIRATION; RENEWAL.** Bartender's permits shall expire one (1) year from the date issued.

4-2-17: **REVOCATION BY CLERK.** Upon receipt of a certified copy of a judgment of conviction by any court of competent jurisdiction, the City Clerk immediately shall revoke a bartender's permit issued to any person convicted of any violation of this Chapter which would disqualify the person from holding the permit. Nothing herein shall prevent the Council from revoking a bartender's permit prior to the entry of such judgment.

4-2-18: **RIGHT OF ENTRY.** Any duly authorized police officer shall have the right at any time to enter and examine the premises of any licensee to ascertain compliance with the laws of the State and the City. It shall be unlawful to refuse any police officer admittance to the premises for such purpose.

4-2-19: **HOURS OF SALE.** No liquor shall be sold, offered for sale or given away upon any licensed premises during the following hours:

- (A) Sunday, Memorial Day, Thanksgiving Day, and Christmas from one o'clock (1:00) a.m. to ten o'clock (10:00) a.m., the following day; provided, however, that on any Sunday not otherwise being a designated holiday, it shall be lawful for a licensee having a banquet area or meeting room facility, separate and apart from the usual dispensing area (bar room) and separate and apart from a normal public dining room unless the dining room is closed to the public, to dispense liquor between the hours of two o'clock (2:00) p.m. and ten o'clock (10:00) p.m. to bona fide participants of banquets, reception or conventions for consumption only within the banquet area or meeting room facility.
- (B) On any day of a state general or primary election or City general or special election until after the time when the polls are closed.
- (C) On any day between one o'clock (1:00) a.m. and ten o'clock (10:00) a.m.

4-2-20: **RESTRICTION OF SALES BY LICENSEE.** No licensee or its employed agents, servants or bartenders shall sell, deliver or give away, or cause or permit to be sold, delivered, or given away, any liquor to:

- (A) Any person under the age of twenty-one (21) years, proof of which, for every resident of this State, shall be a valid driver's license, military identification card or an identification card issued by the Idaho Department of Transportation.
- (B) Any person actually or obviously intoxicated.
- (C) An habitual drunkard.
- (D) An interdicted person.

4-2-21: **SALES TO DISQUALIFIED PERSONS UNDER AGE 21.**

- (A) Any person under the age of twenty-one (21) years who shall purchase, attempt to purchase, possess, serve, dispense, or consume beer, wine or other alcoholic liquor shall be guilty of a misdemeanor provided, however, that any person who is nineteen (19) years of age or older may sell, serve, possess and dispense liquor, beer or wine in the course of

his employment in any place as defined in section 23-942, Idaho Code, or other place where liquor, beer or wine are lawfully present so long as such place is the place of employment for such person under twenty-one (21) years of age.

- (B) Any person who knowingly misrepresents his or her age or qualifications for the purpose of obtaining liquor from a licensee shall be guilty of a misdemeanor.
- (C) No person shall represent to any licensee, to any agent or employee of a licensee, or to any bartender that any other person is twenty-one (21) years or more of age, when in fact the other person is under the age of twenty-one (21) years, for the purpose of inducing such licensee, or the licensee's agent or employee, or a bartender to sell, deliver or give away any liquor to such other person.
- (D) No person shall purchase liquor for the purpose of delivering the same to any person under the age of twenty-one (21) years, nor shall such person sell, give away or deliver liquor to any person under the age of twenty-one (21) years.

4-2-22: **LIQUOR CATERING PERMIT.** Any person holding a retail liquor license may serve and sell liquor, retail by the drink at a party or convention at a location other than at the licensed premises for a period not to exceed three (3) consecutive days, upon obtaining a liquor catering permit. Applications for such permit shall be made to the City Clerk on such form as prescribed by the Clerk, which form shall contain the following information:

- (A) The name and address of the applicant and the number of his state liquor license.
- (B) The dates and hours during which the permit is to be effective, not to exceed three (3) consecutive days.
- (C) The names and addresses of the organizations, groups, or persons sponsoring the event.
- (D) The address at which the liquor is to be served, and if a public building, the rooms in which the liquor is to be served.

The application shall be verified by the applicant and filed with the Clerk. A filing fee in the amount of twenty dollars (\$20.00) for each day the permit is to be effective shall be paid to the City Clerk. Such fee shall be nonrefundable irrespective of whether the party or convention is held.

4-2-23: **APPLICATION FOR LIQUOR CATERING PERMIT.** Upon the filing of an application for a liquor catering permit, the Council shall upon the advice and recommendation of the Chief of Police approve or disapprove the application and indicate the determination on the face of the application by indorsement signed by the Clerk. Copies of the application with signed indorsements thereon shall be mailed or delivered immediately to the Chief of Police, the Director of the Idaho Department of Law Enforcement and the applicant, and a signed copy shall be retained by the Clerk. An application approved in this manner shall constitute a permit, unless disapproved

by the Director by notice served upon the applicant for the retail sale of liquor by the drink, beer and wine for the period authorized by the permit.

4-2-24: PERSONS UNDER SPECIFIED AGES PROHIBITED TO BE AT LICENSED PLACES. No person under the age of twenty-one (21) years shall enter, remain in or loiter in or about any premises licensed for the sale of liquor by the drink at retail, or sale of beer for consumption on the premises, nor shall any licensee of either such place, or any person in charge of a licensed premises or on duty while employed by the licensee therein, permit or allow any person under such age to remain in or loiter in or about such place. Provided, however, it is lawful for persons who are musicians and singers eighteen (18) years of age or older, to enter and to remain in any place as defined in Section 23-942, Idaho Code, but only during and in the course of their employment as musicians and singers. Provided further, that it is lawful for persons who are nineteen (19) years of age or older to sell, serve, possess or dispense liquor, beer or wine in the course of their employment in any place as defined in section 23-942, Idaho Code, or in any other place where liquor, beer or wine are lawfully present, so long as such place is the place of employment for such person. However, the foregoing shall not permit the sale or distribution of any alcoholic beverages to any person under the ages specified for sale of alcoholic beverages.

4-2-25: EXCEPTIONS. Notwithstanding the preceding section, any person under the age of twenty-one (21) years may enter or be upon or within:

- (A) Any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of liquor by the drink or for the sale of beer for consumption on the premises or that alcoholic beverages, or beer, or both, are prepared, mixed or dispensed and served and consumed therein.
- (B) Any building, a part or portions of which are used as a licensed premises, provided such premises are separate or partitioned from the remainder of said building and access to such place through a doorway or doorways or other means of ingress can be controlled to prevent persons under twenty-one (21) years of age from entering therein.
- (C) Any baseball park, sports arena or fairgrounds, notwithstanding that such premises or any portion thereof may be licensed for the sale of beer for consumption on the premises or that beer is dispensed and served and consumed therein.
- (D) The premises of any licensed winery notwithstanding that such premise or any portion thereof may also be licensed for the sale of beer or wine for consumption on the premises or that wine is dispensed and served and consumed therein.
- (E) The licensed premises of a wine retailer, wholly owned and operated by a licensed winery which retails exclusively the products of that winery.

CHAPTER 3 Beer

SECTION:

- 4-3-1: Definitions
- 4-3-2: License Required
- 4-3-3: License Fees
- 4-3-4: Application for License
- 4-3-5: Prohibited Licenses
- 4-3-6: License for Designated Address Only
- 4-3-7: Location Restrictions
- 4-3-8: Posting of License
- 4-3-9: Transfer of License; Transfer Fee
- 4-3-10: Right of Entry
- 4-3-11: Sale to Minors Prohibited
- 4-3-12: Conduct of Business
- 4-3-13: Dancing on Premises on Sunday Prohibited
- 4-3-14: Covering of Windows on Street Levels Unlawful
- 4-3-15: Hours of Sale

4-3-1: **DEFINITIONS.** Certain words and phrases used in this Chapter are defined as follows:

- | | |
|--------------|--|
| BEER: | Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and/or other ingredients in drinkable water and which contains not more than six percent (6%) alcohol by weight. |
| DISTRIBUTOR: | A person who is employed by or is an agent of a retailer to sell, serve or dispense beer. |

LICENSE:	A license issued by the City Council authorizing a licensee to sell beer at retail.
LICENSEE:	A qualified person to whom a license for the retail sale of beer is issued under the provisions of this Chapter.
PREMISES:	The building, room or place in which the retail sale of beer by a licensee is authorized under this Chapter.
RETAILER:	A person to whom a beer license has been issued.

4-3-2: **LICENSE REQUIRED.** Except as otherwise provided in this Chapter, no person shall sell or dispense beer at retail within the City without first obtaining a license from the City as required by this Chapter.

4-3-3: **LICENSE FEES.** License fees for the retail sale of beer in the City shall be as follows:

- (A) Where the retailer sells draught, bottled or canned beer for consumption on or off the premises, two hundred dollars (\$200.00) per annum;
- (B) Where the retailer sells bottled or canned beer only for consumption off the premises, fifty dollars (\$50.00) per annum.

4-3-4: **APPLICATION FOR LICENSE.**

- (A) Each applicant for a license for the retail sale of beer shall file with the City Clerk a written application that states the following:
 - (1) The name and residential address of the applicant.
 - (2) The street address of the premises where beer is to be sold.
 - (3) The name of the owner of the premises for which the license is sought.
 - (4) That the applicant, if an individual, is at least nineteen (19) years old.
 - (5) That the applicant has not been convicted of a felony or any crime involving moral turpitude.
 - (6) The names and addresses of four (4) references as to the good moral character of the applicant.

- (7) That the applicant holds a current, valid license for the retail sale of beer, issued by the County Commissioners of Bonneville County, Idaho.
 - (8) That the applicant agrees to abide by the terms and conditions of this Chapter, and any laws, ordinances, rules or regulations subsequently promulgated by the State, Bonneville County or the City regarding the retail sale of beer within the City.
 - (9) Any other information the Clerk requires to determine that the applicant possesses the qualifications and has none of the disqualifications for a license, as provided in this Chapter and in Sections 23-1010 and 23-1016, Idaho Code, as amended.
- (B) On receipt of a written application conforming with subsection (A) of this Section and payment of the license fee, the City Clerk shall immediately forward the application to the Chief of Police for review, investigation and recommendation. If the Chief of Police recommends denial of the license application, the Chief shall notify the applicant of the recommendation and state the date, time and place of the next City Council meeting at which the recommendation will be considered. The notice shall be in writing and shall be mailed to the applicant at the address in the application no later than seven (7) days prior to the date of the City Council meeting.
- (C) At the date, time and place stated in the notice, the City Council shall consider the application and hear testimony and evidence from any interested person. No license application shall be denied unless the written notice required by subsection (B) of this Section has been given and the applicant has been given an opportunity to testify and present evidence in support of the issuance of the license. All applications for a retail beer license or any transfer or renewal of a retail beer license shall be granted or denied within sixty (60) days from the date the application was delivered to the City Clerk.
- (D) If the Council denies an application for a retail beer license, or any renewal or transfer of a retail beer license, the Council shall specify in writing:
- (1) The statutes, ordinances and standards used in evaluating the application;
 - (2) The reasons for denial; and
 - (3) The actions, if any, the applicant could take to obtain the license, transfer or renewal.
- (E) The City Clerk shall keep a transcribable verbatim record of all proceedings concerning applications for beer licenses, or their transfer, renewal or revocation, pursuant to the provisions of this Chapter. If an application for a license, transfer or renewal is denied, or if a license is revoked, the transcribable verbatim record shall be kept for a period of not less than six (6) months after a final decision. Upon request and within the time provided for retention of the record, persons may have the record transcribed at their expense.

4-3-5: **PROHIBITED LICENSES.** No license for retail sale of beer shall be issued to any person holding a wholesaler's or manufacturer's license issued by the State.

4-3-6: **LICENSE FOR DESIGNATED ADDRESS ONLY.** A license for the retail sale of beer shall be granted only for the place designated in the application. The place of business shall not be changed or moved without the consent the Council.

4-3-7: **LOCATION RESTRICTIONS.**

- (A) No license shall be issued for any premises that is within three hundred (300) feet of any public school, church, or any other place of worship. Such distance shall be measured in a straight line between the nearest entrance to the licensed premises and the nearest property line of such school, church or place of worship.
- (B) No person shall sell or dispense beer for consumption on the premises at any place within three hundred (300) feet of any public school, church or other place of worship, measured in a straight line between the nearest entrance to such place and the nearest property line of such school, church or place of worship.
- (C) The provisions of subsections (A) and (B) above shall not apply to any premises that met the qualifications of such subsection at the time the premises were first licensed, but thereafter fail to meet such location restrictions because of the construction or commencement of use of such public facility or place of worship subsequent to such first licensing.

4-3-8: **POSTING OF LICENSE.** All licenses for the sale of beer shall be posted in a place conspicuous to the public at the licensed premises at all times when the premises are open for business.

4-3-9: **TRANSFER OF LICENSE; TRANSFER FEE.** No license may be transferred to another person who has not obtained approval of the City Council after making an application containing the information required by Section 4-3-5. If a transferee has all of the qualifications and none of the disqualifications for a license to sell beer at retail, the City Council shall approve the transfer and the City Clerk shall re-issue the license in the name of the transferee. The fee for transfer of a license to sell beer at retail shall be twenty-five dollars (\$25.00) for bottled or canned beer sold only for consumption off the premises and one hundred dollars (\$100.00) for draught, bottled or canned beer sold for consumption on or off the premises. The license for the transferring license shall be surrendered to the City Clerk before such transfer may be made.

4-3-10: **RIGHT OF ENTRY.** Any police officer shall have the right at any time to enter and examine the premises of any licensee or of any place where beer is sold at retail to ascertain the alcoholic content of any beer kept for sale on the premises or to ascertain compliance with the laws of the State and the City. It shall be unlawful to refuse any police officer admittance to the premises for such purposes.

4-3-11: **SALE TO MINORS PROHIBITED.**

- (A) No person under twenty-one (21) years of age shall sell, purchase, possess or consume any beer. This restriction shall not apply to persons at least nineteen (19) years old who sell, dispense, deliver or possess beer in the course of their employment by a licensee under this Title.
- (B) No person shall give, sell or deliver beer to any person under the age of twenty-one (21).
- (C) No person under the age of twenty-one (21) shall represent to any retailer or distributor or to any agent or employee of a retailer or distributor that he or she is twenty-one (21) years or more of age, when in fact he or she is under the age of twenty-one (21) years, for the purpose of inducing the retailer or distributor, or his agent or employee, to sell, serve or dispense beer to such person.
- (D) No person shall represent to any retailer or distributor or to any agent or employee of a retailer or distributor that any other person is twenty-one (21) years or more of age, when in fact the other person is under the age of twenty-one (21) years, for the purpose of inducing the retailer or distributor, or his agent or employee, to sell, serve or dispense beer to such other person.

4-3-12: **CONDUCT OF BUSINESS.** Every person licensed under this Title to sell beer at retail shall at all times conduct a quiet and well-lighted, orderly place of business.

4-3-13: **DANCING ON PREMISES ON SUNDAY PROHIBITED.** No person licensed under this Title to sell beer at retail shall permit dancing on Sunday in the licensed premises.

4-3-14: **COVERING OF WINDOWS ON STREET LEVELS UNLAWFUL.** Street level windows adjacent to any public street in premises owned or controlled by any person licensed under this Title to sell beer at retail shall not be covered by curtains, paint or any substance that obscures or tends to obscure the view into the premises from the street.

4-3-15: **HOURS OF SALE.** It shall be unlawful for any person in any place licensed to sell beer for consumption on the premises, to sell or dispense beer for consumption on the premises or to permit the consumption of beer on the premises between the following hours:

(A) 1:00 a.m. and 7:00 a.m. of any day other than Sunday;

(B) 1:00 a.m. on Sunday, Thanksgiving and Christmas and 7:00 a.m. of the day following such holidays.

It shall also be unlawful for any person to sell or dispense beer for consumption on the premises on Sunday during the hours permitted above, in any place not licensed as an eating place under Chapter 16, Title 39, Idaho Code.

CHAPTER 4 Wine

SECTION:

- 4-4-1: Definitions
- 4-4-2: License Required
- 4-4-3: License Fees
- 4-4-4: Application for License
- 4-4-5: Qualifications
- 4-4-6: Issuance of License
- 4-4-7: Expiration; Transfer
- 4-4-8: Consumption on Premises
- 4-4-9: Location Restrictions; Schools or Churches
- 4-4-10: Age Restriction on Sale or Purchase
- 4-4-11: Hours of Sale

4-4-1: **DEFINITIONS.** Certain words and phrases used in this Chapter are defined as follows:

DIRECTOR:	The director of the Idaho State Police.
WINE:	Any alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.
RETAIL WINE LICENSE:	A license issued by the Director authorizing a person to sell wine at retail for consumption off the licensed premises. The term also means a license issued by the City authorizing a person to sell wine at retail for consumption off the licensed premises only.

WINE-BY-THE-DRINK
LICENSE:

A license to sell wine by the individual glass or open bottle at retail for consumption on the premises.

RETAILER:

A person to whom a retail wine license or wine-by-the-drink license has been issued.

DISTRIBUTOR:

A person who is employed by or is an agent of, a retailer to sell, serve or dispense wine.

(Ord. 226-02-19, 2/19/2019).

4-4-2: **LICENSE REQUIRED.** Except as otherwise provided by this Chapter, no person shall sell wine at retail for consumption off the premises or by the individual glass or open bottle for consumption on the premises within the City, without first obtaining a license under this Chapter or a liquor by the drink license issued under Chapter 2 of this Title. A person who holds a valid current wine-by-the-drink license issued by the City may sell on the licensed premises wine at retail for consumption off the premises without obtaining a retail wine license from the City.

4-4-3: **LICENSE FEES.** The fee for a retail wine license shall be one hundred dollars (\$100.00) per year. The fee for a wine-by-the-drink license shall be one hundred dollars (\$100.00) per year. License fees shall be paid in advance for each calendar year or any portion of a calendar year without proration.

(Ord. 226-02-19; 2/19/2019).

4-4-4: **APPLICATION FOR LICENSE.** Each applicant for a retail wine license or wine-by-the drink license shall submit a written application on a form furnished by the Clerk.

4-4-5: **QUALIFICATIONS.** An applicant for a retail wine license or wine-by-the-drink license shall possess all qualifications necessary to obtain a license from the Director. Licensees shall maintain qualifications throughout the period for which their license is issued. Possession of licenses regularly issued by the Director and Bonneville County shall be prima facie evidence of the applicant's qualifications to receive a license under this Chapter.

4-4-6: **ISSUANCE OF LICENSE.** When the applicant for a retail wine license or wine-by-the-drink license has produced evidence as required by Section 4-4-5 above and paid the required license fee, the City Clerk shall submit the application to the City Council within thirty (30) days after the application is filed. Upon approval of the Council, the Clerk shall issue the license to the applicant.

4-4-7: **EXPIRATION; TRANSFER.** Licenses issued under this Chapter shall expire at midnight on December 31 of the calendar year for which they are issued. The procedure for the transfer of a retail wine license or a wine-by-the-drink license shall be the same as provided in Idaho Code Section 23-1317, as amended, upon application to the City Clerk. The fee for transfer of a retail wine license or wine-by-the-drink license shall be one hundred dollars (\$100.00). The license of the transferring licensee shall be surrendered to the City Clerk before such transfer may be made.

4-4-8: **CONSUMPTION ON PREMISES.** Retailers who do not possess a valid City license for the retail sale of liquor by the drink or wine-by-the-drink shall not permit consumption of wine on the licensed premises.

4-4-9: **LOCATION RESTRICTIONS; SCHOOLS OR CHURCHES.** No wine-by-the-drink license shall be issued to any person to operate at any place that is within three hundred (300) feet of any public school, church or any other place of worship. Such distance shall be measured in a straight line between the nearest entrance to the licensed premises and the nearest property line of such school, church or place of worship. No person shall sell or dispense wine for consumption on the premises at any place within three hundred (300) feet of any public school, church or other place of worship, similarly measured in a straight line. This restriction shall not apply to any duly licensed premises that at the time of first licensing did not come within the restricted area, but subsequent to such first licensing came therein because of the construction or commencement of use of such public facility or place of worship subsequent to such first licensing.

4-4-10: **AGE RESTRICTION ON SALE OR PURCHASE.**

- (A) No person under twenty-one (21) years of age shall sell, purchase, possess or consume any wine.
- (B) No person shall give, sell or deliver wine to any person under the age of twenty-one (21) years.
- (C) No person under the age of twenty-one (21) shall represent to any retailer or distributor that he or she is twenty-one (21) years or more of age, when in fact he or she is under such age for the purpose of inducing the retailer or distributor, to sell, serve or dispense wine to such person.
- (D) No person shall represent to any retailer or distributor that any other person is twenty-one (21) years or more of age, when in fact that other person is under such age for the purpose of inducing such retailer or distributor to sell, serve or dispense wine to such other person.

4-4-11: **HOURS OF SALE.** No person who is licensed to sell or dispense wine for consumption on the premises shall sell or dispense wine for consumption on the premises during any time when beer cannot be lawfully sold for consumption on the premises.

CHAPTER 5 Amusements

SECTION:

- 4-5-1: Amusement Device Defined
- 4-5-2: Game Arcade Defined
- 4-5-3: Public Amusement Defined
- 4-5-4: License Required
- 4-5-5: License Application
- 4-5-6: License Approval and Issuance
- 4-5-7: License Fees

4-5-1: **AMUSEMENT DEVICE DEFINED.** As used in the Chapter, “amusement device” means any electronic or mechanical device which, upon the insertion of a coin or token, may be operated by the general public by manipulating special equipment to establish a score, when the element of skill in such manipulation predominates over chance or luck. It shall include without limitation devices such as pinball machines, video games and mechanical grab machines.

4-5-2: **GAME ARCADE DEFINED.** As used in this Chapter, “game arcade” means any room, building or other structure where six (6) or more amusement devices are available for operation by the general public.

4-5-3: **PUBLIC AMUSEMENT DEFINED.** As used in this Chapter, “public amusement” means any carnival, roller skating rink, bowling alley, motion picture theater, amusement rides business or game arcade operated for pecuniary gain, unless the operator is qualified as a charitable corporation under Section 501(c)(3) of the United States Internal Revenue Code.

4-5-4: **LICENSE REQUIRED.** No person may operate or conduct any public amusement within the City without first obtaining a license from the City.

4-5-5: **LICENSE APPLICATION.** Applications for public amusement licenses shall be made at the office of the City Clerk on a form furnished by the City Clerk. The application shall state the applicant's name and residential address, business name and business address, and the nature, location and dates of the public amusement to be conducted or operated. The relevant license fee shall accompany the application.

4-5-6: **LICENSE APPROVAL AND ISSUANCE.** Upon receipt of a completed application and the relevant license fee, the City Clerk shall submit the license application to the City Council for approval or denial.

4-5-7: **LICENSE FEES.** The following fees shall be charged for public amusement licenses:

- (A) For every public amusement not otherwise mentioned below, one hundred dollars (\$100.00) per day for each day the activity is conducted.
- (B) For every indoor roller-skating rink, forty dollars (\$40.00) per year.
- (C) For every bowling alley, forty dollars (\$40.00) per year.
- (D) For every motion picture theater having a permanent location in the City, forty dollars (\$40.00) per year.
- (E) For every game arcade having a permanent location in the City, forty dollars (\$40.00) per year.

CHAPTER 6 Itinerant Merchants, Mobile Food Vendors, Door-to-Door Salespersons

SECTION:

- 4-6-1: Purposes
- 4-6-2: Definitions
- 4-6-3: License Required
- 4-6-4: Exception to the License Requirement
- 4-6-5: License Fee
- 4-6-6: License Application Form
- 4-6-7: Investigation of Applicant and Issuance of License
- 4-6-8: License Nontransferable
- 4-6-9: Display of License
- 4-6-10: Temporary Revocation of License
- 4-6-11: Grounds for Revocation of License
- 4-6-12: Mobile Vendor Specific Regulations
- 4-6-13: Specific Regulations for Door-to-Door Sales

4-6-1: **PURPOSES.** This Chapter has three purposes: (1) to protect the citizens from fraud, crime and unfair, deceptive or dishonest business practices by persons temporarily engaged in the business of selling goods, wares, merchandise and services within the City; (2) to protect the residents of the City from unwanted intrusions on the privacy of their homes; and (3) to protect the health, safety, aesthetics and general welfare of the City and its residents.

(Ord. 180-03-14, 3/25/2014).

4-6-2: **DEFINITIONS.** For the purposes of this Chapter, the following terms shall have the meanings ascribed below:

DOOR-TO-DOOR SALES: The term “Door-to-Door Sales” shall mean the sale, lease or rental of consumer goods, wares or services with an aggregate

purchase price of twenty-five dollars (\$25.00) or more, whether under single or multiple contracts, in which the sales person sells or solicits orders for the sale of such goods or services without prior invitation at a residential occupancy. Such term shall not include door-to-door dissemination of political campaign materials, the exercise of the political franchise, campaign activities, voter registration activities, proselytizing or dissemination of religious faith or viewpoint or solicitation of contributions or donations by any charitable or religious organization qualified under 26 U.S.C. § 501, nor the sale of goods, wares or merchandise by any minor under the age of 18 while under the sponsorship of such charitable or religious organizations.

GARAGE SALE:

“Garage Sale” shall mean a sale of new or used personal property, not more than three (3) days in duration and conducted no more frequently than twice in any calendar year at the same location.

ITINERANT MERCHANT:

“Itinerant Merchant” means any person who sells or offers to sell any goods, wares, merchandise or services from any stand, vehicle, trailer, tent, rack or other shelter or structure not permanently affixed to real property or any person who sells or offers to sell any goods, wares, merchandise or services from any motel room, office, building, warehouse, shopping mall or other location with an intent to remain at that location for no more than one (1) year. Execution or adoption of any lease agreement or other contract for the use of such location for a term of one (1) year or less, or with the ability to terminate or lease within such time period, shall be prima facie evidence of such intent.

MOBILE FOOD VENDOR: A “Mobile Food Vendor” means a person who sells food or beverages at retail to the public from any vehicle.

VEHICLE: “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(Ord. 180-03-14, 3/25/2014).

4-6-3: **LICENSE REQUIRED.** No person shall engage in the business of an Itinerant Merchant, Mobile Food Vendor, or Door-to-Door Salesman without first obtaining a license from the City.

(Ord. 180-03-14, 3/25/2014).

4-6-4: **EXCEPTION TO THE LICENSE REQUIREMENT.** The license requirements of this Chapter shall not apply to the following:

- (A) Sales conducted pursuant to court order;
- (B) The sale of Christmas trees;
- (C) Garage sales;
- (D) The sale of goods, wares, merchandise or services by any student group or religious, philanthropic or charitable organization exempt from taxation under 26 U.S.C. Section 501 and which has a local charter or sponsor with its principal place of business located in the City;
- (E) The sale of any goods, wares, merchandise or services by any person or organization appropriately licensed under any other provision of the City Code; or
- (F) The sale of goods, wares or merchandise to a business establishment that intends to offer those items for resale.

(Ord. 180-03-14, 3/25/2014).

4-6-5: **LICENSE FEE.** At the time of making the application, applicants for an Itinerant Merchant, Mobile Food Vendor, or Door-to-Door Salesman License shall pay to the City Clerk a license fee of fifty dollars (\$50.00). This license will be valid from the date of issuance until December 31st of the year of issuance. If the license is denied for any reason, twenty-five dollars (\$25.00) shall be refunded to the applicant.

(Ord. 180-03-14, 3/25/2014).

4-6-6: **LICENSE APPLICATION FORM.** Applications for an Itinerant Merchant, Mobile Food Vendor, or Door-to-Door Salesman License shall be in writing on a form furnished by the City and shall be filed with the City Clerk. Applications shall contain the following information:

- (A) The name and current street address of the applicant. If the applicant is a corporation, partnership, association or other business entity, then the application shall also include the names and addresses of all persons owning ten percent (10%) or more of the shares or equity interests of the entity and the address of the principal place of business of the applicant;
- (B) The social security number of the applicant or if the applicant is a corporation, association, or other business entity, a federal taxpayer identification number or state sales tax number;
- (C) A valid photographic identification card issued by a public agency for all persons who will sell or offer for sale any goods, wares, merchandise or services. Such identification card may consist of a driver's license, military identification card, passport or other similar forms of publicly-issued identification cards. Such identification card shall reflect the current mailing and street address of the person to whom such card is issued;
- (D) A brief description of the nature of the business and the goods or services to be sold. Mobile Food Vendors shall also provide a brief description of the menu, food, beverages or confections to be sold;
- (E) The registration information and vehicle description for each motor vehicle that will be used in conjunction with the sale of goods, wares or merchandise, and a copy of a photo identification card for all drivers thereof, if different from the persons identified in sub-section C above;
- (F) A statement of whether any business-related permit or license held by the applicant or any of the applicant's agents or employees has been revoked within the past five (5) years by any jurisdiction, and if so, where, when and why the revocation occurred;
- (G) A statement of whether the applicant or its representatives has been convicted of any felony or crime involving moral turpitude, and if so, the nature, place and date of each such conviction; and
- (H) A statement of all locations in the City where the goods, wares, merchandise or services will be sold.

(Ord. 180-03-14, 3/25/2014).

4-6-7: INVESTIGATION OF APPLICANT AND ISSUANCE OF LICENSE.

- (A) On receipt of the application fee, the City Clerk shall forward the application to the Chief of Police, who shall make an investigation to verify the information in the application. The Chief of Police shall report his findings to the City Clerk and City Council as soon as reasonably possible, but no later than thirty (30) days after the application is filed with the City Clerk.
- (B) On receipt of the report of the Chief of Police, the Clerk shall forward the application and the Chief's report to the City Council for its approval or denial.
- (C) The City Council shall approve issuance of a license unless the applicant or any officer, agent or employee of an applicant has:
 - (1) Been convicted of any felony or crime of moral turpitude, in any jurisdiction, within five (5) years prior to the date of the application;
 - (2) Made any false statements on the application;
 - (3) Had any business-related permit or license revoked by any jurisdiction within five (5) years prior to the date of the application.
- (D) Licenses issued under this Chapter shall show the name and address of the licensee and the date of issuance and expiration of the license.

(Ord. 180-03-14, 3/25/2014).

4-6-8: LICENSE NONTRANSFERABLE. Licensees shall not allow their license to be used by any person other than their agents or employees for any purpose. All licenses shall be nontransferable and non-assignable.

(Ord. 180-03-14, 3/25/2014).

4-6-9: DISPLAY OF LICENSE. The Itinerant Merchant License and the Mobile Food Vendor License required by this Chapter shall be exhibited at all times in a place conspicuous to the public at all locations where any goods, wares, merchandise or services are sold or offered for sale. The Door-to-Door Salesman License required by this chapter shall be prominently displayed at all times on the licensee's person, agent or employees when such person, agent or employee is engaging in licensed activities.

(Ord. 180-03-14, 3/25/2014).

4-6-10: TEMPORARY REVOCATION OF LICENSE. Any law enforcement officer may temporarily suspend an Itinerant Merchant, Mobile Food Vendor, or Door-to-Door Salesman

License for a period not to exceed thirty (30) days if the officer has good cause to believe the licensee, or any of the licensee's agents or employees has engaged in any conduct constituting grounds for revocation of a license as set forth in section 4-6-11.

(Ord. 180-03-14, 3/25/2014).

4-6-11: **GROUND FOR REVOCATION OF LICENSE.** The City Council may revoke an Itinerant Merchant, Mobile Food Vendor, or Door-to Door Salesman License for any of the following reasons:

- (A) The licensee or any of licensee's agents or employees engages in any fraudulent, deceptive or unlawful business practice in connection with licensee's business;
- (B) False statements on the license application;
- (C) The licensee or any of licensee's agents or employees violates any provision of this Chapter;
- (D) Revocation by any jurisdiction of any other business-related license or permit held by licensee;
- (E) The licensee is convicted in any jurisdiction of any felony or crime of moral turpitude; or
- (F) The licensee or any of its agents or employees has been convicted of any felony or crime of moral turpitude or engaged in any unlawful or deceptive business practice while engaging in the business of an Itinerant Merchant, Mobile Food Vendor, or Door-to-Door Salesman or while the licensee is otherwise exercising the privileges granted under the license.

(Ord. 180-03-14, 3/25/2014).

4-6-12: **MOBILE VENDOR SPECIFIC REGULATIONS.**

- (A) Mobile Vendors making sales from vehicles operated on the City's public streets shall stop their vehicles at curbside before making any sales. Mobile vendors shall not make sales from vehicles parked, stopped or standing on public sidewalks of the City. Sales shall not be made to persons who are on public streets, but may be made to persons on public sidewalks.
- (B) Mobile Vendors shall not conduct business within any park owned or maintained by the City, without a separate permit or concession issued by the City.
- (C) No Mobile Vendor shall make sales from any one location on a public street for more than two (2) consecutive hours.

- (D) Mobile Vendors shall not sell, convey or offer to sell merchandise or goods from any vehicle on the City streets unless the vehicle is registered and equipped as required by State law.
- (E) Mobile Vendors shall comply with all State and City traffic and parking, stopping and standing laws, ordinances and regulations.
- (F) Mobile Vendors shall not sell, convey or offer to sell merchandise or goods from any vehicle on the City streets unless the vehicle is equipped with a suitable trash container readily accessible to the public, in which the vendor's customers may deposit any litter, trash or waste related to the vendor's sales. Prior to moving a sales vehicle from a sales location, a mobile vendor shall pick up and remove all litter, trash and waste related to the vendor's sales within a one-hundred-foot (100') radius of the sales location.

(Ord. 180-03-14, 3/25/2014).

4-6-13: **SPECIFIC REGULATIONS FOR DOOR-TO-DOOR SALES.**

- (A) Door-to-Door Sales shall not be conducted on any legal holiday or between the hours of 9:00 p.m. and 10:00 a.m. of the following day.
- (B) Any person who conducts Door-to-Door Sales at any posted residence without prior invitation by the occupant thereof, shall be guilty of a misdemeanor. For the purposes hereof, a residence is "posted" if a "No Solicitors", or other similar sign, is prominently displayed at or near the primary entrance to the premises.
- (C) Any contract made as a direct result of Door-to-Door Sales conducted in violation of any provision contained in this Chapter shall be voidable at the option of the resident/homeowner/person who entered into such contract without violating any provision contained in this Chapter.
- (D) Any person who conducts Door-to-Door Sales in violation of any provision contained in this Chapter shall be guilty of an infraction and shall be punishable by a penalty in the amount of \$100 for the first infraction, \$200 for any infraction committed within six months after one such previous violation, or \$300 if such offense was committed within six months of two such previous violations. If three or more such violations were committed within six months immediately preceding a violation of such subsections, then each violation committed after the third violation shall be considered as a misdemeanor. For the purposes of this subsection each "residential occupancy" at which a person attempts to conduct Door-to-Door Sales shall be considered a separate offense.

(Ord. 180-03-14, 3/25/2014); (Ord. 318-04-25, 4/22/2025).

CHAPTER 7 Pawn Brokers, Secondhand Precious Metals Dealers, Secondhand Stores

SECTION:

- 4-7-1: Garage Sale Defined
- 4-7-2: Pawnbroker Defined
- 4-7-3: Precious Metals Defined
- 4-7-4: Secondhand Goods Defined
- 4-7-5: Secondhand Precious Metals Dealer Defined; Exception
- 4-7-6: Secondhand Storekeeper Defined; Exception
- 4-7-7: License Required
- 4-7-8: License Application
- 4-7-9: License Approval and Issuance
- 4-7-10: License Fees
- 4-7-11: Records to be Kept
- 4-7-12: Records to be Open for Inspection
- 4-7-13: Retention of Records; Time
- 4-7-14: Retention of Property
- 4-7-15: Compliance with Law
- 4-7-16: Prohibited Purchases
- 4-7-17: Revocation of License

4-7-1: **GARAGE SALE DEFINED.** As used in this Chapter, a "garage sale" is a sale of new or used personal property, not more than three (3) consecutive days in duration and conducted not more frequently than once every six (6) months at the same location.

4-7-2: **PAWNBROKER DEFINED.** As used in this Chapter, "pawnbroker" is a person who engages in the business of lending or advancing money on the security of personal property pledged or deposited in his or her possession.

4-7-3: **PRECIOUS METALS DEFINED.** As used in this Chapter, “precious metals” means gold, silver, platinum and their alloys.

4-7-4: **SECONDHAND GOODS DEFINED.** As used in this Chapter, “secondhand goods” are articles of personal property, other than operable motor vehicles, previously possessed and used by a person other than their current possessor.

4-7-5: **SECONDHAND PRECIOUS METALS DEALER DEFINED; EXCEPTION.**

(A) **Definition.** As used in this Chapter, a “secondhand precious metals dealer” is a person who engages in the business of buying, selling, exchanging or trading old or used precious metal or secondhand goods containing any precious metal.

(B) **Exceptions.** The following shall not be considered secondhand precious metals dealers:

- (1) Persons who in the ordinary course of business buy or sell uncast precious metals primarily for use in any manufacturing or photographic developing process, jewelry manufacture or repair, or dental restoration or repair.
- (2) Persons who in the ordinary course of business accept or receive secondhand goods containing precious metals as consideration for the sale of new merchandise and who subsequently dispose of such secondhand goods in the same form as they existed at the time of their receipt.

4-7-6: **SECONDHAND STOREKEEPER DEFINED; EXCEPTION.**

(A) **Definition.** As used in this Chapter, a “secondhand storekeeper” is a person who engages in the business of buying, selling, exchanging or trading secondhand goods.

(B) **Exceptions.** Persons who sponsor or conduct garage sales shall not be considered secondhand storekeepers.

4-7-7: **LICENSE REQUIRED.** No person shall engage in the business of a pawnbroker, secondhand storekeeper or secondhand precious metals dealer without first obtaining a license issued by the City.

4-7-8: **LICENSE APPLICATION.** Applications for pawnbrokers, secondhand storekeepers and secondhand precious metals dealers licenses shall be made on a form provided by the City Clerk. The application shall state the applicant's name, residential address, business

name, address of place of business, type of license applied for and a general description of the goods or materials to be purchased, sold, exchanged or traded. The relevant license fee shall accompany the application.

4-7-9: **LICENSE APPROVAL AND ISSUANCE.** Applications for licenses required under this Chapter shall be forwarded by the City Clerk to the City Council for its approval or denial. Upon approval of an application, the City Clerk shall issue the license. If a license application is denied by the City Council, the license fee shall be refunded to the applicant.

4-7-10: **LICENSE FEES.** Fees for licenses issued under this Chapter shall be as follows:

Pawnbroker	\$50.00 per location per calendar year or any part thereof.
Secondhand Precious Metals Dealer	\$30.00 per location per calendar year or any part thereof.
Secondhand Storekeeper	\$30.00 per location per calendar year or any part thereof.

4-7-11: **RECORDS TO BE KEPT.** All pawnbrokers, secondhand storekeepers and secondhand precious metals dealers shall keep the following written records:

- (A) An accurate description of all precious metals and personal property purchased, acquired or received.
- (B) The name, residence, driver's license number or social security number of the person from whom any, precious metals or personal property is purchased, acquired or received.
- (C) The date and place of the purchase, acquisition or reception.
- (D) The date when such property is disposed of and the name and address of the person receiving the same.
- (E) Any other records required to be kept under Idaho law.

4-7-12: **RECORDS TO BE OPEN FOR INSPECTION.** All records required to be kept under this Chapter shall be made available for inspection by any police officer of the City during normal business hours.

4-7-13: **RETENTION OF RECORDS; TIME.** All records required to be kept under this Chapter shall be kept for not less than three (3) years.

4-7-14: **RETENTION OF PROPERTY.** No person licensed under this Chapter shall sell, trade, rent or otherwise dispose of any property acquired for the purpose of resale or other conveyance for a period of fifteen (15) days from the date of receiving the property.

4-7-15: **COMPLIANCE WITH LAW.** Persons licensed under this Chapter shall conduct their businesses in compliance with all applicable federal, state and City laws, ordinances and regulations.

4-7-16: **PROHIBITED PURCHASES.** No person licensed under this Chapter shall purchase, acquire, accept or receive in the ordinary course of business and for the purpose of resale or other conveyance any precious metals or personal property from any person who is under the age of eighteen (18) years or who is under the influence of alcohol, drugs or a controlled substance.

4-7-17: **REVOCATION OF LICENSE.** Any license issued under this Chapter may be revoked by the Council upon proof that the licensee has violated any provision herein, has supplied any false or materially misleading information in his or her application or has been convicted of any felony.

CHAPTER 8 Scrap Dealers

SECTION:

- 4-8-1: Scrap Defined
- 4-8-2: Scrap Dealer Defined
- 4-8-3: Scrap Yard Defined
- 4-8-4: License Required
- 4-8-5: License Application
- 4-8-6: License Approval and Issuance
- 4-8-7: License Fees
- 4-8-8: Records to be Kept; Content
- 4-8-9: Records to be Open for Inspection
- 4-8-10: Retention of Records; Time
- 4-8-11: Retention of Property
- 4-8-12: Storage of Scrap; Exceptions
- 4-8-13: Compliance with Law

4-8-1: **SCRAP DEFINED.** As used in this Chapter, “scrap” consists of used or old metal cable or wire; cordage; iron, copper, brass, lead, zinc, steel, aluminum and similar metals; glass; plastic; inoperable motor vehicles; used motor vehicle parts, supplies and accessories; inoperable machinery; used machine parts, supplies and accessories; used paper products, including but not limited to, newspapers and magazines; cardboard; rags or other fibrous material; lumber or other building materials; or any other used or old articles whose value is derived primarily from reclamation of its constituent parts or materials.

4-8-2: **SCRAP DEALER DEFINED.** As used in this Chapter, a “scrap dealer” is a person who engages in the business of purchasing, selling, exchanging, trading, recycling and/or storing scrap.

4-8-3: **SCRAP YARD DEFINED.** As used in this Chapter.

(A) **Definition.** As used in this Chapter, a “scrap yard” is a parcel of land or a portion thereof where scrap is purchased, sold, exchanged, traded, disassembled, recycled, stored, maintained or kept.

(B) **Exceptions.** If the activities listed in subsection (A) of this are conducted entirely within a completely enclosed building, the building shall not be considered a scrap yard.

4-8-4: **LICENSE REQUIRED.** No person shall engage in the business of a scrap dealer without first obtaining a license issued by the City.

4-8-5: **LICENSE APPLICATION.** Applications for scrap dealers licenses shall be made on a form provided by the City Clerk. The application shall state the applicant's name, residential address, business name, address of place of business and a general description of the goods and/or materials to be purchased, sold, exchanged, traded, recycled or stored. The license fee shall accompany the application.

4-8-6: **LICENSE APPROVAL AND ISSUANCE.** Applications for licenses required under this chapter shall be forwarded by the City Clerk to the City Council for its approval or denial. Upon approval of an application, the City Clerk shall issue the license. If a license application is denied by the City Council, the license fee shall be refunded to the applicant.

4-8-7: **LICENSE FEES.** Fees for licenses issued under this Chapter shall be \$50.00 per calendar year or any part thereof.

4-8-8: **RECORDS TO BE KEPT; CONTENT.** All scrap dealers shall keep any records required to be kept under Idaho Code Section 54-2702.

4-8-9: **RECORDS TO BE OPEN FOR INSPECTION.** All records required to be kept under this Chapter shall be made available for inspection by any police officer of the City during normal business hours. No scrap dealer or any of its agents or employees shall refuse to permit any police officer of the City to inspect such records.

4-8-10: **RETENTION OF RECORDS; TIME.** All records required to be kept under this Chapter shall be kept for not less than three (3) years.

4-8-11: **RETENTION OF PROPERTY.**

- (A) **Retention Requirement.** No person licensed under this Chapter shall sell, trade, rent, recycle, destroy or otherwise dispose of any scrap with a value in excess of \$500.00 and acquired for the purpose of resale or other conveyance and which is identified by a manufacturer affixed identification or serial number for a period of fifteen (15) days from the date of receiving the scrap.

4-8-12: **STORAGE OF SCRAP; EXCEPTIONS.**

- (A) **Storage Requirements.** Scrap dealers shall store all scrap in their possession only in a completely enclosed building or in a scrap yard. If scrap is stored in a scrap yard, the scrap yard shall be separated from any abutting public street or public sidewalk by an opaque fence or masonry wall. Scrap stored in a scrap yard shall not be stored or stacked to a height exceeding the height of the opaque fence or masonry wall.
- (B) **Exceptions.** An opaque fence or masonry wall as described in this section shall not be required if all scrap stored in a scrap yard is stored in fully enclosed and operable semi-trailers as defined under the Idaho Code or where the scrap consists only of the following materials: securely baled newspapers, magazines or similar paper products; securely baled, crushed cardboard containers or similar cardboard products; crushed and containerized aluminum cans or similar aluminum products; containerized glass bottles or jars or similar glass products; or crushed and containerized plastic bottles or similar plastic products.

4-8-13: **COMPLIANCE WITH LAW.** Persons licensed under this chapter shall conduct their businesses in compliance with all applicable federal, state and City laws, ordinances and regulations.

TITLE 5 Criminal Code

<i>Chapter</i>	<i>Subject</i>
1	General Provisions
2	General Police Regulations
3	Animals
4	Dog Control
5	Public Streets
6	Irrigation Works
7	Public Health and Safety
8	Nuisances, Public Smoking and Public Intoxication
9	Litter and Weed Control
10	Open Burning
11	Juvenile Curfew

CHAPTER 1 General Provisions

SECTION:

- 5-1-1: Legislative Purpose
- 5-1-2: Definition of Crime
- 5-1-3: Punishment for Crimes
- 5-1-4: Prosecutions Against Corporations
- 5-1-5: Union of Act and Intent
- 5-1-6: Manifestation of Intent
- 5-1-7: Territorial Jurisdiction
- 5-1-8: Procedures under Idaho State Code

5-1-1: **LEGISLATIVE PURPOSE.** This title is called the Criminal Code. All words and phrases used herein shall have the same meaning as ascribed in Title 18 of the Idaho Code, except as expressly defined herein. All provisions herein shall be applied in the same manner and construed consistently with the provisions of the Criminal Code for the State of Idaho.

5-1-2: **DEFINITION OF CRIME.** A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and for which any person may be punished by imprisonment or fine.

5-1-3: **PUNISHMENT FOR CRIMES.** Every person committing a crime, other than an infraction, is punishable by imprisonment for a term not exceeding six months, or by a fine not exceeding \$1,000, or by both, or by any other fine, imprisonment or combination thereof, permitted by Idaho Code Section 50-302. Any person committing an infraction is punishable only by a penalty not to exceed \$300. Unless otherwise specified, an infraction shall be punishable by a penalty in the amount of \$50 for the first infraction; \$150 for any infraction committed within six months after a previous infraction in violation of the same section of this Code; or \$300 if such offense was committed within six months of two or more previous infractions in violation of the same section of this Code.

(Ord. 204-04-16, 04/19/2016); (Ord. 254-03-21, 03/16/2021).

5-1-4: **PROSECUTIONS AGAINST CORPORATIONS.** The City may prosecute any corporation for violation of this Criminal Code. In any such prosecution, it shall be sufficient to make the corporation in its corporate name a defendant and service may be procured against the corporation in the same manner as permitted under the Criminal Code of the State of Idaho. Any judgment imposed by the Court against a corporation shall have the force and effect of a judgment in a civil action, and execution against a corporation may issue in the same manner as in civil actions. Any summons served upon a defendant corporation shall contain a statement that the corporation shall appear forthwith and defend said action, and in the event of its failure to do so, a plea of not guilty will be entered by the court and the trial will proceed as if the corporation had appeared. A copy of the Complaint shall be attached to and served with the Summons.

5-1-5: **UNION OF ACT AND INTENT.** In every crime there must exist a union, or joint operation, of act and intent, or criminal negligence.

5-1-6: **MANIFESTATION OF INTENT.** The intent to commit a crime is manifested by the circumstances connected with the crime and the sound mind and discretion of the accused.

5-1-7: **TERRITORIAL JURISDICTION.** Any person who commits a crime within the City is punishable as set forth in this Criminal Code. A crime is committed for the purposes thereof when all elements of the crime have occurred; however, a person is punishable under this Code whenever any element of the crime is committed within the City.

5-1-8: **PROCEDURES UNDER IDAHO STATE CODE.** All provisions of this Code shall be enforced, interpreted and administered in accordance with the Penal Code of the State of Idaho, as set forth in Title 18 Idaho Code. Without limiting the foregoing, all arrests, prosecution and enforcement of this Code shall be in accordance with Chapters 1 through 7, and 16, 17 and 20, Title 18, Idaho Code.

CHAPTER 2 General Police Regulations

(RESERVED)

CHAPTER 3 Animals

SECTION:

- 5-3-1: Cruel Treatment
- 5-3-2: Animal Fights
- 5-3-3: Training Animals for Fighting
- 5-3-4: Cruel Impoundment of Animals
- 5-3-5: Failure to Provide Adequate Care
- 5-3-6: Beating
- 5-3-7: Definitions
- 5-3-8: Keeping of Swine and Certain Fowl Prohibited
- 5-3-9: Keeping of Feral Animals
- 5-3-10: [Repealed]
- 5-3-11: Animals Running at Large
- 5-3-12: Impoundment of Animals

5-3-1: **CRUEL TREATMENT.** Any person who carries or causes to be carried in or upon any vehicle any domestic animal in a cruel or inhuman manner or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind is guilty of a misdemeanor.

5-3-2: **ANIMAL FIGHTS.** Any person who causes any bull, bear, cock, dog or other animal to fight for amusement, or for gain, or to worry or injure each other; and any person who permits the same to be done on any premises under his charge or control; and any person who aids, abets or is present at such fighting or worrying of such animals, as a spectator, is guilty of a misdemeanor.

5-3-3: **TRAINING ANIMALS FOR FIGHTING.** Any person who owns, possesses, keeps or trains any bird or animal, with the intent that such bird or animal engage in an exhibition of fighting, or any person who is present at any place, building or tenement, where preparations

are being made for an exhibition of fighting of birds or animals, with the intent to be present at such exhibition, is guilty of a misdemeanor.

5-3-4: **CRUEL IMPOUNDMENT OF ANIMALS.** Any person who confines, or causes to be confined, any domestic animal, without supplying the animal with a sufficient quantity of good and wholesome food and water, is guilty of a misdemeanor. If any domestic animal is so confined for more than twelve (12) hours, any person may enter upon any place where such animal is confined, and supply it with necessary food and water. Such person is not liable for trespass as a result of such action for such entry, and the reasonable cost of such food and water may be collected by him from the owner of such animal.

5-3-5: **FAILURE TO PROVIDE ADEQUATE CARE.** Every owner or person having the custody or control of any domestic animal who shall fail to provide proper care and attention to such animal shall be guilty of a misdemeanor. Nothing herein shall prevent the humane disposal of any sick, disabled, infirm, crippled or abandoned animal.

5-3-6: **BEATING.** Every person who cruelly whips, beats, starves or otherwise ill treats any animal in his care or charge, whether belonging to him or any other person, is guilty of a misdemeanor.

5-3-7: **DEFINITIONS.** Certain terms used in this chapter shall have the meaning ascribed below:

ANIMAL CONTROL SERVICES MANAGER:	As defined in Section 5-4-1 of this City Code.
ANIMAL CONTROL SHELTER:	As defined in Section 5-4-1 of this City Code.
IDENTIFIED:	The placement of the current name, street address, and telephone number of the owner on the animal by either (i) a collar and tag or (ii) a microchip.
NOTIFIED:	Notification of the owner of an animal by either (i) actual notice, whether oral, electronic, written, or otherwise (effective as of the date actual notice is provided); or (ii) written notice, sent by first class mail, postage prepaid (effective two days after being sent through the mail).

OWNER:	Any person owning, keeping or harboring an animal.
RUNNING AT LARGE:	Any condition where an animal is not under the physical control of a person, either by leash, cord or chain or confined within a structure or fenced yard.
UNIDENTIFIED ANIMAL:	Any animal that is not identified.

(Ord. 237-12-19, 12/17/2019).

5-3-8: **KEEPING OF SWINE AND CERTAIN FOWL PROHIBITED.** Except as set forth below, any person who keeps or maintains any swine, turkey, goose, duck, peacock, guinea hen or other exotic bird within the City is guilty of a misdemeanor. Nothing herein shall prohibit the temporary keeping or maintenance of such animals within any public zoo, circus, exhibition, pet show, pet store, veterinarian clinic or auctioneering business. For the purposes hereof, “temporary” shall mean a period of less than one (1) week.

5-3-9: **KEEPING OF FERAL ANIMALS.** Any person who keeps or maintains any feral animal weighing in excess of 25 pounds or any poisonous, dangerous or fetid animal within the City is guilty of a misdemeanor. Nothing herein shall prevent the temporary keeping or maintenance of such animals within any public zoo, circus, exhibition, pet show, pet store, veterinarian clinic or auctioneering business. For the purposes hereof, “temporary” shall mean a period of less than one (1) week.

5-3-10: **[REPEALED].** (Ord. 185-07-14; 10/21/2014).

5-3-11: **ANIMALS RUNNING AT LARGE.** Except as expressly permitted by section 5-4-10(B) of this Code, any owner or custodian of any animal, other than a domestic cat, who permits or allows such animal to run at large within the City is guilty of a misdemeanor. For the purposes hereof, the term "running at large" means off the premises of the owner or custodian of the animal and not under his or her immediate control.

(Ord. 196-08-15, 7/21/2015).

5-3-12: **IMPOUNDMENT OF ANIMALS.** All animals found running at large are declared to be public nuisances and may be immediately impounded in the Animal Control Shelter

without notice to the owner. The impoundment, redemption, sale or other disposal of impounded animals shall be as follows:

- (A) **Unidentified Animals.** All unidentified animals impounded within the Animal Control Shelter shall be retained for a minimum of three (3) business days after its delivery to the Animal Control Shelter. At any time during this period, the owner of such animal may redeem it by paying the impound fee set forth in this Section.
- (B) **Identified Animals.** All impounded animals which are identified with a tag or microchip or whose owner is known by the Animal Control Services Manager shall be retained in the Animal Control Shelter for a minimum period of five (5) business days after the owner is notified of the impoundment, which shall occur as soon as reasonably possible following impoundment of such animal. The Animal Control Services Manager shall keep a record of the date, time, and manner each owner is notified, with respect to each impounded animal. At any time during such five (5) business day period the owner may redeem the animal by paying the impound fee set forth in this Section.
- (C) **Unneutered Cats.** An unneutered cat that has been impounded at the Animal Control Shelter on two (2) previous occasions during the previous one (1) year period shall be required to be spayed or neutered prior to the owner redeeming the animal. The owner of such cat shall be required to pay the Animal Control Shelter its reasonable charge for the spay or neuter, in addition to the impound fee.
- (D) **Unclaimed Animals.** The ownership of any animal not redeemed within the periods of time herein stated shall be abandoned and forfeited and the animal may be sold thereafter by the Animal Control Services Manager to any person or may be humanely destroyed.
- (E) **Identification.** No unidentified cat shall be released from the Animal Control Shelter unless such cat has been identified. The owner of such cat shall be required to pay the Animal Control Shelter its reasonable charge for the identification goods and services, in addition to the impound fee.
- (F) **Disposal of Animals.** If any animal is not redeemed or sold, the animal may be humanely destroyed, and the carcass disposed of in any lawful manner.
- (G) **Impound Fee.** No animal impounded at the Animal Control Shelter shall be released to the owner unless the owner pays an impound fee in the amount determined by the resolution of the Council.

(Ord. 237-12-19, 12/17/2019).

CHAPTER 4 Dog Control

SECTION:

- 5-4-1: Definitions
- 5-4-2: [Repealed]
- 5-4-3: [Repealed]
- 5-4-4: Unidentified Dogs Running at Large
- 5-4-5: [Repealed]
- 5-4-6: Impounding of Dogs
- 5-4-7: Commercial and Noncommercial Kennel License
- 5-4-8: Rabies
- 5-4-9: Unlawful Disposal of Rabid Dog
- 5-4-10: Control of Dogs
- 5-4-11: Unlawful Interference with Disposal of Dogs
- 5-4-12: Cruelty Prohibited
- 5-4-13: Impounding and Disposal of Vicious Dogs
- 5-4-14: Disposal of Vicious Dogs
- 5-4-15: Police Officers
- 5-4-16: Penalty

5-4-1: DEFINITIONS.

(A) The following definitions shall apply to terms used in this Chapter (and, when not inconsistent with the context, words used in the present tense include the future tense and words in the plural include the singular and vice versa), unless the context clearly indicates otherwise:

- | | | |
|-----|-------------------------------------|---|
| (1) | ANIMAL CONTROL
SERVICES MANAGER: | Any person operating an Animal Control
Shelter on behalf of the City, or his or her
authorized agent. |
|-----|-------------------------------------|---|

- (2) ANIMAL CONTROL SHELTER: Any animal shelter, lot, premises or building maintained or hired by the City to confine or care for animals.
- (3) DOG: A dog of an age three months or older.
- (4) DOG EVENT: An event, either sponsored by the City or by private persons, that takes place on City or other public property for the purpose of showing, exhibiting, training, or otherwise featuring dogs; where the dogs participating therein are controlled by competent attendants; and which is approved and authorized by the Mayor in writing.
- (5) DOG KENNEL: Any place where more than two (2) dogs are kept.
- (6) IDENTIFIED: The placement of the current name, street address, and telephone number of the owner on the dog by either (i) a collar and tag or (ii) a microchip.
- (7) NOTIFIED: Notification of the owner of a dog by either (i) actual notice, whether oral, electronic, written, or otherwise (effective as of the date actual notice is provided); or (ii) written notice, sent by first class mail, postage prepaid (effective two days after being sent through the mail).
- (8) OWNER: Any person owning, keeping or harboring a dog.
- (9) RUNNING AT LARGE: Any condition where a dog is not under the physical control of a person, either by leash, cord or chain or confined within a structure or fenced yard.
- (10) SERVICE ANIMAL: Any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a

wheelchair, or fetching dropped items (see 49 C.F.R. § 37.3). In accordance with federal and state law, the term does not include emotional support, therapy, comfort, or companion animals.

- (11) UNIDENTIFIED DOG: Any dog that is not identified.
- (12) VICIOUS DOG: Any dog that has a known propensity to attack or bite human beings or other animals. Any dog that has bitten two (2) or more persons or one person on two (2) or more separate occasions, in a manner causing harm or injury to the person or persons, shall be conclusively presumed to be vicious.

(Ord. 211-03-17, 4/18/2017); (Ord. 237-12-19, 12/17/2019); (Ord. 277-05-22, 5/24/2022).

5-4-2: [Repealed]. (Ord. 211-03-17, 4/18/2017).

5-4-3: [Repealed]. (Ord. 149-02-10, 4/27/2010); (Ord. 211-03-17, 4/18/2017).

5-4-4: **UNIDENTIFIED DOGS RUNNING AT LARGE.** Any person who owns or has in his care or custody an unidentified dog found to be running at large within the City is guilty of an infraction. Such infraction shall be in addition to any violation under section 5-4-10(B) of this Chapter.

(Ord. 149-02-10, 4/27/2010); (Ord. 211-03-17, 4/18/2017).

5-4-5: [Repealed]. (Ord. 149-02-10, 4/27/2010); (Ord. 211-03-17, 4/18/2017).

5-4-6: **IMPOUNDING OF DOGS.** All dogs found running at large are declared to be public nuisances and may be immediately impounded in the Animal Control Shelter without notice to the owner. The impoundment, redemption, sale or other disposal of impounded dogs shall be as follows:

- (A) **Unidentified Dogs.** All unidentified dogs impounded within the Animal Control Shelter shall be retained for a minimum of three (3) business days after its delivery to the Animal

Control Shelter. At any time during this period, the owner of such dog may redeem it by paying the impound fee set forth in this Section.

- (B) **Identified Dogs.** All impounded dogs which are identified with a tag or microchip or whose owner is known by the Animal Control Services Manager shall be retained in the Animal Control Shelter for a minimum period of five (5) business days after the owner is notified of the impoundment, which shall occur as soon as reasonably possible following impoundment of such dog. The Animal Control Services Manager shall keep a record of the date, time, and manner each owner is notified, with respect to each impounded dog. At any time during such five (5) business day period the owner may redeem the dog by paying the impound fee set forth in this Section.
- (C) **Unneutered Dogs.** An unneutered dog that has been impounded at the Animal Control Shelter on two (2) previous occasions during the previous one (1) year period shall be required to be spayed or neutered prior to the owner redeeming the animal. The owner of such dog shall be required to pay the Animal Control Shelter its reasonable charge for the spay or neuter, in addition to the impound fee.
- (D) **Unclaimed Dogs.** The ownership of any dog not redeemed within the periods of time herein stated shall be abandoned and forfeited and the dog may be sold thereafter by the Animal Control Services Manager to any person or may be humanely destroyed.
- (E) **Identification.** No unidentified dog shall be released from the Animal Control Shelter unless either (i) a collar and name tag has been affixed to the dog, which name tag shall bear the current name, street address, and telephone number of the owner of the animal or (ii) a microchip has been implanted in the dog, on which is encoded the current name, street address, and telephone number of the owner of the animal. The owner of such dog shall be required to pay the Animal Control Shelter its reasonable charge for the identification goods and services, in addition to the impound fee.
- (F) **Disposal of Dogs.** If any dog is not redeemed or sold, the dog may be humanely destroyed, and the carcass disposed of in any lawful manner.
- (G) **Impound Fee.** No animal impounded at the Animal Control Shelter shall be released to the owner unless the owner pays an impound fee in the amount determined by the resolution of the Council.

(Ord. 149-02-10, 4/27/2010); (Ord. 211-03-17, 4/18/2017); (Ord. 237-12-19, 12/17/2019).

5-4-7: **COMMERCIAL AND NONCOMMERCIAL KENNEL LICENSE.** It shall be unlawful to operate a dog kennel or to keep upon the premises of any one household or upon the premises of any one business property, more than two (2) dogs unless the owner or person in charge thereof has a commercial or noncommercial kennel license.

- (A) Application for a noncommercial kennel license shall be made to the Clerk. The applicant shall also pay a license fee of twenty five dollars (\$25). The application shall state the

name and address of the owner, the location of the non-commercial kennel, the number of dogs presently kept and the breed(s) of the dogs. All dogs kept in a noncommercial kennel shall be owned by members of the immediate household and separate tags shall be issued for each dog. In no event may any holder of a non-commercial kennel license keep more than four (4) dogs upon the licensed premises. Noncommercial kennel licenses shall not be transferable to any other owner. Such license may be revoked by the City Council upon a finding that the owner has violated any of the provisions of this Chapter or upon a finding that twenty-five percent (25%) or more of the owners or persons in possession of premises located within three hundred (300) feet of the exterior boundaries of the licensed premises have filed a written petition with the City Clerk requesting that such license be revoked. In the event of such revocation, a new license shall not thereafter be issued unless the owner can demonstrate that seventy-five percent (75%) of such owners or persons are willing to consent in writing to the issuance of a new license, provided however that in the event there are less than four of such owners, the City Council may issue such license upon a finding that good cause exists for its retention.

- (B) **Commercial Kennel.** A commercial kennel is a kennel where the owner or a keeper of dogs sells or advertises for sale, boards, breeds, trains, treats or handles dogs for a consideration, provided however any clinic or place owned or operated by a veterinarian licensed under state law shall not be considered a kennel. Application for a commercial kennel license shall be made to the Clerk. The application must state the zone in which the kennel will be maintained and must be accompanied by the written consent to such commercial kennel by all property owners located within three hundred feet (300') of the exterior boundaries of the property upon which the kennel will be operated and must be accompanied by a license fee of fifty dollars (\$50), which fee shall be returned to the applicant if license is not issued. Licenses shall not be transferrable to any person or location not stated in the application. All licenses shall expire on December 31 of the year in which issued. A commercial kennel license shall not be issued for any premises where such use is not permitted under the Zoning Ordinance.

(Ord. 149-02-10, 4/27/2010).

5-4-8: **RABIES.** If a dog has bitten, scratched or otherwise attacked a person, the owner of such dog or any person having knowledge of such incident shall immediately notify the Police Division and the State of Idaho Department of Health and Welfare. The Poundmaster may impound any dog which has bitten any person or to deliver the animal to a practicing veterinarian for quarantine, or require the owner to keep the dog in an approved enclosure not accessible to the public. Such dog shall be kept for a minimum period of ten (10) calendar days, and if the dog is determined to be free of rabies, the dog shall be returned to the owner. The owner of a dog so impounded in the Animal Control Shelter shall pay the regular boarding fees and if such fee is not paid, the dog may be disposed of as herein provided. If the dog is determined to be rabid, it shall be humanely destroyed and the owner shall be responsible to pay the boarding fees set forth in this chapter.

(Ord. 211-03-17, 4/18/2017).

5-4-9: **UNLAWFUL DISPOSAL OF RABID DOG.** Any person who kills or causes to be killed any rabid dog, or dog suspected of having rabies, or any dog who has bitten or attacked a person, without having given the notice required by the preceding section, or having given such notice kills such dog before the expiration of the ten (10) days guarantee period, is guilty of a misdemeanor.

5-4-10: **CONTROL OF DOGS.**

- (A) Any person who harbors or keeps on his premises, or in his control any dog which by loud and prolonged barking, disturbs the peace and quiet of the neighborhood, or the occupants of adjacent premises, is guilty of an infraction. For the purposes hereof the term “loud and prolonged barking” shall mean (1) any incessant barking, howling, whining or other disturbing noise for a period of 30 consecutive minutes or more within any calendar day, or (2) intermittent barking for a period of 60 consecutive minutes or more during any calendar day. Nothing herein shall allow the issuance of a citation to any dog owner whose dog is provoked by a trespasser, intruder or by any other person who unreasonably and without cause provokes or teases such dog.
- (B) Any owner or keeper of a dog who allows the dog to run at large on or in any public street, alley, sidewalk, park or place, or upon private property without the permission of the owner or occupant thereof, is guilty of an infraction. Notwithstanding the foregoing, the Mayor may, upon application of any person, authorize a Dog Event and the Council may designate public areas within the City which may be used, subject to such rules and regulations as may be prescribed, for the training or exercise of dogs. Dogs within such areas need not be controlled by leash, but shall be under the control of a responsible person and controlled by whistle, voice or other effective command. Such areas shall be specifically designated by resolution of the Council and a sign giving notice of such prohibition and designated area shall be posted at each vehicular entrance to such public area. Notwithstanding the foregoing, any person who allows a dog under leash to be in any public park or recreation area designated by the Council as a public area in which dogs are not allowed, is guilty of an infraction, unless the dog is a Service Animal or is a participant in a Dog Event.
- (C) Any owner or keeper of any female dog in heat who allows such dog to run at large or who fails to confine or enclose the dog in such a manner as to preclude other dogs from attacking the female dog or from being attracted to such female dog, is guilty of an infraction.
- (D) No person owning, keeping or having in his or her immediate care or custody any dog shall knowingly fail or neglect to clean up any feces of the dog immediately and dispose of it in a sanitary manner whenever the dog has defecated upon public or private property owned or within the control of another and without the consent of such public or private owner or person. The provisions of this section shall not apply to a blind person being accompanied

by a Service Animal, nor shall they be construed to require or countenance any act of trespass upon private property. Whenever the feces to be cleaned up cannot be reached without an unlawful trespass upon the private property on which the feces is located, the person having the duty pursuant to this section to clean it up shall first obtain permission to do so from the owner or person in lawful possession or charge of the property. If a property owner does not consent to the owner of the dog cleaning up the feces, then this section will not apply to the dog owner. Any person who violates the provisions of this subsection shall be punishable by an infraction.

- (E) Any person who brings any dog to an event sponsored by the City, regardless of where such event takes place, shall be guilty of an infraction. The foregoing shall not apply to (1) a Service Animal that can attend such event without fundamentally altering the nature of the event, complies with the other general requirements of this chapter, and is kept under its handler's control at all times; or (2) to any dog participating in a Dog Event.

(Ord. 149-02-10, 4/27/2010); (Ord. 277-05-22, 5/24/2022).

5-4-11: **UNLAWFUL INTERFERENCE WITH DISPOSAL OF DOGS.** Any person who hinders, or interferes with any animal control officer who is seizing any dog, killing the same or removing the carcass under this Chapter, or any owner of a dog who refuses to pay the impounding or boarding fees set forth herein is guilty of a misdemeanor.

5-4-12: **CRUELTY PROHIBITED.** Any person who maltreats, tortures or who fails to feed or humanely keep or care for any dog, or who having the right or authority to kill a dog, kills such dog in an inhumane manner, is guilty of a misdemeanor.

5-4-13: **IMPOUNDING AND DISPOSAL OF VICIOUS DOGS.** Any person who keeps or has possession of a vicious dog within the City limits is guilty of a misdemeanor.

5-4-14: **DISPOSAL OF VICIOUS DOGS.** Dogs determined to be vicious under this Chapter shall be impounded and disposed of as follows:

- (A) **Impounding of Vicious Dogs.** City police officers and animal control officers shall take up and impound any vicious dog found within the City limits.
- (B) **Disposal of Unidentified Vicious Dogs.** All unidentified vicious dogs shall be retained in the pound for a minimum of three (3) full business days after its impoundment. If the owner of such dog does not appear at the pound within this time period, the dog shall be humanely destroyed and the carcass disposed of in any lawful manner. If the owner of the impounded vicious dog appears at the pound at any time during such time period, the Animal Control Services Manager shall deliver a written notice to the owner of the dog

stating that the dog has been impounded as a vicious dog and that the dog will be destroyed within ten (10) business days after the date of such notice unless an order to show cause is issued by a court of competent jurisdiction and served upon the City, requiring the City to show cause why the dog should be destroyed. Such notice shall be deemed to be given as of the date of its delivery to the owner of the dog. If such order is not served upon the City within ten (10) business days of the date of the notice, the dog shall be destroyed and disposed of as provided herein. If the order to show cause is issued and served upon the City Clerk within ten (10) business days of delivery of the notice to the owner the dog shall be retained in the pound until further order of the court.

- (C) **Disposal of Identified Vicious Dogs.** If a vicious dog is clearly identified with a dog tag or microchip, the Animal Control Services Manager shall notify the owner of the impoundment, within two (2) business days of the impoundment. Such notice shall be sent by certified mail addressed to the owner at the address shown on the tag or microchip or at the owner's last known address. Such notice shall be deemed to be complete upon its deposit in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the owner at such address. This notice shall state that the dog has been impounded as a vicious dog and that the dog will be destroyed within ten (10) business days after the date of such notice unless an order to show cause is issued by a court of competent jurisdiction and served upon the City, requiring the City to show cause why the dog should be destroyed. If such order is not served upon the City within ten (10) business days of mailing of the notice, the dog shall be humanely destroyed and the carcass disposed of in any lawful manner. If the order to show cause is issued and served within such time period, the dog shall be retained in the pound until further order of the court.
- (D) **Impound Fees.** If the Court orders the release of any dog impounded under this Section, the owner of the dog shall pay an impound fee in the amount of thirty dollars (\$30) and a daily boarding fee as established by the Animal Control Shelter.

(Ord. 149-02-10, 4/27/2010); (Ord. 211-03-17, 4/18/2017).

5-4-15: **POLICE OFFICERS.** Any duly sworn peace officer as defined by State law, may and hereby is authorized to enforce the provisions of this Chapter.

(Ord. 149-02-10, 4/27/2010).

5-4-16: **PENALTY.**

- (A) Except as provided otherwise in this Chapter, any person who violates the provisions of this Chapter is guilty of an infraction and is punishable, by a fine no greater than three hundred dollars (\$300). Except as provided in subsection (B) of this section, if any person violates the provisions of this Chapter within six (6) months of the date such person

committed a previous violation of this Chapter, then such violation shall be considered a misdemeanor and shall be punishable by a fine of not less than five hundred dollars (\$500).

- (B) Any person who violates the provisions of section 5-4-10(A) or (B) shall be guilty of an infraction and shall be punishable by a penalty in the amount of fifty dollars (\$50) for the first infraction, one hundred fifty dollars (\$150) for any infraction committed within six (6) months after a previous violation of such subsections or three hundred dollars (\$300) if such offense was committed within six (6) months of two previous violations of such subsections. If three or more violations were committed within six (6) months immediately preceding a violation of such subsections, then each violation committed after the third violation shall be considered as a misdemeanor and shall be punishable in accordance with subsection (A) of this section.
- (C) If any fine as set forth above is increased as a result of multiple violations within the preceding six (6) months, then such increase shall be applied regardless of whether or not such violations were committed with the same or different animals.

(Ord. 149-02-10, 4/27/2010); (Ord. 172-03-13, 6/27/2013); (Ord. 204-04-16, 04/19/2016).

CHAPTER 5 Public Streets

SECTION:

- 5-5-1: Placing Debris on Streets
- 5-5-2: Obstruction of Highways
- 5-5-3: Flooding Public Streets
- 5-5-4: Injurious Materials on Streets
- 5-5-5: Damage to Public Streets
- 5-5-6: Games in Streets
- 5-5-7: Placing of Fill Prohibited

5-5-1: PLACING DEBRIS ON STREETS.

- (A) Any person who willfully or negligently throws from any vehicle, or who places, deposits or permits to be deposited upon or alongside any highway, street, alley or easement used by the public for public travel, any debris, paper, litter, glass bottle, glass, nails, tacks, hoops, cans, barbed wire, boards, trash or garbage, lighted material, or other waste substance is guilty of an offense, punishable as described in subsection (B) of this Section. For the purpose of this section, the terms “highway,” “street,” “alley” or “easement” shall be construed to include the entire right of way of such highway, street, alley or easement.
- (B) Any violation of Section 5-5-1(A) is punishable as follows:
 - (1) An infraction with a penalty in the amount of thirty-five dollars (\$35) for the first violation.
 - (2) An infraction with a penalty in the amount of one hundred dollars (\$100) for a second violation if such violation by such person occurred within six (6) months after entry of judgment for one previous violation.
 - (3) An infraction with a penalty in the amount of two hundred dollars (\$200) for a third violation if judgments for two violations were entered against such person within the six (6) month period immediately preceding the date of such violation.
 - (4) An infraction with a penalty in the amount of three hundred dollars (\$300) for a fourth violation if judgments for three violations were entered against such person within the six (6) month period immediately preceding the date of such violation.

- (5) A misdemeanor, punishable by a fine no greater than five hundred dollars (\$500) and no incarceration for a subsequent violation if (a) judgments for four violations were entered against such person within the six (6) month period immediately preceding the date of such violation or (b) judgment for a misdemeanor pursuant to this subsection (B)(5) was entered against such person within the six (6) month period immediately preceding the date of such violation.

(Ord. 219-05-18, 5/17/2018).

5-5-2: **OBSTRUCTION OF HIGHWAYS.** Any person who obstructs, injures or damages any public road, street, alley, highway or sidewalk is guilty of a misdemeanor.

5-5-3: **FLOODING PUBLIC STREETS.** Any person who runs water across any public highway, road or street, without first constructing a good and sufficient ditch or ditches to convey the same, or who fails to bridge such ditch or ditches, or to keep such bridge or ditches in good repair, or who places any obstruction in a culvert or ditch, and all persons, companies or corporations who suffer any water used by them for the purpose of irrigation, or any other purposes, to flow into or upon any public highway, road, alley or street, in any other manner than that authorized by law, are guilty of a misdemeanor and upon conviction thereof, shall be fined not more than fifty dollars (\$50), and for a second offense within any two (2) consecutive years, double said fine and cost.

5-5-4: **INJURIOUS MATERIALS ON STREETS.** Any person who deposits, places or causes any hazardous or explosive substance or material of any kind which creates a risk of harm or injury to person or property upon any public street, alley, sidewalk or thoroughfare is guilty of a misdemeanor.

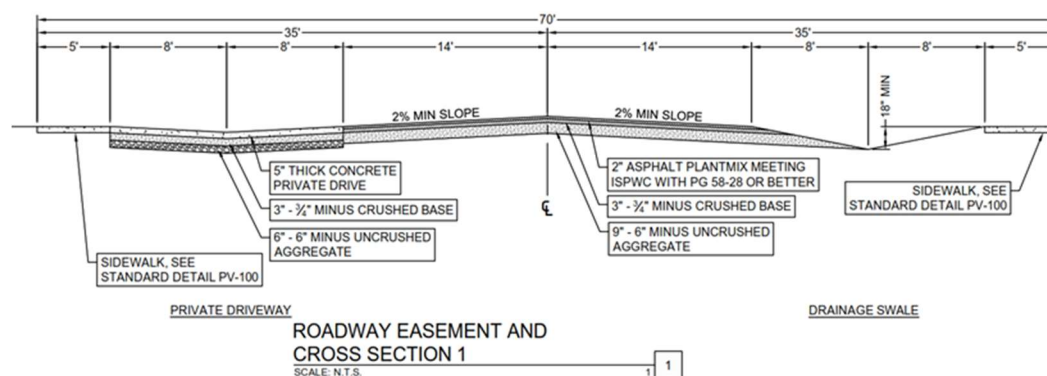
5-5-5: **DAMAGE TO PUBLIC STREETS.** Any person who drives or operates a vehicle with lug wheels or metal tracks upon a public street, or who drives or operates any vehicle in a manner that damages or destroys any surface of any public street or sidewalk, or who drives or operates a vehicle upon a public street in excess of the gross vehicle weights permitted under the laws of the State of Idaho, is guilty of a misdemeanor.

(Ord. 259-04-21, 4/20/2021).

5-5-6: **GAMES IN STREETS.** Any person who plays ball or any game in a public street, or who encourages, permits or allows any minor to engage in such activities, is guilty of a misdemeanor.

5-5-7: **PLACING OF FILL PROHIBITED.**

- (A) It is an infraction to place any top soil, dirt, pavement, rock, gravel, or other fill material in any drainage swale (other than a designated private driveway in compliance with this Code and with all applicable specifications) to fill in the deepest part of such drainage swale (which should be 8 feet from the edge of the road's pavement) to any less than 18 inches below the maximum height of the paved road, as shown on the City's standard specification SD-100 (which may be consulted for additional detail), below:



- (B) Notwithstanding the foregoing, a landowner may alter a drainage swale upon or adjacent to such landowner's property in a manner provided in the City's standard specifications or as otherwise allowed by the City in advance of construction pursuant to the City's written approval.
- (C) Further, nothing herein shall prevent or prohibit the placement of appropriate material for the purpose of constructing a private driveway within such area, provided that such driveway and its construction complies with this Code and with all applicable specifications, including the City's standard specifications (part of SD-100 of which is depicted above) and any other specifications adopted by the City that are available in the City office.

(Ord. 271-09-21, 9/28/2021); (Ord. 288-07-23, 7/18/2023).

CHAPTER 6 Irrigation Works

SECTION:

- 5-6-1: Interference with Ditches
- 5-6-2: Obstruction of Overflow, Gauge or Waterway in Dam
- 5-6-3: Wrongful Diversion of Water
- 5-6-4: Interference with Headgate—Cutting Banks of Stream
- 5-6-5: Injuries to Ditches and Appurtenances
- 5-6-6: Injury to Measuring Devices
- 5-6-7: Enclosed Headgate
- 5-6-8: Minimum Size of Culverts

5-6-1: **INTERFERENCE WITH DITCHES.** Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume or reservoir, used for the purpose of holding or conveying water for manufacturing, agricultural, or domestic uses, or who shall, without like authority, raise, lower, or otherwise disturb, any gate or other appurtenance thereof used for the control or measurement of water, or who shall empty or place or cause to be emptied or placed, into any such canal, ditch, flume, or reservoir, any rubbish, filth, or obstruction to the free flow of water, is guilty of a misdemeanor.

5-6-2: **OBSTRUCTION OF OVERFLOW, GAUGE OR WATERWAY IN DAM.** Any person or persons who obstructs any overflow, gauge or waterway, placed in any dam by order of any water master, so as to impede the flow of water over such dam as regulated by the water master, is guilty of a misdemeanor.

5-6-3: **WRONGFUL DIVERSION OF WATER.** Any person who without the consent of the water master of the district, diverts any water from a ditch or channel where it has been placed, or caused or left to run by the water master or his deputies, or who shuts or opens any ditch, gate or dam, or in any way impedes or increases the flow of water in any stream or ditch diverting water from a stream, while the same is under the charge of a water master, or who cuts away any embankment of a stream, whereby the water of such stream is diverted, or who breaks, injures, or removes any gate, flume or other device used for the equitable distribution of the water of such stream by the water master, is guilty of a misdemeanor.

5-6-4: INTERFERENCE WITH HEADGATE—CUTTING BANKS OF STREAM.

Any person who willfully and maliciously places any obstruction on any overflow gauge in any stream of water which is used for irrigation and is under control of a water master, and such obstruction retards or impedes the free overflow of the water of such stream, thereby increasing the pressure against a headgate through which water is diverted by means of such dam, or who removes, breaks, injures or interferes with any headgate regulated by a water master so as to disturb the distribution of the water therein, or who cuts away any bank of the natural stream, the water of which is being used for irrigation and is being distributed by a water master, so as to decrease the flow of water from such stream, thereby interfering with the distribution of the water thereof is guilty of a misdemeanor.

5-6-5: INJURIES TO DITCHES AND APPURTENANCES. Any person who cuts, breaks, damages, or in any way interferes with any ditch, canal, headgate, or any other works in or appurtenant thereto, the property of another person, corporation, or association of persons, and whereby water is conducted to any place for beneficial use or purposes, and when said canal, headgate, ditch, dam, or appurtenance is being used or is to be used for said conduct of water, is guilty of a misdemeanor.

5-6-6: INJURY TO MEASURING DEVICES. Any person who cuts, breaks, injures, destroys, enlarges, changes, or alters any headgate, sluiceway, weir, water box, or other measuring device, the property of any irrigation district, corporation or association of persons, or in the possession of, or in the use of, said irrigation district, corporation, or association, or the property of another, is guilty of a misdemeanor.

5-6-7: ENCLOSED HEADGATE. Enclosed headgates and boxes for the diversion of irrigation waters, with openings at the top are recognized and declared to be attractive and dangerous to small children who are likely to play about the same and on occasion, to fall into the water therein contained. Any person who uses, maintains or operates an enclosed headgate or diversion box having an opening of a width of at least twelve inches (12”) and a length of at least twelve inches (12”) and for which no locked cover is placed thereon, is guilty of a misdemeanor.

5-6-8: MINIMUM SIZE OF CULVERTS. Any person who places a culvert of less than fifteen inches (15”) in diameter within any public ditch located within the City, is guilty of a misdemeanor.

CHAPTER 7 Public Health and Safety

SECTION:

- 5-7-1: Abandoned Refrigerators
- 5-7-2: [Repealed]
- 5-7-3: False Fire Alarms
- 5-7-4: Tampering with Fire Alarm
- 5-7-5: Fire Hydrants
- 5-7-6: Damaging Fire Hydrants
- 5-7-7: Unlawful Use of Fire Hydrants
- 5-7-8: Accumulation of Refuse
- 5-7-9: Deposit of Refuse on Public Property

5-7-1: **ABANDONED REFRIGERATORS.** Any person who abandons or permits to remain in an abandoned state on any premises owned or over which he or she has control, any ice box, refrigerator, deep freeze or any appliance or air tight container which fastens automatically and which cannot be opened from the inside, without having first removed the lock or hinges from the door thereof, is guilty of a misdemeanor.

5-7-2: **[REPEALED].**

5-7-3: **FALSE FIRE ALARMS.** Any person who knowingly and willfully gives a false fire alarm in any manner whether by telephone, use of a mechanical or electronic fire alarm, or otherwise, shall be guilty of a misdemeanor.

5-7-4: **TAMPERING WITH FIRE ALARM.** Any person who willfully damages, tampers with or otherwise alters any fire alarm for the purpose of preventing the normal operation thereof, shall be guilty of a misdemeanor.

5-7-5: **FIRE HYDRANTS.** No person shall obstruct the approach to a fire hydrant, or place or allow to be placed, any obstructions within a distance of 6 feet from a fire hydrant.

(Ord. 258-04-21, 4/20/2021).

5-7-6: **DAMAGING FIRE HYDRANTS.** No person shall willfully or carelessly drive or run any vehicle against any fire hydrant or park any vehicle within fifteen feet (15') of any fire hydrant. Any person who shall injure or damage any fire hydrant by accident, or by carelessness or otherwise, shall immediately report such injury or damage to the Water Department and such person so injuring or damaging said hydrant shall be liable for any damage caused thereby.

5-7-7: **UNLAWFUL USE OF FIRE HYDRANTS.** No person shall draw or attempt to draw water from any fire hydrant unless he is an employee of the Police Division, Fire and Public Safety Division, Public Works Division or has received written permission from one of the directors of such divisions.

5-7-8: **ACCUMULATION OF REFUSE.** It shall be unlawful for any occupant to accumulate or allow the accumulation of refuse upon property under his control in a manner which is markedly offensive or unsightly, attracts insects or rodents, is unsanitary, unsafe or unhealthy or which otherwise causes a public nuisance.

5-7-9: **DEPOSIT OF REFUSE ON PUBLIC PROPERTY.** It shall be unlawful to deposit or bury refuse in or upon any public alley, street, park or other public property, or upon the premises of another without the consent of the occupant of such other property.

CHAPTER 8 Nuisances, Public Smoking and Public Intoxication

SECTION:

- 5-8-1: Public Nuisance Defined
- 5-8-2: Public Nuisance—Unequal Damage
- 5-8-3: Punishment for Public Nuisance
- 5-8-4: Smoking During Public Meetings
- 5-8-5: Signs to be Displayed
- 5-8-6: Penalty for Prohibited Smoking
- 5-8-7: Public Intoxication

5-8-1: **PUBLIC NUISANCE DEFINED.** Anything which is injurious to health, or is indecent, or offensive to the senses, or obstructs the free use of property, interferes with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any substantial number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, stream, canal or basin, or any public park, square, street, or highway, is a public nuisance.

5-8-2: **PUBLIC NUISANCE—UNEQUAL DAMAGE.** An act which affects an entire community or neighborhood, or any substantial number of persons, as specified in the preceding section, is not less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.

5-8-3: **PUNISHMENT FOR PUBLIC NUISANCE.** Every person who maintains or commits any public nuisance, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

5-8-4: **SMOKING DURING PUBLIC MEETINGS.** For the purpose of this act, any meeting or hearing of any board, commission, council, department or agency of state, county, city or local governmental agency, held within a building owned, rented, or being used by a governmental agency, to which the public is invited, solicited, or legally entitled to attend is defined as a public meeting. Cigarette, cigar, and pipe smoking are prohibited whenever public

meetings are in progress in any room in which signs are displayed in accordance with the following section.

5-8-5: **SIGNS TO BE DISPLAYED.** Readily visible no smoking signs shall be displayed in the room where any public meeting is held, but smoking shall be permitted outside the meeting room.

5-8-6: **PENALTY FOR PROHIBITED SMOKING.** Any person who violates any provision of this chapter is punishable by a fine of not less than five dollars (\$5) nor more than ten dollars (\$10).

5-8-7: **PUBLIC INTOXICATION.** Any person who is intoxicated in or upon any public street, alley, park, or other public place is guilty of a misdemeanor.

CHAPTER 9 Litter and Weed Control

SECTION:

- 5-9-1: Purpose
- 5-9-2: Definitions
- 5-9-3: Litter in Public Places
- 5-9-4: Deposit of Litter in Receptacles
- 5-9-5: Deposit of Petroleum Products
- 5-9-6: Littering from Vehicles
- 5-9-7: Dropping Material from Aircraft
- 5-9-8: Improper Hauling of Litter
- 5-9-9: Posting Notices
- 5-9-10: Posting Handbills or Signs
- 5-9-11: Accumulation of Litter upon Private Property
- 5-9-12: Removal of Weeds
- 5-9-13: Special Assessments

5-9-1: **PURPOSE.** The accumulation of waste, refuse, trash, garbage, rubbish, litter and other deleterious substances upon public and private property and in streets and alleys within the City detracts from the appearance of the City and reduces property values. The accumulation of such waste also increases the spread of contagious diseases and infections, and creates a health and safety hazard to children. It is necessary for the preservation of health, safety, sanitation and the public welfare that proper and adequate regulations be adopted to require property owners, tenants and all persons having control of real property and the storage, disposal and accumulation of waste, to remove and dispose of such waste in the manner specified in this chapter.

5-9-2: **DEFINITIONS.** For the purposes of this chapter, certain terms shall have the meanings ascribed below:

AIRCRAFT:	Any craft designed for navigation or flight in air.
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GARBAGE:	Any waste resulting from the preparation, cooking, consumption or handling of food or other edible substance, whether for human or animal consumption, including without limitation, waste from the handling, storage and sale of produce.
HANDBILL:	Any printed or written matter, sample, circular, leaflet, pamphlet, booklet, or any other printed literature of any kind.
JUNK:	Any waste consisting of any mechanical appliance, vehicle, machinery, equipment or apparatus, or any parts therefrom, including without limitation, all non-functional appliances, automobiles, automobile parts, recreational vehicles, boats, snowmobiles, motorcycles, farming and construction equipment.
LITTER:	Garbage, junk, refuse and weeds as defined herein.
OCCUPANT:	Any person having control, possession or charge over real property.
OWNER:	Any person having a fee ownership in real property.
REFUSE:	All waste of any kind or nature, including, but not limited to, handbills, newspapers, papers, cartons, boxes, barrels, wood, brush, weeds, branches, yard trimmings, leaves, furniture, bedding, tin cans, metals, bottles, ashes, clinkers, automobile bodies and parts, appliances, broken glass, broken concrete, rock, crockery, mineral waste, street sweepings, industrial waste, sawdust, lumber scraps, shavings, animal carcasses, wire and plastics.
WASTE:	Any material having little or no value beyond its value for recycling purposes, or any material for which there is no practical use other than for recycling, and which if placed or deposited as prohibited in this chapter is markedly offensive or unsightly,

or which creates an offensive odor or is unsanitary or unsafe, attracts insects or rodents or in any way creates a public nuisance or health or safety hazard.

WEEDS:

Any plant, growing or dead, more than ten inches in height, measured from the surface of the ground, except plants grown for ornamental purposes or for production of food for man or beast. Noxious plants, regardless of height, shall be considered weeds.

5-9-3: **LITTER IN PUBLIC PLACES.** No person shall throw or deposit litter in or upon any private property, canal right of way, public street, alley, sidewalk, park, right of way or upon any publicly-owned property within the City, except in receptacles designed therefor.

5-9-4: **DEPOSIT OF LITTER IN RECEPTACLES.** No person shall deposit litter in any receptacle in a manner which exceeds the capacity of such receptacle or which will create a likelihood of its being blown or carried by the elements upon any public place or private property.

5-9-5: **DEPOSIT OF PETROLEUM PRODUCTS.** No person shall pour or deposit oil or any other petroleum product upon any private property, canal right of way, public street, alley, sidewalk, park or other public property, provided nothing herein shall prevent the use of oil, asphalt or other petro-chemicals for the purpose of construction, maintenance or operation of a street or alley.

5-9-6: **LITTERING FROM VEHICLES.** No person shall throw, or permit to be thrown from any vehicle, any litter or handbills while a driver or passenger in a vehicle being operated upon a public street or alley.

5-9-7: **DROPPING MATERIAL FROM AIRCRAFT.** No person in any aircraft shall throw out any litter or handbills while flying over the City.

5-9-8: **IMPROPER HAULING OF LITTER.** It is unlawful for any person to haul litter, or otherwise operate a vehicle carrying litter, in any manner which causes litter to be deposited

upon any public street, sidewalk or private property, or which creates a likelihood that litter will be blown, dropped or spilled therefrom.

5-9-9: **POSTING NOTICES.** No person shall post or affix any handbill upon any public utility pole, sign post, lamp post, telephone pole, shade tree or upon any public structure or building, except as may be expressly authorized or required by law.

5-9-10: **POSTING HANDBILLS OR SIGNS.** No person shall post or affix any handbill or sign to any building, structure, tree or appurtenance owned by any other person, without the consent of the owner or occupant thereof.

5-9-11: **ACCUMULATION OF LITTER UPON PRIVATE PROPERTY.** It shall be unlawful for any person owning or having control of private property within the City to deposit, store or allow the accumulation of litter upon such property, except:

- (A) The temporary storage or accumulation of construction debris or materials in a manner which prevents the same from being blown upon adjoining property, while a building or structure is being constructed upon the premises, or during remodeling or reconstruction thereof.
- (B) Upon any property owned or operated by any recycler, salvage dealer, or junk yard dealer licensed by the City, subject to all provisions and restrictions contained in any ordinance or statute governing the operation of such licensed business.

5-9-12: **REMOVAL OF WEEDS.** It shall be an infraction for any owner or occupant of any real property within the City to allow weeds to grow, exist or accumulate upon such real property.

(Ord. 266-07-21, 07/20/2021).

5-9-13: **SPECIAL ASSESSMENTS.** Notwithstanding the imposition of any criminal fine, penalty or imprisonment, the City may, subject to the provisions of this section, remove any litter from any private property within the City and levy a special assessment against such property, for the reasonable costs of such removal. Prior to the removal of such litter, the City shall give notice in writing to the owner of such property, which notice shall state the street address of the property where the litter exists, and shall describe the nature and general location of the litter to be removed. Such notice shall state that if such litter is not removed within fifteen (15) days from the date the notice is delivered, the City may cause the same to be removed and a special assessment made against such property for the costs of such removal. Such notice shall be

personally served upon any occupant, if any, of the property wherein the litter is located, and shall be mailed by certified mail, return receipt requested, postage prepaid, to the owner of the property at the address listed upon the real property assessment rolls of Bonneville County. Such notice shall be deemed to be delivered upon its physical delivery and deposit into the United States mail, as set forth above. If the owner of occupant fails to remove the litter within the time specified in the notice, the City may order the removal of the litter and cause a Notice of Special Assessment to be mailed to the owner of the property in the manner set forth above. The Notice of Special Assessment shall state the amount to be assessed on account of the costs of removing the litter, the name and record address of the owner of the property to be assessed, and the legal description of such property. Such notice shall also state that if the assessment is not paid within thirty (30) days, the assessment will be placed on the real property tax rolls and will become a lien against such property. If the assessment is not paid within thirty (30) days after mailing of the Notice of Assessment, the same shall be declared delinquent and may be certified to the Bonneville County assessor by the City Clerk, not later than the 1st day of August of each year. Upon such certification, the assessment shall be placed upon the tax roll and shall thereafter become a lien against the property described in the notice and shall be collected in the same manner and subject to the same penalties as are lawfully allowed for other real property taxes. All monies received on account of such special assessment shall be held by the City Treasurer in a special fund to be applied to the payment of the costs of such removal and the money shall be used for no other purpose except to reimburse the City for all amounts expended in removing such litter or weeds.

CHAPTER 10 Open Burning

SECTION:

5-10-1: Opening Burning Defined

5-10-1: OPEN BURNING DEFINED.

- (A) For the purposes of this chapter, the term “open burning” shall mean the burning of any material where the products of combustion are not directed through a duct, passage, smoke stack or chimney, except:
- (1) Fires used for the preparation of food and camp fires used for recreational purposes under control of a responsible adult.
 - (2) Fires used as part of a training exercise conducted by the Bonneville County Fire District.
 - (3) Safely operated industrial flares for combustion of flammable gases.
 - (4) Fires used for control or alleviation of a fire hazard and for weed control, where no alternate method of control exists, provided a permit has been first obtained from the Bonneville County Fire District.
- (B) Any person who allows or causes open burning within the City is guilty of a misdemeanor.

CHAPTER 11 Juvenile Curfew

SECTION:

- 5-11-1: Purpose
- 5-11-2: Definitions
- 5-11-3: Juvenile Curfews
- 5-11-4: Parental Violation of Curfew Hours
- 5-11-5: Violation of Curfew Hours by Business Establishments
- 5-11-6: Defenses
- 5-11-7: Enforcement
- 5-11-8: Penalties

5-11-1: **PURPOSE.** The purposes of this chapter are:

- (A) To regulate and prohibit minors from remaining in public places during certain hours of the day;
- (B) To protect minors from each other and from other adult perpetrators of crime;
- (C) To reduce nocturnal juvenile crime and juvenile delinquency;
- (D) To promote family responsibility and parental control over their children; and
- (E) To protect and promote the peace, health, safety, welfare and tranquility of the inhabitants of the City.

5-11-2: **DEFINITIONS.** Certain words and phrases used in this chapter are defined as follows:

CURFEW HOURS:	The hours between 1:00 a.m. and 5:00 a.m. on every day of the week with respect to any minor fifteen (15) years of age or older, and the hours between 11:00 p.m. and 5:00 a.m. of the following day, with respect to
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	any minor who is under fifteen (15) years of age.
EMERGENCY:	An unforeseen combination of circumstances or the resulting state, that calls for immediate action to prevent, control or minimize serious bodily injury, death or significant loss of property.
EMPLOYMENT ACTIVITY:	The performance of any responsibilities or duties expressly or impliedly required as a condition of employment of a minor.
ESTABLISHMENT:	Any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
GUARDIAN:	A guardian is: 1) a person who, under court order, is the guardian of the person of a minor; 2) a public or private agency with whom a minor has been placed by order of a court; or 3) a person to whom a parent or guardian has delegated any of his or her powers with respect to a minor pursuant to Section 15-5-104 of the Idaho Code.
MINOR:	Any person under eighteen (18) years of age.
OPERATOR:	Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation which owns or operates an establishment.
PARENT:	A person who is a natural parent, adoptive parent or step-parent of a minor.
PUBLIC PLACE:	Any place to which the general public has access including, but not limited to, streets, highways, alleys, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, shopping malls,

public parking lots and commercial businesses.

REMAIN:

To linger or stay or to fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of an establishment.

5-11-3: **JUVENILE CURFEWS.** Any minor who remains in any public place or on the premises of any establishment within the City during curfew hours is guilty of an infraction.

5-11-4: **PARENTAL VIOLATION OF CURFEW HOURS.** Any parent or guardian of a minor is guilty of an infraction if he or she knowingly permits, or by culpable indifference allows, such minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

5-11-5: **VIOLATION OF CURFEW HOURS BY BUSINESS ESTABLISHMENTS.** Any owner, operator or any employee or other person in control of an establishment is guilty of an infraction if he or she knowingly or willingly allows such minor to be upon the premises of the establishment during curfew hours.

5-11-6: **DEFENSES.**

(A) It is a defense to prosecution under this chapter that the offending minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the express direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in employment activity, or going to an employment activity or returning to the minor's place of residence, without any detour or stop;
- (5) Involved in an emergency;
- (6) Within the yard or upon the sidewalk abutting the minor's residence or abutting the residence of another adult with whom the parent or guardian of such minor has expressly placed temporary custody of the minor.
- (7) Attending an officially-sponsored school, religious or other recreational, cultural or educational activity supervised by adults and sponsored by a public entity or a

religious, charitable, fraternal, civic or other similar organization organized by adults, or going to or returning home from such activities, without any detour or stop;

- (8) Exercising First Amendment Rights protected by the United States Constitution or rights protected by Article I Section 9 of the Constitution of the State of Idaho;
 - (9) Is married or has had the disabilities of minority removed in the manner provided by law.
- (B) It is a defense to prosecution under section 5-11-5 that the owner, operator or employee of an establishment asked the minor to leave the premises and promptly notified the Bonneville County Sheriff that a minor is present on the premises of the establishment during curfew hours and refuses to leave.

5-11-7: **ENFORCEMENT.** Before taking any enforcement action under this section, a peace officer shall ask the apparent offending minor's age and reason for being in the public place or establishment. The peace officer shall not issue a citation or make an arrest under this chapter unless the officer reasonably believes that an infraction has occurred and that, based on any response and all other circumstances, no defense is present. Any peace officer who arrests a minor under this chapter shall immediately take the minor to the police station and summon his or her parent or guardian. If the minor's parents or guardian arrive within a reasonable period of time, the minor shall be remanded to the custody of the parent or guardian and shall be released upon the recognizance of his or her parent or guardian. If the parent or guardian cannot be located or does not appear at the police station within a reasonable period of time, the minor shall be kept in the custody of the Police Division or shall be turned over to juvenile authorities and thereafter shall remain in their custody in the manner provided by law.

5-11-8: **PENALTIES.**

- (A) Any person who violates a provision of this chapter, shall, upon his or her first conviction, be punishable by a fine not to exceed \$50.00.
- (B) Any person who violates a provision of this chapter within three years after another conviction for any other violation under this chapter, shall be punishable, upon conviction, by a fine not to exceed \$300.00.

TITLE 6 Health and Public Safety

<i>Chapter</i>	<i>Subject</i>
1	General Health Regulations
2	Fireworks
3	Day Care
4	Maintenance and Construction of Sidewalks and Curbs
5	Solid Waste Hauler Regulations

CHAPTER 1 General Health Regulations

SECTION:

- 6-1-1: Outdoor Restroom Facilities
- 6-1-2: Dumping Refuse Unlawful
- 6-1-3: Unsanitary Premises
- 6-1-4: Unclean Barns and Enclosures
- 6-1-5: Depositing of Manure Prohibited
- 6-1-6: Noxious Trade
- 6-1-7: Dangerous Premises
- 6-1-8: Slaughterhouse Regulations
- 6-1-9: Dead Animals

6-1-1: **OUTDOOR RESTROOM FACILITIES.**

- (A) **Outdoor Restroom Facilities Prohibited.** No person shall erect, place, maintain or keep, or allow to be erected, placed, maintained or kept, any water closet, privy, outhouse, portable outdoor toilet facility or similar restroom facility not connected to the public sewer on any public or private property within the City.
- (B) **Exceptions.** The prohibition set forth in this Section shall not apply to: (1) temporary portable toilet facilities used by contractors engaged on work within the City for use of their employees if required by federal or state law or regulation, or, (2) temporary portable toilet facilities used for outdoor public air shows, parades or exhibitions, for a period of not longer than three (3) consecutive days and occurring no more than once in any calendar year.
- (C) **State Health Regulations.** All temporary outdoor restroom facilities allowed under the preceding section shall comply with all applicable regulations of the State of Idaho, Department of Health and Welfare or the United States Department of Labor.

6-1-2: **DUMPING REFUSE UNLAWFUL.** No person shall dump, place or deposit any trash, refuse, matter, filth, waste, rags, paper, tin or aluminum cans or any substance likely to produce disease or infection on any lot, street, alley or public right-of-way within the City.

6-1-3: **UNSANITARY PREMISES.** No owner or occupant of any premises within the City shall cause or allow any portion of the premises or any structure on the premises to become nauseous, foul, offensive or injurious to the public health, or grossly unpleasant or disagreeable to the senses of adjacent residents or persons passing the premises.

6-1-4: **UNCLEAN BARNs AND ENCLOSURES.** No person shall maintain any barn enclosure, stable, building or yard for cattle, horses or any other animals or fowl within the City in such a condition as to be grossly offensive to neighbors or passers-by or injurious to the public health.

6-1-5: **DEPOSITING OF MANURE PROHIBITED.** No person shall deposit upon or allow any manure to be placed upon any City street, alley, sidewalk or right-of-way, provided however, this section shall not apply to persons in control of animals exhibited in any public parade or circus, persons riding an animal or persons riding in any conveyance drawn by animals.

6-1-6: **NOXIOUS TRADE.** No owner or occupant of any premises within the City shall conduct or engage in any trade, business or occupation that is dangerous, detrimental to the life, health or property of members of the public or which is grossly offensive to the public or otherwise constitutes a nuisance.

6-1-7: **DANGEROUS PREMISES.** No owner or occupant of any premises within the City shall keep, cause or allow the premises, any portion of the premises or any structure on the premises to fall into a condition that is dangerous or detrimental to life, health or property of members of the public.

6-1-8: **SLAUGHTERHOUSE REGULATIONS.** Every owner, lessee, tenant or occupant of any slaughterhouse, stable, building, structure or stall in which any animal or fowl is killed or in which any animal or fowl is kept, or of any place in which offal, manure or any liquid discharge of any animal or fowl collects or accumulates shall promptly remove such offal, liquid or manure to a proper place and shall at all times keep such slaughterhouse, stable, building structure or stall in a clean and wholesome condition and reasonably free from offensive smells.

6-1-9: **DEAD ANIMALS.** No person shall deposit any dead animal or fowl on any City street, alley, sidewalk or right-of-way or on any private lot within the City not owned or occupied by that person. No person shall cause or allow any dead animal or fowl to remain for an

unreasonable length of time on any property owned or occupied by that person and located within the City.

CHAPTER 2 Fireworks

SECTION:

- 6-2-1: Fireworks
- 6-2-2: Dangerous Fireworks
- 6-2-3: Safe and Sane Fireworks
- 6-2-4: Fireworks Permit for Public Display Required
- 6-2-5: Permit for Sale of Safe and Sane Fireworks
- 6-2-6: Application
- 6-2-7: Issuance
- 6-2-8: Fireworks Stands
- 6-2-9: Storage and Transportation
- 6-2-10: Fireworks Permit for Public Display; Application
- 6-2-11: Data Furnished
- 6-2-12: Permit for Sale of Fireworks at Wholesale
- 6-2-13: Application for Wholesale Permit
- 6-2-14: Information Furnished
- 6-2-15: Sale of “Dangerous Fireworks” Prohibited
- 6-2-16: Written Records
- 6-2-17: Seizure of Fireworks
- 6-2-18: Discharge of Fireworks in Public Area
- 6-2-19: Revocation of Permit

6-2-1: **FIREWORKS.** “Fireworks” shall include blank cartridges, party favors, toy pistols, toy cannons, toy canes, toy guns or similar devices in which more than twenty-five hundredths (.25) grain of explosive compound per cap or charge are used, fire balloons (balloons of a type which have burning material of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, Roman candles, fountains, wheels, Dago bombs, sparklers and other fireworks of like construction, and any fireworks containing any

combustible or explosive substances for the purpose of producing visible or audible effect by combustion, deflagration, explosion or detonation.

6-2-2: **DANGEROUS FIREWORKS.** “Dangerous fireworks” includes any of the following:

- (A) Firecrackers, cannon crackers, giant crackers, salutes, silver tube salutes, cherry bombs, mines, ground bombardment, grass-hoppers and other explosive articles of similar nature;
- (B) Blank cartridges;
- (C) Skyrockets and rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;
- (D) Roman candles, including all devices which discharge balls of fire into the air;
- (E) Chasers and whistles, including all devices which dart or travel about the surface of the ground during discharge;
- (F) Snakes and hats containing bichloride of mercury;
- (G) Sparklers more than ten inches (10”) in length or one-quarter inch (¼”) in diameter;
- (H) All articles for pyrotechnic display such as aerial shells, salutes, flash shells, sky battles, parachute shells, mines, Dago bombs and similar devices;
- (I) All torpedoes which explode by means of friction, or which contain arsenic and all other similar fireworks devices, including cracker balls;
- (J) Fire balloons or balloons of any type which have burning material of any kind attached thereto;
- (K) Toy cannons which use a combustible or explosive substance for the purpose of producing a visible or audible effect.

6-2-3: **SAFE AND SANE FIREWORKS.** “Safe and sane fireworks” includes any of the following:

- (A) Cone fountains with pyrotechnic composition not exceeding fifty (50) grams each;
- (B) Cylindrical fountains, whether base, spike or handle, with pyrotechnic composition not exceeding seventy-five (75) grams each and inside tube diameter not exceeding three-quarters inch (¾”);
- (C) Sparklers and “dipped sticks” not more than ten inches (10”) in length or one-quarter inch (¼”) in diameter and suzuki and morning glories with pyrotechnic composition not exceeding four (4) grams each;

- (D) Snakes which do not contain bichloride of mercury and pyrotechnic composition not exceeding two (2) grams each;
- (E) Wheels with pyrotechnic composition not exceeding sixty (60) grains for each driver unit of two hundred forty (240) grains for each complete wheel. The inside tube diameter of diver unit shall not exceed one-half inch ($\frac{1}{2}$ ");
- (F) Whistles, without report and which do not dart or travel about the ground during discharge with pyrotechnic composition not exceeding six (6) grams and containing no picric of gallic acid.

6-2-4: **FIREWORKS PERMIT FOR PUBLIC DISPLAY REQUIRED.** It shall be unlawful for any person to possess, keep store, use or discharge within the City any dangerous fireworks unless such person be the holder of a valid "Fireworks Permit for Public Display."

6-2-5: **PERMIT FOR SALE OF SAFE AND SANE FIREWORKS.** It shall be unlawful for any person to sell, store or keep for sale, any "safe and sane fireworks" within the City unless such person be the holder of a valid "Permit for Safe and Sane Fireworks."

6-2-6: **APPLICATION.** Any person desiring to sell "safe and sane fireworks" within the City shall apply to the City Clerk for a permit. Each applicant shall pay to the Clerk a permit fee of twenty-five dollars (\$25.00) at the time of application. If the application is denied, the permit fee shall be refunded. The application for a permit to sell "safe and sane fireworks" shall include the following information:

- (A) Name and address of applicant.
- (B) The names and addresses of the officers of the applicant, if a corporation.
- (C) The location of the place of sale of "safe and sane fireworks."
- (D) The name and address of any wholesaler, or distributor, from whom the applicant intends to obtain "safe and sane fireworks."
- (E) The applicant's state sales tax permit number.

6-2-7: **ISSUANCE.** Permits shall be granted only by the City Council after investigation and recommendation by the Chief of Police. No permit shall be granted for sale on premises or under any conditions which would violate any State law or City ordinance. Each permit shall be valid for only one location designated in the permit. No permit shall be transferable, assignable or renewable. The permit shall be valid only for the year of its issue and shall permit the sale or

offering for sale of “safe and sane fireworks” only from twelve o'clock (12:00) noon June 26, to twelve o'clock (12:00) midnight July 5.

6-2-8: **FIREWORKS STANDS.** Temporary fireworks stands shall be located, constructed and operated in compliance with the following regulations:

- (A) The stand shall comply with all applicable zoning and electrical codes.
- (B) The stand shall not be located within twenty-five feet (25') of any other building.
- (C) The stand shall not be located within fifty feet (50') of any pump or any other device used to dispense gasoline, kerosene, diesel fuel, propane or other flammable liquid or flammable liquefied gas as defined in of the Uniform Fire Code.
- (D) The stand shall not be located within fifty feet (50') of any above ground tank, cylinder or other device used to store propane or other flammable liquefied gas as defined in the Uniform Fire Code.
- (E) The stand shall not be located within fifty feet (50') of any vent or fill pipe of any underground tank or other underground device used to store gasoline, kerosene, diesel fuel or other flammable liquid as defined in the Uniform Fire Code.
- (F) No fabric material shall be used in the construction of the stand.
- (G) Each stand shall have exit doors on both ends of the structure, opening in the direction of exit travel and the doors shall be kept free from obstructions.
- (H) Each stand shall be provided with an approved fire extinguisher with at least a 2A rating.
- (I) At least one supervisor, eighteen (18) years of age or older, shall be present within the stand at all times the stand is open for business.
- (J) No fireworks shall be discharged within twenty-five feet (25') of any fireworks stand.
- (K) “No Smoking” signs shall be conspicuously and permanently displayed both inside and outside the stand. No smoking shall be permitted inside or within twenty-five feet (25') of the stand.
- (L) No “safe and sane fireworks” shall be sold, or offered for sale, except from twelve o'clock (12:00) noon June 26, to twelve o'clock (12:00) midnight July 5.

6-2-9: **STORAGE AND TRANSPORTATION.** “Safe and sane fireworks” shall be stored and transported within the City in compliance with the following standards:

- (A) **Storage.** Quantities of “safe and sane fireworks” greater than twenty-five (25) pounds shall not be stored in any building within the City, except within a temporary fireworks stand constructed in compliance with this chapter, unless a “Caution Fireworks” sign has been

conspicuously posted on or in close proximity to the building. the sign shall be diamond-shaped, measure at least twelve inches (12”) on each side, and be bright red in color. The sign shall carry the words “Caution Fireworks” in white block letters at least one inch (1”) high.

- (B) **Transportation.** Quantities of “safe and sane fireworks” greater than twenty-five (25) pounds shall not be transported in any vehicle within the City unless “Caution Fireworks” signs are displayed on the vehicle. The signs shall be placed so that they are plainly visible from the rear and both sides of the vehicle. The shape, size, color and language of the signs shall be the same as for signs to be posted on buildings in which quantities of “safe and sane fireworks” greater than twenty-five (25) pounds are stored.

6-2-10: **FIREWORKS PERMIT FOR PUBLIC DISPLAY; APPLICATION.** Any person desiring to conduct a public display of fireworks within the City may apply for a permit therefor to the Clerk. The Council shall have the power to grant or deny such application after investigation and recommendation by the Chief of Police. Such permit, if granted, shall authorize the permittee to purchase, transport, keep and use fireworks of all kinds for the purposes of the public display, but shall not authorize the permittee to sell, distribute or give away any fireworks, except to the wholesaler or distributor from which they were obtained. The permit shall be valid only for the public display for which applied. No fee shall be charged for a “Fireworks Permit for Public Display.”

6-2-11: **DATA FURNISHED.** An applicant for a “Fireworks Permit for Public Display” shall furnish the following information to the Clerk:

- (A) Name and address of the applicant.
- (B) Names and addresses of officers, if an association or corporation.
- (C) The place and time of the public display.
- (D) The name and address of the wholesaler or distributor from whom the fireworks will be obtained.

6-2-12: **PERMIT FOR SALE OF FIREWORKS WHOLESALE.** It shall be unlawful for any person, association, corporation or any responsible person associated with an association or a corporation, to sell, convey or offer for sale at wholesale, or cause any other person to sell, convey or offer for sale at wholesale, any fireworks within the City, unless such person is the holder of a valid permit for wholesale sale of fireworks. For the purposes of this section, the term “responsible person” shall mean any person who owns at least ten percent (10%) of the capital assets or interest in profits and losses of an unincorporated association, or any person who holds or owns at least ten percent (10%) of the issued shares of the corporation.

6-2-13: **APPLICATION FOR WHOLESALE PERMIT.** Any person, association or corporation desiring to sell fireworks at wholesale within the City, shall make application to the City Clerk for a permit for sale of fireworks at wholesale. Each applicant shall pay to the City Clerk a fee of seventy-five dollars (\$75.00) at the time of application. Permits shall be granted only by the City Council after investigation and recommendation by the Fire Chief. No permit shall be granted for sale on premises or under any conditions which would violate any State law or any ordinance of the City. If the application be denied, the permit fee shall be refunded forthwith. Each permit shall be valid only for one location designated in the permit. A permit shall not be transferable, assignable or renewable and shall be valid only for the year of its issue.

6-2-14: **INFORMATION FURNISHED.** Each applicant for a permit for sale of fireworks at wholesale shall provide the following information on his, her or its application:

- (A) The name and address of applicant or principal place of business.
- (B) The names and addresses of the officers of the applicant, if a corporation;
- (C) The names and addresses of any person owning at least ten percent (10%) of the capital assets or profits and losses, if an association.
- (D) The names and addresses of any person owning or holding ten percent (10%) or more of the issued shares of the corporation, if a corporation;
- (E) The applicant's state sales tax permit.

6-2-15: **SALE OF “DANGEROUS FIREWORKS” PROHIBITED.** It shall be unlawful for any person to sell, convey or offer for sale any dangerous fireworks to any person who is not a holder of a valid fireworks permit for public display, or who is not employed by a corporation or association who is a holder of such permit.

6-2-16: **WRITTEN RECORDS.**

- (A) Any person, association or corporation who holds a permit issued pursuant to this chapter and who purchases fireworks for the purpose of sale at retail, shall at the time such purchase is made, keep and maintain a written record containing the following information.
 - (1) The name and address of the wholesaler or distributor from whom the fireworks were purchased, and, if the wholesaler or distributor is a corporation or association, the name of every person who acted in behalf of such corporation or association;
 - (2) The date and location of the purchase;

- (3) An itemized list describing the kind and nature of all fireworks purchased and the quantity thereof.
- (B) Such written record, or a true and correct copy thereof, shall be kept at the location where said fireworks are offered for sale at retail. It shall be unlawful for any person to fail or refuse to allow any police officer or other officer of the City to inspect said record at any time during which the premises of the permittee are open for business.

6-2-17: **SEIZURE OF FIREWORKS.** Whenever there is probable cause to believe that any person is selling fireworks without a permit required by this chapter, or that any person has sold or conveyed any fireworks contrary to the provisions of this chapter, then the Chief of Police may order any police officer to seize as evidence all fireworks offered for sale at the premises where such violation is alleged to have taken place. The Chief of Police shall hold the fireworks so seized pending trial or conviction of the person selling or offering the same for sale. In the event such person is convicted of selling fireworks contrary to this Chapter, then all rights to the fireworks shall be forfeited and the Chief of Police shall forthwith destroy the same.

6-2-18: **DISCHARGE OF FIREWORKS IN PUBLIC AREA.** It shall be unlawful for any person to ignite or discharge any fireworks during the time periods set forth below and within fifty feet (50') of the curb line along any parade route or within any area of public gathering designated by the Chief of Police, or to cause any ignited fireworks to be thrown or propelled into such area. Such time period shall commence one hour prior to the commencement of such parade and shall conclude one hour after the conclusion of the designated parade times, and with regard to other areas of public gathering designated by the Chief of Police, said time frame shall likewise be designated by the Chief of Police. In areas of public gathering designated by the Chief of Police, a public notice of such designation shall be posted in a conspicuous place at least once in every City block contained within said public area, which notice shall specifically describe the area and times within which this section shall apply.

6-2-19: **REVOCATION OF PERMIT.** Any permit granted under this chapter may be revoked by order of the Chief of Police whenever probable cause appears that the permittee has violated or is in violation of this chapter.

CHAPTER 3 Day Care

SECTION:

- 6-3-1: Purpose
- 6-3-2: Definitions
- 6-3-3: Exit Requirements
- 6-3-4: Additional Exit Requirements for Facilities with more than Fifty Children
- 6-3-5: Evacuation Plan
- 6-3-6: Fire Extinguisher Requirements
- 6-3-7: Telephone Requirements
- 6-3-8: Smoke Detector and Fire Alarm Requirements
- 6-3-9: Flammable Materials
- 6-3-10: Freestanding Fireplaces and Woodburning Stoves
- 6-3-11: Address Number
- 6-3-12: Inspection and Certification; Inspection Fee
- 6-3-13: Liability

6-3-1: **PURPOSE.** The purpose of this Chapter is to provide a means for certifying that Day Care Facilities within the City comply with the minimum fire safety standards established by Idaho Code Sections 39-1109 and 39-1114 and the minimum standards established in this Chapter. The standards set forth in this Chapter are not intended to establish a level of fire safety that meets any nationally recognized standards or otherwise establishes the level of care owed by the operator of a Day Care Facility to any child for whom care or supervision is provided at such facility. The provisions of this Chapter are not intended to impose on the City or any of its officials or employees any special duty to enforce the standards contained in this Chapter, for the benefit of any child for whom such care or supervision is provided at Day Care Facilities.

6-3-2: **DEFINITIONS.** For the purpose of this Chapter, certain words and phrases are defined as follows:

APPROVED: Approval by the Chief of Police or his
authorized representative based on

inspections, investigation tests conducted by him or her or on accepted principles or tests by national authorities, technical or scientific organizations as defined in the Uniform Fire Code.

CHILD:	A person less than twelve (12) years of age.
CITY:	The City of Iona.
DAY CARE:	Care and supervision provided for compensation, during part of a twenty-four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes.
DAY CARE CENTER:	A place or facility providing day care for compensation for thirteen (13) or more children.
DAY CARE FACILITY:	A day care center or group day care facility as defined in this Chapter, but not a “family day care home” as defined in Idaho Code Section 39-1102(9) now in force or subsequently amended.
FIRE INSPECTOR:	A person appointed by the Council to make inspections as provided by this Chapter.
GROUP DAY CARE FACILITY:	A home, place or facility providing day care for compensation for seven (7) through twelve (12) children.
OCCUPANT LOAD:	A figure calculated by dividing the square footage of space between the interior face of the exterior walls of that portion of a building used for day care by a factor of 35. The occupant load of any room in a Day Care Facility equipped with fixed seating shall equal the number of fixed seats.

6-3-3: **EXIT REQUIREMENTS.** All Day Care Facilities located within the City shall meet the following exit requirements:

- (A) Day Care Facilities shall have a minimum of two (2) exit doors located such that they provide an unobstructed path outside the building to a public way or a safe area away from the building.
- (B) The distance between required exit doors shall be not less than one-half (1/2) the diagonal dimension of the building or portion used for day care and shall not exceed seventy-five (75) feet, except under the following conditions:
 - (1) If the building is protected throughout with approved smoke detectors, the maximum distance between required exit doors may be extended to ninety (90) feet.
 - (2) In buildings equipped with an approved automatic fire sprinkler system, the maximum distance between required exit doors may be extended to one hundred ten (110) feet.
- (C) Required exit doors shall provide a clear opening not less than thirty-two (32) inches wide and shall be not less than six (6) feet, eight (8) inches in height measured from the floor.
- (D) Required exit doors shall not be locked when children are in the Day Care Facility and shall be designed and constructed so that they can be opened from the inside without the use of a key or any special knowledge or effort.
- (E) Required exit doors shall not be of the sliding patio door type, except that a sliding patio door may serve as the second required exit door in a Group Day Care Facility.
- (F) All rooms in Day Care Facilities used for Day Care purposes, other than bathrooms or closets, shall have at least one (1) emergency egress window that provides an unobstructed path outside the building to a public way or safe area away from the building. An exit door located in a room used for Day Care purposes and meeting the standards for required exit doors may be used in lieu of a required emergency egress window.
- (G) Emergency egress windows in rooms used for Day Care purposes shall have a minimum net clear opening of five and seven-tenths (5.7) square feet, a minimum width of twenty (20) inches and a minimum height of twenty-four (24) inches, and shall have a maximum finished sill height of forty-four (44) inches measured from the floor level.
- (H) Any emergency egress window whose sill height is below grade level of the ground outside the window shall have a window well on the outside of the building and immediately adjacent to the window. The window well shall have a minimum length of thirty-six (36) inches measured along the building and shall be at least as long as the width of the window. The window well shall have a minimum width of thirty (30) inches measured from the outside wall of the building. The depth of the window well shall extend down to at least the sill height of the window. Any window well whose depth exceeds eighteen (18) inches as measured from grade level shall be equipped with a stairway that meets the requirements of Section 3306(c) of the Uniform Building Code, 1985 Edition, as adopted by the City. Window wells for emergency egress windows shall be designed and located so as not to

interfere with or obstruct opening the window and so as to provide an unobstructed path outside the building to a public way or safe area away from the building.

- (I) Emergency egress windows shall be operable from the inside without the use of separate tools.
- (J) If any portion of a Day Care Facility is located in a basement, there shall be at least two (2) exits from the basement. At least one of these exits shall open directly to the outside and shall be an exit door or emergency egress window meeting the standards contained in this Section.
- (K) Day care is prohibited on any floor above the first floor of a building, except that day care may be permitted on the second floor of a building but only if the building is protected throughout by an approved automatic sprinkler system and has at least two (2) exit doors leading directly from the second floor level to the outside.

6-3-4: ADDITIONAL EXIT REQUIREMENTS FOR FACILITIES WITH MORE THAN FIFTY CHILDREN. Any Day Care Facility with more than fifty (50) children shall meet the following requirements in addition to the exit requirements set forth in Section 6-3-3:

- (A) All required exit doors shall swing in the direction of egress.
- (B) An approved exit sign shall be installed at each required exit doorway. Additional exit signs may be required if, in the judgment of the Fire Inspector, they are necessary to clearly indicate the direction of egress.
- (C) Exit doors from rooms with an occupant load of fifty (50) or more, if provided with a latch, shall have approved panic hardware.

6-3-5: EVACUATION PLAN. A diagram showing an emergency evacuation plan shall be posted in a conspicuous location on each floor of every Day Care Facility. The diagram shall show a floor plan of the Day Care Facility, the location of all emergency exit doors and windows, and the path of travel to each emergency exit door or window. The location at which the diagram is posted shall be clearly marked on the diagram.

6-3-6: FIRE EXTINGUISHER REQUIREMENTS. Day Care Facilities shall be equipped with approved portable fire extinguishers as follows:

- (A) There shall be at least one (1) portable fire extinguisher (minimum 2A-10BC) for each fifteen hundred (1,500) square feet of floor space in the facility. The travel distance between any two fire extinguishers shall not exceed seventy-five (75) feet.
- (B) Required fire extinguishers shall be securely mounted in readily visible and accessible locations, with the top of the extinguisher not more than five (5) feet above the floor.

6-3-7: **TELEPHONE REQUIREMENTS.** Day Care Facilities shall be equipped with an operable telephone on the premises. A placard, in a form approved by the Chief of the City Fire Department and listing all emergency telephone numbers, shall be posted conspicuously in the immediate vicinity of the telephone.

6-3-8: **SMOKE DETECTOR AND FIRE ALARM REQUIREMENTS.** Day Care Facilities shall meet the following smoke detector and fire alarm requirements:

- (A) Approved smoke detectors shall be installed in a central location in each hallway, corridor or other area with access to a sleeping room used for day care purposes.
- (B) If the Day Care Facility is located in a building with a basement not used for day care purposes and the basement has a stairway leading to the facility, an approved smoke detector shall be installed in the basement. The smoke detector shall be connected to a sounding device or other smoke detector which will provide an alarm audible in each sleeping room in the Day Care Facility.
- (C) An approved fire alarm system shall be installed in a day care facility with over fifty (50) children.

6-3-9: **FLAMMABLE MATERIALS.** Flammable or combustible materials shall not be allowed to accumulate in any Day Care Facility in a manner which presents a fire hazard. Flammable or combustible materials shall not be stored in any room in a Day Care Facility where they are exposed to an open flame.

6-3-10: **FREESTANDING FIREPLACES AND WOODBURNING STOVES.** No freestanding fireplace or woodburning stove shall be installed or located in any Day Care Facility unless such fireplace or woodburning stove is a “factory-built fireplace” as that term is defined in Section 3702 of the Uniform Building Code, as adopted by the City. Any factory-built fireplace installed or located in any Day Care Facility shall meet the requirements of Chapter 37 of the Uniform Building Code, 1985 Edition, as adopted by the City. No Day Care Certificate of Compliance shall be issued for any Day Care Facility in which any factory-built fireplace has been installed or is located unless the owner or operator first produces proof that a valid permit for the installation of each such factory-built fireplace has been issued by the City's Department of Building and Zoning.

6-3-11: **ADDRESS NUMBER.** The address number of any Day Care Facility shall be placed on the building in which the facility is located in such a position as to be plainly visible and

legible from the street or road fronting the building. The address number shall contrast with its background.

6-3-12: **INSPECTION AND CERTIFICATION; INSPECTION FEE.**

- (A) **Inspection.** Upon request by the owner or operator of a Day Care Facility and the payment of the inspection fee as provided by this Section, the Fire Inspector shall inspect the facility to determine whether it complies with the requirements of this Chapter. In making such inspection, the Fire Inspector may, at his or her sole discretion, enforce any applicable provisions of the Uniform Fire Code or Uniform Building Code as adopted by the City.
- (B) **Fee.** Persons requesting a fire safety inspection of a Day Care Facility shall pay to the City an inspection fee in an amount to be specified by resolution of the City Council.
- (C) **Certification.** If the Day Care Facility complies with the requirements set forth in this Chapter, the Fire Inspector shall issue a Day Care Certificate of Compliance which shall state that the facility was found to comply with the requirements of this Chapter on the date on which the facility was inspected. The issuance of such Certificate of Compliance shall not be construed as certifying that the facility complies with any or all provisions of the Uniform Fire Code or Uniform Building Code as adopted by the City or the Zoning Ordinance of the City, or as certifying that the facility contains no fire hazards. Nor shall the issuance of such certificate constitute an affirmative representation to any person that the Day Care Facility for which the certificate is issued is free from risk with regard to the standards in this Chapter.

(Ord. 123, 11/20/2007); (Ord. 314-01-25, 1/21/2025).

6-3-13: **LIABILITY.** Nothing in this Chapter shall be construed as imposing upon the City, its officials or employees, any special or private duty to any person to inspect a Day Care Facility, or to make an adequate or reasonable inspection of such facility, or to enforce the provisions of this Chapter. This Chapter is not intended to create any liability or cause of action against the City, its agents, officials or employees for any loss or damage based upon the failure of any Day Care Facility, or the owner or operator thereof, to meet the standards contained in this Chapter.

CHAPTER 4 Maintenance and Construction of Sidewalks and Curbs

SECTION:

- 6-4-1: Duty of Property Owners
- 6-4-2: Order for Construction or Maintenance
- 6-4-3: Special Assessment
- 6-4-4: Construction Specifications
- 6-4-5: Permit for Trap Doors
- 6-4-6: Openings in Sidewalks
- 6-4-7: Coverings upon Sidewalks
- 6-4-8: Sidewalk, Hail, Snow, Sleet and/or Ice Removal Required
- 6-4-9: Obstruction of a City Sidewalk, Street, Easement, Right-of-Way, or Other Public Way with Snow or Ice is Prohibited
- 6-4-10: Installation of Mailboxes within Public Rights of Way
- 6-4-11: Penalties

6-4-1: **DUTY OF PROPERTY OWNERS.** Every person who owns or leases real property within the City shall have a duty to i) remove any obstruction or dangerous condition situated upon any public sidewalk immediately abutting property owned or leased by such person, and ii) install, construct or maintain the sidewalk immediately abutting property owned or leased by such person, as may be required by the provisions of this chapter or the City Subdivision Ordinance.

(Ord. 181-04-14, 3/25/2014).

6-4-2: **ORDER FOR CONSTRUCTION OR MAINTENANCE.** The Public Works Division may issue a Notice of Noncompliance to any person who fails to perform his or her duty under the preceding section upon making a finding that such sidewalk, curb and gutter have not been constructed or maintained in accordance with the provisions of this chapter or Code. The notice shall advise such person of the nature of the condition needing correction and shall be served upon such owner or lessee by depositing the same into the United States mail, certified mail, return receipt requested, postage prepaid and addressed to the owner at the last known address or address shown on the assessment rolls of Bonneville County. Such notice shall advise such person that if

the obstruction or dangerous condition upon the sidewalk is not removed or otherwise rectified or if the sidewalk is not installed, or maintained in accordance with the provisions of this Code, within twenty (20) days after the date of such notice, the City may order that such work be accomplished and the costs thereof be assessed against the real property adjacent to such sidewalk and curb and gutter.

(Ord. 181-04-14, 3/25/2014).

6-4-3: SPECIAL ASSESSMENT. In the event any property owner fails to install or maintain the sidewalk and curb and gutter adjacent to his or her property within twenty (20) days after a notice is mailed to him in accordance with the preceding section, the City Council may cause the work to be accomplished and charge the reasonable costs therefor against the owner of such property. Upon completion of the work, the City Council shall send a Notice of Assessment to the property owner advising him or her of the amount of the costs incurred in performing such work and advising the owner that if such amount is not paid within thirty (30) days after the date of such notice a special assessment will be made against such property in the manner permitted by law, and that twenty-five percent (25%) of the amount thereof will be added to such amounts as a penalty. Such notice shall be mailed to the property owner in the manner set forth in the preceding section. In the event the property owner fails to pay such amount prior to expiration of thirty (30) days from the date the notice was mailed, the City Engineer shall certify to the City Council the amount of such costs incurred, and the Council may then order the City Treasurer to cause a special assessment to be levied and assessed against the property in the amount of such costs, together with the twenty-five percent (25%) penalty, in the manner set forth in Idaho Code Section 50-1008.

(Ord. 181-04-14, 3/25/2014).

6-4-4: CONSTRUCTION SPECIFICATIONS. Except as otherwise provided in this City Code, including but not limited to Section 10-1-14, the construction of all sidewalks and curbs and gutters shall be in accordance with the Standard Specifications, as that term is defined in Section 10-1-3 of this City Code. One copy of the Standard Specifications, as defined in Section 10-1-3 hereof, shall be duly certified by the City Clerk and kept on file at the office of the City Clerk.

(Ord. 181-04-14, 3/25/2014); (Ord. 235-12-19, 12/17/2019).

6-4-5: PERMIT FOR TRAP DOORS. It shall be unlawful to construct, maintain or operate any trap door, opening, grating or other opening within or upon a public sidewalk, without a permit issued by the Council.

(Ord. 181-04-14, 3/25/2014).

6-4-6: **OPENINGS IN SIDEWALKS.** It shall be unlawful for any person to fail or neglect to maintain any trap door, opening or grating approved by the Council, or to fail or neglect to keep the same securely closed while any doors covering the same are not in use, or to take all reasonable and necessary safety precautions to prevent harm and injury to person or property. All openings for elevators, coal chutes, or service entrances or openings of any kind within a public sidewalk shall be constructed and installed in such manner as to prevent entry of storm waters or floods from the street or sidewalk.

(Ord. 181-04-14, 3/25/2014).

6-4-7: **COVERINGS UPON SIDEWALKS.** All sidewalk doors, coal chutes and coverings and supports therefor shall be made of steel or cast iron, shall be placed flush with the sidewalk surface, shall have a corrugated surface or other finish that will prevent slippage thereupon, and shall be so constructed as to support a load of not less than 200 pounds per square foot.

(Ord. 181-04-14, 3/25/2014).

6-4-8: **SIDEWALK, HAIL, SNOW, SLEET AND/OR ICE REMOVAL REQUIRED.**

(A) Definitions: For the purposes of this Section, the following terms shall have the meanings ascribed below:

AGENT:	Any person under a legal or contractual obligation to remove hail, snow, sleet and/or ice on a Sidewalk for an owner or lessee of property within the City, whether or not for compensation.
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PRECIPITATION EVENT:	Any product of the condensation of atmospheric water vapor (including hail, snow, sleet and ice) that falls under gravity within City limits, the cessation of which is determined by the National Weather Service Station at the Idaho Falls Regional Airport.
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SIDEWALK:	Any concrete, asphaltic paving or brick material adjacent to a City street, easement, right-of-way or other public way, whether within a public right-of-way or on private
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property, designated and/or used by pedestrians for travel.

(B) Duty to Remove Hail, Snow, Sleet and/or Ice Promptly.

- (1) Unless otherwise provided in this Section, it shall be unlawful for an owner, agent or lessee of real property to fail to remove or fail to cause to be removed hail, snow, sleet, and/or ice, from the entire length and breadth of the Sidewalk immediately adjacent to such owner's, agent's or lessee's property in the City, within the twenty four (24) hour period immediately following the cessation of a Precipitation Event, as determined by the National Weather Service, Idaho Falls Regional Airport.
- (2) The duty imposed in this subsection (B)(1) shall not include snow placed onto Sidewalks by snow removal equipment of the City or its designee after it has been removed following a Precipitation Event.

(C) Exemptions. The following persons shall be exempt from the duty imposed by subsection (B) of this Section:

- (1) A person who is physically or mentally impaired in such a manner that they are unable to perform the duty imposed by sub-section (B) of this Section;
- (2) A pregnant person;
- (3) A person who is eighty (80) or more years of age; and
- (4) A lessee who occupies a unit of a multi-family dwelling unit owned by another person or entity and who is not an agent of the owner or a lessee having a legal and/or contractual duty to remove hail, snow, sleet, and/or ice from the Sidewalk.

(Ord. 181-04-14, 3/25/2014).

6-4-9: OBSTRUCTION OF A CITY SIDEWALK, STREET, EASEMENT, RIGHT-OF-WAY, OR OTHER PUBLIC WAY WITH SNOW OR ICE IS PROHIBITED.

- (A) It shall be unlawful to place snow or ice removed from private property (including a Sidewalk) upon any public sidewalk, street, easement, right-of-way, or other public way, alleyway or Sidewalk.
- (B) It shall also be unlawful for any private citizen or entity to place snow or ice removed from Sidewalks, private driveways, driveway approaches, or other public places in or upon a public Sidewalk, street, easement, right-of-way or other public way, alleyway or Sidewalk in a manner that causes a hazard or obstruction to vehicular or pedestrian traffic. Nothing herein shall prevent, impair or impede the removal, relocation or placement of snow or ice upon such public ways by maintenance crews employed or hired by the City to remove snow and ice from a public street or way.

(Ord. 181-04-14, 3/25/2014).

6-4-10: **INSTALLATION OF MAILBOXES WITHIN PUBLIC RIGHTS OF WAY.** Mailboxes for receipt of United States mail may be installed within a public right-of-way, subject to the following restrictions and standards:

(A) **Definitions.** The following definitions shall apply to terms used in this Section (and, when not inconsistent with the context, words used in the present tense include the future tense and words in the plural include the singular and vice versa), unless the context clearly indicates otherwise:

- | | | |
|-----|--------------------------------|--|
| (1) | CLUSTER BOX UNIT
(or CBU) | A mailbox that is a centralized unit of individually locked compartments that is for the use of multiple households. |
| (2) | CBU MAILBOX
STRUCTURE | A mailbox structure for a CBU. |
| (3) | INDIVIDUAL MAILBOX: | A mailbox that is for the use of one individual household. |
| (4) | MAILBOX: | A privately owned box for the delivery and/or collection of mail that is provided by the U.S. Postal Service or of a design approved by the U.S. Postal Service. |
| (5) | MAILBOX STRUCTURE: | A base or support structure that is built to support a mailbox at its top. |
| (6) | MULTIPLE MAILBOX
STRUCTURE: | A mailbox structure for more than one individual mailbox. |
| (7) | PULLOUT: | A paved area at the side of a street and adjacent to a CBU where a vehicle can park to allow individuals to deliver, retrieve, or send mail at a CBU. |

(B) **Safety Requirements.** All receptacles for the receipt or collection of United States mail shall comply with the following requirements:

- (1) All mailboxes shall be permanently and securely affixed to the top of a mailbox structure.
- (2) No mailbox or mailbox structure shall be installed in a manner or at a location which creates an unreasonable risk of bodily injury or harm to pedestrians, or which impedes the safe and efficient flow of vehicular traffic, including, without limitation, snowplows, maintenance vehicles and sanitation trucks.

- (3) Spikes, decorations, metal works, or other items shall not protrude from any mailbox or mailbox structure in a manner which creates an unreasonable risk of bodily injury or harm to pedestrians.

(C) Location Requirements.

- (1) Only mailboxes for the receipt or collection of United States mail are allowed in any public right-of-way pursuant to this Section 6-4-10.
- (2) Subject to the requirements of this Section 6-4-10, mailbox structures may be installed within the public right-of-way at any point along the nearest edge of the graveled surface or asphalt roadway paralleling the owner's front property line, unless another location is required by the U.S. Postal Service, in which case mailbox structures may be located within the public right-of-way at the location required by the U.S. Postal Service.
- (3) No mailbox or mailbox structure shall be installed within 15 feet of the intersection of the edges of the paved or graveled roadway surfaces.
- (4) Any mailbox must be reasonably accessible by the U.S. Postal Service, which access is also allowed by the U.S. Postal Service driving onto a rolled curb.
- (5) A permit for public right of way construction pursuant to section 8-3-2 of this Code shall not be required for the installation of a mailbox structure within the public right of way, provided such installation conforms to the provisions of this section.

(D) Requirements for Mailbox Structures. Each mailbox structure shall comply with the following requirements:

- (1) A mailbox structure may be constructed of a vertical metal pipe, bar, wood post, and in compliance with the City's applicable standard detail drawing (including SD-104 for most mailbox structures and SD-125 for masonry mailbox structures). If the mailbox structure is a metal pipe or bar, then the metal pipe or bar shall not exceed 2 inches in diameter or 2 inches on a side if rectangular. If the mailbox structure is a wood post, then the wood post shall not exceed 4 inches on any side.
- (2) A multiple mailbox structure shall have no more than 4 individual mailboxes for each post, bar, pipe, or other allowed support with which the multiple mailbox structure is constructed.
- (3) Any mailbox structure built below grade shall not extend more than 24 inches below grade. Any below-grade portion of a mailbox structure shall be securely backfilled in the ground with native soil or concrete. Barrels, cans, buckets, stones, or any other similar above-ground mailbox structures are prohibited, except on a temporary basis (taking the weather into account).

- (4) The bottom of each individual mailbox on a mailbox structure shall be located at a height no less than 41 inches and no greater than 45 inches, as measured from the surface of the roadway.
- (5) The front edge of each individual mailbox on a mailbox structure shall maintain a setback of not less than 8 inches, as measured from the vertical projection of the edge of the graveled or paved roadway; provided that any person with a mailbox that is setback more than 8 inches shall have the duty to ensure a path to access the mailbox structure exists at all times, reasonably clear of snow or any other obstruction, sufficient to allow for the efficient delivery of mail to the individual mailbox or mailboxes.
- (6) Notwithstanding the foregoing, any brick or masonry mailbox structure shall maintain a setback of at least 36 inches, as measured from the vertical projection of the edge of the graveled or paved roadway. The owner or owners of the individual mailbox or mailboxes shall have the duty to ensure a path to access the brick or masonry mailbox structure exists at all times, reasonably clear of snow or any other obstruction, sufficient to allow for the efficient delivery of mail to the individual mailbox or mailboxes.

(E) Requirements for CBUs and CBU Mailbox Structures.

- (1) Each CBU shall comply with the manufacturer's and U.S. Postal Service's requirements (including those for location, installation, clearance, and use) as well as the City's standard drawings showing CBUs. To the extent any such requirements conflict with other provisions of this Section 6-4-10, the requirements of the CBU manufacturer, U.S. Postal Service, and CBU-specific standard drawings of the City shall control.
- (2) Any CBU mailbox structure shall comply with the applicable standard drawings of the City, including SD-127, and shall be securely backfilled in the ground with native soil or concrete. A CBU mailbox structure may be secured by bolts, screws, or similar hardware to a concrete pad in the ground. Barrels, cans, buckets, stones, or any other similar above-ground CBU mailbox structures are prohibited.
- (3) To the extent it is reasonably practicable, when a CBU is installed, the owner or owners using such CBU shall also install a pullout for such CBU, complying with the applicable standard drawings of the City, including SD-128. Each pullout shall meet the following standards:
 - (a) The pullout shall provide safe and convenient public access, including ADA standards.
 - (b) The pullout shall be at the area on the Street closest to the CBU.
 - (c) The pullout shall be configured to be functional for the general public without intruding or creating an undue negative impact on private property.

- (d) The pullout shall be marked or signed as a temporary stopping area and not a parking spot in compliance with the MUTCD and the Standard Specifications.

(F) Compliance and Enforcement.

- (1) **Existing Mailboxes Grandfathered.** If an existing mailbox and/or mailbox structure complied with the prior requirements of this ordinance, the owner thereof shall not be required to make any changes to comply with the requirements of this Section 6-4-10. Provided, however, the owner shall not make any changes to the existing mailbox and/or mailbox structure in violation of this Section; and further provided that if the existing mailbox and/or mailbox structure is replaced (in whole or significant part) or substantially repaired or renovated, the owner shall then conform to all of the requirements of this Section.
- (2) **Notice and Penalty.** Subject to paragraph (1), above, if a mailbox and/or mailbox structure does not comply with the applicable requirements of this Section 6-4-10, the owner thereof shall be notified in writing by the City of their violation, and thereafter the mailbox and/or mailbox structure shall be brought into conformity with the provisions of this Section 6-4-10 within 30 days after the date of such notice, weather permitting. Any failure to timely comply with this notice shall be an infraction, punishable by a penalty in the amount of \$50 for each day thereafter until the mailbox and/or mailbox structure are brought into compliance with the applicable requirements of this Section 6-4-10 as noted in the notice.

(Ord. 203-03-2016, 03/15/2016); (Ord. 303-05-24, 05/28/2024).

6-4-11: PENALTIES.

- (A) Any person who fails to perform his or her duty under Section 6-4-1 of this Chapter within the time frames set forth in Section 6-4-2 of this Chapter, shall be guilty of an infraction for every twenty-four (24) consecutive hour period of his or her failure to comply with the duty imposed by such sections.
- (B) Any person who violates Section 6-4-8 of this Chapter is guilty of an infraction for every twenty-four (24) consecutive hour period of his or her failure to comply with the duty imposed by such sections.
- (C) Any person who violates Section 6-4-9 of this Chapter is guilty of an infraction.

(Ord. 181-04-14, 3/25/2014); (Ord. 203-03-2016, 03/15/2016).

CHAPTER 5 Solid Waste Hauler Regulations

SECTION:

- 6-5-1: Policy, Purpose and Authority
- 6-5-2: Definitions
- 6-5-3: Hauler License Required
- 6-5-4: License Application Requirements
- 6-5-5: Review of Hauler License Application
- 6-5-6: Term of Hauler License and Renewals
- 6-5-7: Hauler Insurance Requirements
- 6-5-8: Equipment Standards
- 6-5-9: Storage Standards
- 6-5-10: Collection and Transportation Standards
- 6-5-11: Operational Standards
- 6-5-12: Remedies

6-5-1: POLICY, PURPOSE AND AUTHORITY.

- (A) This Chapter establishes standards and procedures governing Solid Waste Hauling and Management in the City of Iona, Idaho. It also establishes licensing requirements and licensing fees and imposes penalties for lack of compliance.
- (B) The purpose of this Chapter is to (i) protect the public health, welfare and safety; (ii) to prevent the spread of disease and the creation of nuisances, (iii) to conserve natural resources, and, (iv) to protect the City's water, air and land resources.
- (C) This Chapter is enacted pursuant to Idaho Code § 50-302 in order to maintain the good government, welfare, health, safety and industry of the residents of the City.

(Ord. 198-10-15, 10/20/2015).

6-5-2: **DEFINITIONS.** For purposes of this Chapter, the words “must” and “shall” are mandatory and not permissive. Unless specifically defined herein, terms used in this Chapter shall

have their common usage meaning. Unless the context clearly indicates otherwise, the words and phrases set forth below shall have the following meanings ascribed to them:

ACCEPTABLE WASTE:	Solid Wastes that are not prohibited from Transportation, Collection, Processing or Disposal pursuant to local, State or Federal laws.
ADMINISTRATOR:	Any person employed by the City in order to administer the provisions of this Chapter.
AGRICULTURAL SITE:	Land used for agricultural purposes, but excluding any Residential Site on such land.
AUTHORIZED REPRESENTATIVE:	An employee or agent of the City of Iona or of any agency of the City who has been designated by the City Council to administer and/or enforce the provisions of this chapter.
CITY CLERK:	The City Clerk of the City.
COLLECTION OR COLLECTS:	The removal of Solid Waste from the site at which it is generated and aggregated, including all removal and transportation activities prior to the time the Solid Waste is delivered to a Solid Waste Management Facility.
COMMERCIAL SITE:	Real property upon which any business, commercial, industrial, institutional or governmental establishment is located or operated.
COMPOST OR COMPOSTING:	The controlled microbial degradation of organic waste.
COMPOST FACILITY:	A site used to compost Solid Waste, including all structures or Processing equipment used to control drainage, collect and treat Leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.

COMPOSTABLE ORGANIC MATERIALS:	Materials suitable for backyard Compost Sites, including but not limited to straw, vegetable and fruit scraps, coffee grounds and filters, and eggshells.
CONSTRUCTION AND DEMOLITION DEBRIS:	Solid Waste resulting from construction, remodeling, repair, erection and demolition of buildings, roads and other structures, including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts.
CONSTRUCTION AND DEMOLITION DEBRIS LAND DISPOSAL FACILITY:	A site used to Dispose of Construction and Demolition Debris.
CONSTRUCTION SITE:	A place where the construction of buildings, roads or other improvements to real property is occurring.
CONTAMINATED MATERIAL:	A material that when processed or disposed of, contributes to the release of a pollutant or contaminant onto or into the land, air or water, or when released into the environment creates a significant threat to the health of the general public or to safe or efficient operation of a Solid Waste Management Facility.
COUNTY:	Bonneville County, Idaho.
COUNTY BOARD:	The Bonneville County Board of Commissioners.
CURBSIDE COLLECTION:	A Mixed Municipal Solid Waste and Recyclable Materials Collection system whereby the Generators set Solid Waste containers at the curb adjacent to a roadway or in locations easily accessible for Collection by a Hauler.
DEPARTMENT:	The City of Iona or any department or agency tasked with the authority and responsibility to administer or enforce this Chapter.

DIRECTOR:	The Director of Public Works for the City.
DISPOSAL OR DISPOSE:	The discharge, deposit, injection, Dumping, spilling, leaking, or placing of any waste material into or on any land, air, or water.
DUMPING:	The placement of any Solid Waste, including Construction and Demolition Debris, Hazardous Waste, Industrial Solid Waste, Mixed Municipal Solid Waste, or Recyclable Materials, anywhere other than in an approved container or at a Solid Waste Management Facility during regular hours of operation.
ELECTRONICS:	Any device containing complex circuitry, circuit boards, or signal processing capabilities for processing or displaying information including but not limited to: monitors, computers, televisions, photocopiers, facsimile machines, video monitors and equipment, telephones and telecommunications equipment, cordless rechargeable appliances, and audio equipment.
GENERATOR:	Any Person that produces or aggregates Solid Waste.
HAULER:	Any Person who Collects or Transports Solid Waste, Recyclable Materials or Yard Waste, but does not include a Self-Hauler.
HAZARDOUS WASTE:	Any Refuse, sludge, or other waste material or combinations thereof, in solid, semi-solid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may cause an increase in mortality or an increase in serious illness; or pose a substantial hazard to human health or the environment when improperly treated, stored, transported, Disposed of, or otherwise managed. Categories of Hazardous Waste materials

	include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives.
HOUSEHOLD HAZARDOUS WASTE ("HHW"):	Unwanted household products that contain corrosive, toxic, ignitable, flammable, or reactive ingredients.
HOUSEHOLD HAZARDOUS WASTE FACILITY:	A site, authorized by the State of Idaho, to collect HHW and to prepare it for transport to approved and licensed destinations for proper Recycling or disposal.
INDUSTRIAL SOLID WASTE:	Solid Waste generated from an industrial or manufacturing process and Solid Waste generated from non-manufacturing activities that is Collected, Processed, or Disposed of as a separate waste stream.
INDUSTRIAL SOLID WASTE LAND DISPOSAL FACILITY:	A site used to Dispose of Industrial Solid Waste in or on the land.
INFECTIOUS WASTE:	Laboratory waste, blood, regulated body fluids, sharps, and research animal waste that have not been decontaminated.
LEACHATE:	Liquid that has contacted or percolated through Solid Waste and has extracted, dissolved, or suspended materials from it.
LEACHATE MANAGEMENT SYSTEM:	The structures constructed and operated to contain, transport, and treat Leachate, including liners, collection pipes, detection systems, holding areas, and treatment Facilities.
LICENSE:	Authorization to conduct specified business services that may be limited to a specific period of time, specific person, and or a specific site in the City.
LICENSE FEE:	A license fee established by ordinance or resolution of the Council pursuant to this Chapter.
LICENSEE:	The Person who has been issued a license to carry out any of the activities for which

	a license is required under the provisions of this Chapter.
MAJOR APPLIANCES:	Clothes washers and dryers, dishwashers, water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, freezers and other appliances designated by State law or this Chapter.
MIXED MUNICIPAL SOLID WASTE:	Garbage, Refuse, and other Solid Waste from residential, Non-Residential, business, industrial, and community activities that the Generator aggregates for Collection. The term includes common household materials and commercial garbage such as packaging materials, containers, food discards, plastic, paper, compostable materials.
MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITY:	A Solid Waste Management Facility used for the land disposal of Mixed Municipal Solid Waste.
MOTOR VEHICLE:	A motor vehicle as defined in Idaho Code § 49-123(1)(h), as the same exists on the effective date of this Chapter, or as such definition may be amended thereafter.
MULTI-UNIT RESIDENTIAL BUILDING:	Any building with four or more residential units.
NON-RESIDENTIAL ACCOUNT:	Any customer account for which Solid Waste Management Services are provided with respect to any non-Residential Building or parcel.
NON-RESIDENTIAL PROPERTY:	All property that generates Solid Waste within the City and which is not included within the definition of a Residential Site.
OPEN AREA:	Areas outside of a building or structure.
OPEN BURNING:	Burning any Solid Waste whereby the resultant combustion products are emitted directly to the open atmosphere.

OPERATOR:	The Person responsible for the operation of a Solid Waste Management Facility.
ORDINANCE:	The Solid Waste Ordinance adopted by City of Iona, as set forth in this Chapter.
OWNER:	Any person or persons having a legal interest in real property or any persons in possession or control of real or personal property including, but not limited to, contract for deed vendees, and contract for deed vendors.
PERSON:	Any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, unless exempted by statute or rule.
PROCESSING:	The treatment of Solid Waste after Collection. Processing includes but is not limited to reduction, separation, exchange, resource recovery, physical, chemical, or biological modification of Solid Waste.
PUBLIC HEALTH NUISANCE:	The creation of conditions or acts that unreasonably annoy, or contributes to the injury and/or endangerment of the safety, health, comfort, or repose of members of the public.
PUTRESCIBLE MATERIAL:	Solid Waste that is capable of rotting or is in a foul state of decay or decomposition.
REAL PROPERTY:	Land, from the center of the earth and extending above the surface indefinitely, including all inherent natural attributes and any man-made improvements of a permanent nature place thereon.
RECYCLABLE MATERIALS:	Marketable materials that are separated from Solid Waste for the purpose of

	Recycling such as paper, glass, plastics and metals.
RECYCLING:	The process of Collecting and processing Recyclable Materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of Recyclable Materials in a manner that precludes further use.
RECYCLING COLLECTOR:	A person who operates a Licensed Recycling Facility that aggregates, processes, or markets Recyclable Materials.
RECYCLING FACILITY:	A facility used to aggregate, process, or market Recyclable Materials.
RECYCLING SERVICES:	Curbside pickup of at least four types of Recyclable Materials by a Hauler and/or a centralized drop-off at a local Recycling center of at least four types of Recyclable Materials at any recycling site located in the City.
REFUSE:	Putrescible and non-putrescible Solid Wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, waste combustor ash, street cleanings, and Industrial Solid Wastes, and including municipal treatment wastes which do not contain free moisture.
REGULATED WASTES:	Waste, the Transportation, Storage, Release, Dumping or Disposal of which is regulated by State or Federal Law.
RELEASE:	Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, Dumping, or Disposing into the environment which occurred at a point in time or which continues to occur.
RESIDENTIAL:	Relating to or arising out of the use of a Residential Site.

RESIDENTIAL SITE:	Any dwelling unit or property upon which a single family home, a duplex, a tri-plex, a four-plex, an apartment or Multi-Unit Residential building, a mobile home, a condominium, a townhouse, a cooperative housing unit, or any other building used for Residential purposes, (none of which are used solely for commercial purposes) is located.
SELF-HAULER:	A Person who transports his or her own generated Solid Waste.
SERVICE AREA:	The geographical area for which a licensed Hauler provides Solid Waste Collection and Transportation Services.
SITE:	A spatial location.
SOLID WASTE:	Garbage, Refuse, Construction and Demolition Debris, sludge from a water supply treatment plant or air contaminant treatment Facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, mining, and agricultural operations and from Non-Residential Property, and from community activities. Solid Waste does not include Hazardous Waste; animal waste, earthen fill and rock; sewage sludge, industrial waste water effluents, dissolved materials in irrigation return flows, or nuclear material.
SOLID WASTE DISPOSAL FACILITY:	A Solid Waste Land Disposal Facility within the County that is designed or operated for the purpose of disposing of Solid Waste on or in the land, together with any appurtenant facilities.
SOLID WASTE MANAGEMENT:	Activities that are intended to affect or control the Collection, Transportation, Processing, treatment, and Disposal of waste.

SOLID WASTE MANAGEMENT ACTIVITY:	An activity related to the storage, Collection, Transportation, Processing or reuse, conversion, or Disposal of Solid Waste.
SOLID WASTE MANAGEMENT FACILITY:	A Solid Waste Land Disposal Facility, a Construction and Demolition Debris Land Disposal Facility, an Industrial Solid Waste Land Disposal Facility, a Compost Facility, a Transfer Station, a Solid Waste Processing Facility, a Waste Tire Facility, or a Recycling Facility.
SOLID WASTE MANAGEMENT FEE:	A fee imposed by the County on a parcel in order to pay for Solid Waste Management Services of the County.
SOLID WASTE MANAGEMENT PLAN:	Any Solid Waste Management Plan developed, adopted, and approved by the County.
SOLID WASTE MANAGEMENTS SERVICES:	All activities provided by the County, by Persons under contract with the County, or by other Persons that support the waste management responsibilities, including, but not limited to, waste reduction and reuse; waste recycling; composting of Yard Waste and food waste; Resource Recovery through Mixed Municipal Solid Waste composting or incineration; land disposal; management of problem materials and household hazardous waste; Collection, Processing, and Disposal of Solid Waste, Closure and post-closure care of a Solid Waste Management Facility.
SOLID WASTE PROCESSING FACILITY:	A facility for the treatment of Solid Waste after collection.
SOURCE-SEPARATED:	Mixed Municipal Solid Waste that is separated at the source by Solid Waste generators for the purpose of preparing it for later Collection. It is then collected separately from other Mixed Municipal Solid Wastes, and can consist of either Recyclable or Compostable materials.

SPECIAL WASTES:	Non-hazardous Solid Waste that has been prohibited from disposal with Mixed Municipal Solid Waste or has had other specific management requirements prescribed by statute.
STATE:	The State of Idaho.
TRANSFER STATION:	A Facility operated by the County in which Solid Waste collected from any source is temporarily deposited to await Transportation to another Solid Waste Management Facility.
TRANSPORTATION OR TRANSPORTS:	The conveying of Solid Waste from one place to another with a Motor Vehicle.
UNACCEPTABLE WASTE:	Those Solid Wastes that cannot be lawfully accepted for management at a Solid Waste Management Facility pursuant to local, State and federal laws.
WASTE TIRE:	A pneumatic tire or solid tire for motor vehicles that has been discarded or that can no longer be used for its original intended purpose because of wear, damage, or defect.
WASTE TIRE FACILITY:	A Site where Waste Tires or tire derived products are collected, deposited, stored, or Processed.
YARD WASTE:	Garden wastes, leaves, lawn cuttings, weeds, and prunings generated at Residential or Non-Residential Properties.
YARD WASTE FACILITY:	A facility used to compost Yard Waste, including but not limited to grass and leaves.

(Ord. 198-10-15, 10/20/2015).

6-5-3: **HAULER LICENSE REQUIRED.** No Person shall engage in Solid Waste Collection or Transportation in the City without first having obtained a Hauler License. In particular, no person may Collect through routes, roll-offs, pick-up, drop off, nor Transport or Dispose of Solid Waste generated within the City, except in full compliance with this Chapter after having been granted a license to do so by the City as specified in this Chapter. This Chapter does

not apply to Self-Haulers or to the Transportation of Solid Waste through the City, without Collection of Waste from any Generator located within the City and without Disposing of Waste within the City.

(Ord. 198-10-15, 10/20/2015).

6-5-4: **LICENSE APPLICATION REQUIREMENTS.** Haulers and prospective haulers or applicants shall comply with the following license requirements.

- (A) **Application Requirements.** The City Clerk shall provide an application form for a License or License renewal under the provisions of this Chapter. The application shall not be considered complete until the City Clerk has received all information, materials, certificates of insurance, and fees required under this Chapter. If a License application is incomplete or otherwise does not conform to the requirements set forth in this Ordinance, the City Clerk shall advise the applicant of the reasons for non- acceptance and may request that the applicant resubmit, modify, or otherwise alter the application. Each License granted pursuant to the provisions of this Chapter shall expire on December 31st of each calendar year, unless revoked earlier.
- (B) **License Fees.** The Hauler and prospective haulers or applicants shall pay all License Fees to the City Clerk with the initial License application or the License renewal application. The initial application fee shall be \$100.00, the renewal fee shall be \$50.00, any re-application (other than a renewal) shall be considered an initial application and charged the initial application for of \$100.00.
- (C) **Vehicles Licensed.** All vehicles used for the Collection and Transportation of Solid Waste and Recyclables in the City shall be listed on the license application. The applicant shall specify the make, model, year, and license number of each vehicle. If a vehicle is put into service during the license year, the Hauler shall promptly submit the required information for the vehicle to the City Clerk.
- (D) **Recycling Services.** If the Hauler wishes to offer Recycling Services, the Hauler shall designate such intent in the application.

(Ord. 198-10-15, 10/20/2015); (Ord. 262-05-21, 5/19/2021).

6-5-5: **REVIEW OF HAULER LICENSE APPLICATION.** After accepting a complete License application that includes all required information, the City Clerk shall schedule the matter within 60 days for the City Council to either grant, grant with conditions, or deny the License, subject to the applicant's agreement to a longer time. If any applicant is denied a License, the applicant shall be notified in writing of the reasons for the denial of the License. A denial shall be without prejudice to the applicant's right to file a further application after revisions are made to meet objections specified as reasons for the denial.

- (A) **Operational Conditions.** The Licensee shall comply with the operational conditions stated in the License. Failure of the Licensee to comply with such operational conditions is a violation of this Chapter and the Licensee is subject to the penalties provided herein.
- (B) **Contingent License or Special Conditions.** A License may be granted that is contingent upon compliance with special conditions specified in the License. Such conditions, if any, shall be designed to promote the health, welfare and safety of the public pursuant to this Chapter. Failure of the Licensee to comply with such special conditions is a violation of this Chapter and is subject to the penalties provided herein.

(Ord. 198-10-15, 10/20/2015); (Ord. 262-05-21, 5/19/2021).

6-5-6: **TERM OF HAULER LICENSE AND RENEWALS.** The term and renewal of a Hauler Licenses are governed by this section.

- (A) **Term of License.** The term of a Hauler License granted pursuant to the provisions of this Chapter shall be for up to one year, but shall in any event expire on December 31 of the year the License is granted, unless sooner renewed, suspended or revoked.
- (B) **Renewal of License.** Application for renewal of a License shall be made in writing to the City Clerk by December 1st of the expiration year and shall be signed by an individual authorized to act on behalf of and bind the Licensee. Application for a License renewal shall contain a statement of any changes in the information submitted from the last approved License application. Failure to submit such information is grounds for revocation or for not granting renewal of the License. If there are no changes in the Application information from the previous year, it shall be so stated in the renewal application. An application for a License renewal may be approved by the City Clerk or may be scheduled for consideration by the City Council in accordance with the procedures for an initial License application under this Chapter.
- (C) **License Not Transferable.** Licenses granted by the City under this Chapter, including any renewals thereof, are not transferable to other Persons.

(Ord. 198-10-15, 10/20/2015); (Ord. 262-05-21, 5/19/2021).

6-5-7: **HAULER INSURANCE REQUIREMENTS.** The Hauler shall obtain, maintain, and submit with the License application certificates of insurance issued by insurers duly licensed by the State of Idaho providing the following coverage:

- (A) **Worker's Compensation Insurance.**
 - (1) Worker's compensation insurance shall be in compliance with all applicable State Statutes. Such policy shall include workers compensation liability coverage in such amount(s) as are required by the State of Idaho.

- (2) In the event a Licensee is exempt under state law from providing workers' compensation insurance, the Licensee shall execute and submit to the City Clerk an affidavit in a form acceptable to the City Clerk, attesting to the applicant's eligibility for such exemption.

(B) General Liability.

- (1) Commercial General Liability Coverage, providing coverage on an "occurrence", rather than on a "claims made" basis, which policy shall include, but shall not be limited to, coverage for bodily injury, property damage, personal injury, contractual liability, independent Licensees, "XC&U" and products-completed operations liability (if applicable). Such coverage may be provided under an equivalent policy form (or forms), so long as such equivalent form (or forms) affords coverage that is at least as broad. A "Comprehensive General Liability" policy that includes a "Broad Form Endorsement" shall be considered to be an acceptable equivalent policy form.
- (2) The Licensee shall maintain at all times during the period of the license a total combined general liability policy limit of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate, applying to liability for bodily injury, personal injury, death and property damage, which total limit may be satisfied by the limit afforded under its "Commercial General Liability" policy, or equivalent policy, or by such policy in combination with the limits afforded by an "Umbrella" or "Excess Liability" policy (or policies), provided, that the coverage afforded under any such "Umbrella" or "Excess Liability" policy is at least as broad as that afforded by the underlying "Commercial General Liability" policy (or equivalent underlying policy).
- (3) Such commercial general liability policy and "Umbrella" or "Excess Liability" policy (or policies) may provide aggregate limits for some or all of the coverage afforded there under, so long as such aggregate limits have not, as of the beginning of the term or at any time during the term, been reduced to less than the total required limits stated above, and further, that the "Umbrella" or "Excess Liability" policy provides coverage from the point that such aggregate limits in the underlying comprehensive general liability policy become reduced or exhausted.

- (C) Automobile Liability.** Business Automobile liability insurance shall be obtained and shall cover liability for bodily injury, death and property damage arising out of the ownership, use, maintenance, or operation of all owned, leased and hired automobiles and other motor vehicles utilized by the Licensee in connection with performance under its license. Such policy shall provide total liability limits for combined bodily injury and/or property damage in the amount of at least \$1,000,000 per accident, which total limits may be satisfied by the limits afforded under such policy, or by such policy in combination with the limits afforded by an "Umbrella" or "Excess Liability" policy(ies), provided, that the coverage afforded under any such "Umbrella" or "Excess Liability" policy(ies) shall be at least as broad with

respect to such business automobile liability insurance as that afforded by the underlying policy. Unless included within the scope of the Licensee's commercial general liability policy, such business automobile liability policy shall also include coverage for motor vehicle liability assumed under contract.

- (D) **Evidence of Insurance.** A Licensee shall promptly provide the City Clerk with evidence that the insurance coverage required hereunder is in full force and effect at least twenty (20) days prior to the granting of a license by the City Clerk. At least thirty (30) days prior to termination of any such coverage, Licensee shall provide the City Clerk with evidence that such coverage will be renewed or replaced upon termination with insurance that complies with these provisions. Such evidence of insurance shall be in the form of a "Certificate of Insurance", or in such other form as the City Clerk may reasonably request, and shall contain sufficient information to allow the City Clerk to determine whether there is compliance with these provisions. At the request of the City Clerk, the Licensee shall, in addition to providing such evidence of insurance, promptly furnish the City Clerk with a complete (and if so requested, insurer-certified) copy of each insurance policy intended to provide coverage required hereunder. All such policies shall be endorsed to require that the insurer provide at least a sixty (60) day notice to the City Clerk prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The Licensee's insurance agent shall certify on the certificate of insurance, that he/she has errors and omissions coverage.
- (E) **Insurer Policies.** All policies of insurance required by this Chapter shall be issued by financially responsible insurers licensed to do business in the State of Idaho. An insurer with a current A.M. Best Company rating of at least A: VII shall be conclusively deemed to be acceptable. In all other instances, the City Clerk shall have twenty (20) business days from the date of receipt of a Licensee's evidence of insurance to advise the Licensee in writing of any insurer that is not acceptable to the City. If the City Clerk does not respond in writing within such twenty (20) day period, the Licensee's insurer(s) shall be deemed to be acceptable to the City.

(Ord. 198-10-15, 10/20/2015).

6-5-8: **EQUIPMENT STANDARDS.**

- (A) **Equipment Requirements.** All Solid Waste Collection and Transportation vehicles shall be easily cleanable, leak-resistant, and shall be equipped with a cover comprised of metal, canvas, or a fish-net type material capable of covering all Solid Waste while in transit.
- (B) **Maintenance.** The Licensee shall maintain all Solid Waste Collection and Transportation vehicles in a safe and sanitary manner, and provide brooms and shovels on each vehicle for the purpose of cleaning up spilled material. All safety equipment including, but not limited to, horns, lights, and reflectors shall be operable. Said vehicles shall comply with all State of Idaho and Federal Department of Transportation regulations.

- (C) The Hauler shall also print or paint in legible characters the name and telephone number of the Hauler on the driver's and passenger's side of all vehicles used to transport Solid Waste and on each side of all containers used by the Hauler to store or collect Solid Waste. Letters and numbers used for the Hauler's name and telephone number shall be at least one (1) inch high for all containers and vehicles.
- (D) **Inspection.** All Solid Waste Collection and Transportation vehicles shall be subject to random inspection by the City to determine compliance with this Chapter.

(Ord. 198-10-15, 10/20/2015).

6-5-9: **STORAGE STANDARDS.**

- (A) **Storage in Vehicles.** The Hauler shall not allow Solid Waste to remain or be stored in or on any Collection or Transportation vehicle (including roll-offs and other detachable containers on vehicles), in excess of five days, except in the event of an emergency such as inclement weather, equipment breakdown or accident. Any storage of Solid Waste in containers must be done with a water impermeable cover.
- (B) **Storage Containers.** The Hauler shall provide at least one Mixed Municipal Solid Waste storage container to each of its customers. Such storage container shall be designed in a manner as to prevent the release of Solid Waste to the environment and to preclude the development of vector, odor, and Public Health Nuisance problems. The supplied containers shall be reusable and rust, impact, vermin, and leak resistant. All supplied containers shall include a moveable cover except for roll-off containers used to contain, store or transport Construction or Demolition Debris or Industrial Solid Waste. Yard Waste and/or Recyclable Materials storage containers shall be easily distinguishable from Mixed Municipal Solid Waste storage containers.

(Ord. 198-10-15, 10/20/2015).

6-5-10: **COLLECTION AND TRANSPORTATION STANDARDS.** This section governs the Collection, and Transportation of Solid Waste generated within the City, including but not limited to Mixed Municipal Solid Waste, Yard Waste and Recyclable Materials. This section also governs Curbside Collection and all Persons collecting and transporting Solid Waste within the City.

(A) **Hauler-Imposed Collection Fees.**

- (1) Haulers may offer to their customers a volume based fee for Solid Waste generated at a Residential Building or at a Residential Property, by imposing charges for collection of mixed municipal solid waste that increase with the volume or weight of the waste collected, with the exception for fees charged for bulky items or alternatively a fixed monthly fee for waste removal without regard to volume.

- (2) If Collection of Yard Waste or Recycling Services are provided, the Hauler-imposed fee for such services shall be indicated as a separate line item on a customer's bill.
- (B) **Curbside Collection.** Haulers must provide to all of their regular customers curbside or roadside services for the Collection and Transportation of Mixed Municipal Solid Waste. Haulers may also provide Collection services for Yard Waste or Recyclable Materials to those Generators wishing to contract for such services and may charge a separate fee therefor. Once Source-Separated by the Generator, Yard Waste and Recyclable Materials shall not be combined with Mixed Municipal Solid Waste by the Hauler.
- (C) **Collection Frequency.** Each Hauler shall collect Solid Waste from each customer container no less than once a week in order to preclude the development of odor, vector and Public Health Nuisance problems. Putrescible Materials shall be collected, at a minimum, once a week unless on-site composted by the Generator. Haulers offering to collect Recyclable Materials shall collect such materials no less frequently than once a month.
- (D) **Prompt Transportation of Solid Waste.** All Solid Waste collected by a Hauler shall be promptly removed to the County Solid Waste Land Disposal Facility or other Solid Waste management facility properly licensed by the County once the vehicle is full. In no event shall Solid Waste be stored in a licensed vehicle of the Hauler for a period of more than five (5) days within the City except for unanticipated vehicle break-downs, natural calamity or disaster. No Hauler shall engage in Dumping within the City or County.
- (E) **Recyclables.** Haulers offering Recycling Services as set forth in their Application, shall comply with the following regulations regarding removal and transport of Recyclable Materials:
- (1) Haulers shall not mix Source Separated Recyclable Materials with Mixed Municipal Solid Waste or handle Source-Separated Recyclable Materials in any way that reduces the reusability or marketability of the Source Separated Recyclable Materials.
- (2) Haulers shall at least once each year provide specific written information concerning the Recycling Opportunities available to their customers.
- (F) **Mixing of Wastes Prohibited.** Haulers shall not knowingly mix in or knowingly accept for Collection in the City of any Mixed Municipal Solid Waste that contains Contaminated Material, Household Hazardous Waste, automobile batteries, mercury, flammable or explosive materials or fluids or any material which is prohibited from being intermingled with Solid Waste or Mixed Municipal Solid Waste by the State of Idaho or United States government.
- (G) **Open Burning Prohibited.** No Hauler shall engage in Open Burning within the City.

- (H) **Securing of Loads.** Any licensed Hauler who collects or transports Solid Waste shall do so in a safe, sanitary and litter-free manner. The Hauler shall pack, cover, or secure all loads between stops and before transport so as to prevent inadvertent escape of any Waste or release into the environment. The Hauler shall promptly remove inadvertent littering or spillage of Solid Waste as a result of the Hauler or the Hauler's employees or agent's actions or inaction.

(Ord. 198-10-15, 10/20/2015).

6-5-11: **OPERATIONAL STANDARDS.**

- (A) **Protecting Private Property.** The Hauler shall take reasonable care to prevent inadvertent damage to the property of customers being served. The Hauler shall be responsible for any damage or spillage of Solid Waste as a result of the Hauler or the Hauler's employees or agent's actions or omissions. The Hauler shall promptly repair any damage to public or private property caused by such inadvertent littering or spillage and any damage to the customer's Real Property or Personal Property or to any Real Property or Personal Property owned or controlled by the City or signage of public facilities located within the public right-of-way.
- (B) **Smoking, Smoldering or Burning Solid Waste.** The Hauler shall not collect or transport Solid Wastes that are smoking, smoldering, or burning.
- (C) **Dumping in an Emergency.** The Hauler shall be responsible for the cleanup of any Solid Waste that must be dumped because of an emergency. The operator of the vehicle shall immediately notify the City Clerk of such Dumping and the appropriate law enforcement agency and emergency service agency having jurisdiction over such Dumping. The Haulers shall also clean up the area within a reasonable time limit set by the Director.
- (D) **Hours and Days of Operation.** The Hauler may not collect or transport Solid Waste or Recyclables from Residential Property or Residential Buildings before 7:00 a.m. or after 7:00 p.m., without prior written approval by the City Council. Collection of such Waste or Recyclables shall not occur on any day of the week except Tuesday or on any Wednesday where the preceding Tuesday is a legal holiday. Notwithstanding the foregoing, the Council may proclaim a general state of emergency or severe weather disruption, and in such event, collection or transportation may occur on any day specified by the Council in such proclamation.

(Ord. 198-10-15, 10/20/2015).

6-5-12: **REMEDIES.**

- (A) Any Hauler who fails to fully or timely discharge its duties under this Chapter is guilty of an infraction for each day of violation and the Hauler may also be subject to license revocation as provided below.
- (B) Licenses issued under this Chapter may be revoked by the City Council upon competent proof and evidence that such Hauler has failed to fully and timely discharge its duties under this Chapter. Prior to such revocation the City Clerk shall mail a written Notice to the Hauler advising of the proposed revocation and stating generally the reasons therefor. Such Notice shall be delivered by certified mail, return receipt requested, postage prepaid and addressed to the Hauler at the address specified on the Hauler's application or any other known address. Such Notice shall be delivered not less than twenty (20) calendar days prior to the date when such action will be considered by the City Council.
- (C) Prior to revoking the license, the Hauler, if present, shall be afforded an opportunity to present testimony and evidence demonstrating why such license should not be revoked. At the conclusion of the hearing, the City Council shall issue a written decision explaining the facts and reasons for revoking or not revoking the license. Such written decision shall be issued no later than thirty (30) days after conclusion of the hearing.
- (D) Upon receipt of satisfactory proof that a Hauler has not discharged its duties under this Chapter, the City Council may temporarily suspend the Hauler's license upon a finding that the Hauler's continued operation within the City presents an immediate threat to the public health, safety or welfare. Such revocation may be issued without prior notice to the licensee, provided such temporary suspension shall not exceed a period of ten (10) consecutive business days. Successive temporary suspensions shall not be made without affording the licensee a hearing as provided in the preceding section.
- (E) In the event a Hauler's license is revoked, no new Hauler's license shall, within a period of one year thereafter, be issued to the licensee or any company controlled by the licensee or having any common equity owner who held any interest in the licensee whose license was revoked.

(Ord. 198-10-15, 10/20/2015).

TITLE 7 Building Regulations

<i>Chapter</i>	<i>Subject</i>
1	Health and Safety Codes
2	International Property Maintenance Code
3	International School Building Code
4	[Repealed]
5	[Repealed]
6	[Repealed]
7	[Repealed]
8	[Repealed]
9	[Reserved]
10	[Repealed]
11	[Repealed]
12	Building Conservation

CHAPTER 1 Health and Safety Codes

SECTION:

- 7-1-1: Health and Safety Codes
- 7-1-2: Exemption of Agricultural Buildings
- 7-1-3: Amendments of Successive Versions of Such Codes

7-1-1: **HEALTH AND SAFETY CODES.** The following editions of certain recognized health and safety codes, as currently adopted by the State of Idaho, are hereby adopted as the official building codes of the City of Iona:

- 2018 International Building Code
- 2018 International Existing Building Code
- 2017 Idaho (Uniform) Plumbing Code
- 2018 IECC with 2012 amendments for Residential portion
- 2018 Idaho Fire Code
- 2023 National Electrical Code
- 2023 International Residential Code
- 2018 International Fuel and Gas Code
- 2018 International Mechanical Code

Such codes shall include all deletions, amendments, or revisions to such codes as set forth in Idaho Code §§ 39-4109 and 39-4116, and the Idaho Administrative Rules promulgated by the State of Idaho.

(Ord. 107, 12/19/2006); (Ord. 159-07-11, 4/19/2011); (Ord. 217-01-18, 1/16/2018); (Ord. 249-01-21, 1/19/2021); (Ord. 327-04-26, 4/28/2026).

7-1-2: **EXEMPTION OF AGRICULTURAL BUILDINGS.** All buildings used solely for agricultural purposes shall be exempt from the requirements of the codes adopted by this chapter, to the extent required by Idaho Code § 39-4116(5).

(Ord. 217-01-18, 1/16/2018).

7-1-3: **AMENDMENT OF SUCCESSIVE VERSIONS OF SUCH CODES.** These codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the State of Idaho effective on the 1st day of January of the year following the date any such codes are made effective for the State, unless a different date is required by state statute. (Ord. 217-01-18, 1/16/2018).

CHAPTER 2 International Property Maintenance Code

SECTION:

7-2-1: International Property Maintenance Code Adopted

7-2-2: Amendments to the International Property Maintenance Code

7-2-1: INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

- (A) **International Property Maintenance Code Adopted.** The International Property Maintenance Code, 2003 Edition, published by the International Code Council, Inc., is hereby adopted as an official code of the City, except the portions deleted, modified or amended by the provisions of this chapter.
- (B) **Code on File.** One (1) copy of the International Property Maintenance Code, 2003 Edition, duly certified by the Clerk, shall be retained by the City Clerk for use and examination by the public.

(Ord. 70, 4/16/1998); (Ord. 108, 12/19/2006).

7-2-2: AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

- (A) Section 103.2 of the International Property Maintenance Code, 2003 Edition, shall be amended to read as follows:

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

- (B) Section 111.1 of the International Property Maintenance Code, 2003 Edition, shall be amended to read as follows:

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted.

(Ord. 70, 4/16/1998); (Ord. 108, 12/19/2006).

CHAPTER 3 International School Building Code

SECTION:

- 7-3-1: Adoption of Codes for School Buildings
- 7-3-2: School Plan Review
- 7-3-3: Plan Review Fees

7-3-1: **ADOPTION OF CODES FOR SCHOOL BUILDINGS.** There are hereby adopted as official building codes of the City of Iona, Idaho all of the International Building Codes referenced in Idaho Code Section 39-4109, provided such Codes shall be applicable only to the extent set forth hereinbelow with respect to the construction of any new school building or addition or alteration to any existing school building which is estimated to cost in excess of \$25,000. One copy of each of such Codes shall at all times be maintained at the office of the City Clerk.

(Ord. 109, 12/19/2006); (Ord. 325-02-26, 2/24/2026).

7-3-2: **SCHOOL PLAN REVIEW.** It shall be unlawful for any school district to advertise for any bid for the construction of any new school building or addition or alteration to an existing school building located or to be located within the City and estimated to cost in excess of \$25,000, unless the plans have been first reviewed by the Building Official and approved in accordance with the provisions of the International Codes adopted in Section 7-3-1 of this Chapter. Nothing herein shall require the Building Official to inspect or otherwise enforce the provisions of such Codes once such plan review has been completed and approval thereof given by the Building Official.

(Ord. 109, 12/19/2006).

7-3-3: **PLAN REVIEW FEES.** Prior to and as a condition for the approval of such plans, a school district seeking such plan review shall pay a plan review fee as set forth in the International Building Code.

(Ord. 109, 12/19/2006).

CHAPTER 4 [Repealed] (Ord. 217-01-18, 1/16/2018).

CHAPTER 5 [Repealed] (Ord. 217-01-18, 1/16/2018).

CHAPTER 6 [Repealed] (Ord. 217-01-18, 1/16/2018).

CHAPTER 7 [Repealed] (Ord. 217-01-18, 1/16/2018).

CHAPTER 8 [Repealed] (Ord. 217-01-18, 1/16/2018).

CHAPTER 9 [Reserved]

CHAPTER 10 [Repealed] (Ord. 217-01-18, 1/16/2018).

CHAPTER 11 [Repealed] (Ord. 217-01-18, 1/16/2018).

CHAPTER 12 Building Conservation

SECTION:

7-12-1: Uniform Code for Building Conservation Adopted

7-12-1: **UNIFORM CODE FOR BUILDING CONSERVATION ADOPTED.**

- (A) **Uniform Code for Building Conservation Adopted.** The Uniform Code for Building Conservation, 1997 Edition, published by the International Conference of Building Officials, is hereby adopted as an official code of the City, except the portions deleted, modified or amended by the provisions of this chapter.
- (B) **Code on File.** Three (3) copies of the Uniform Code for Building Conservation, 1997 Edition, duly certified by the Clerk, shall be retained by the City for use and examination by the public. One (1) copy shall be filed in the office of the City Clerk.

(Ord. 117, 12/19/2006); (Ord. 325-02-26, 2/24/2026).

TITLE 8 Public Utilities and Property

<i>Chapter</i>	<i>Subject</i>
1	Parks and City Property
2	Water Service
3	Public Right-of-Way Construction
4	Community Forestry

CHAPTER 1 Parks and City Property

SECTION:

- 8-1-1: Definitions
- 8-1-2: Control of Pets
- 8-1-3: No Alcoholic Beverages Allowed
- 8-1-4: No Tobacco Products Allowed
- 8-1-5: Operation of Motor Vehicles
- 8-1-6: Commercial Activities in Parks
- 8-1-7: Park Grounds
- 8-1-8: Park Hours
- 8-1-9: Penalties

8-1-1: **DEFINITIONS.**

(A) Certain terms used in this Chapter shall have the meanings ascribed below.

- (1) **DESIGNATED AREA:** A specific location within public property that is delineated in its size/shape and designated by the City with signage specifically indicating that the use of tobacco products is allowed within the location.
- (2) **PUBLIC PARK:** Public property that is intended to be used for the enjoyment of the public and including facilities and/or infrastructure to facilitate rest and/or recreation, and including trails that are only for pedestrians (and exclude motor vehicles).
- (3) **PUBLIC PROPERTY:** All real property owned by the City, except any public way.
- (4) **PUBLIC WAY:** A strip of land, being the entire width between the boundary lines (*i.e.*, measured from property line to property line),

occupied or intended to be occupied by a road, alley, sidewalk, railroad, public utility, or public access easement, other than a public park.

(5) TOBACCO PRODUCT:

Any **(a)** substance containing tobacco leaf (including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, blunts, clove cigarettes, or any other preparation of tobacco); **(b)** product or device used to inhale or facilitate the inhalation of vapor or aerosol (including, but not limited to, electronic cigarettes or e-cigarettes, vaping pens, e-liquids, and vape cartridges); and/or **(c)** any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation. However, “tobacco product” specifically excludes any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.

(Ord. 282-10-22, 10/18/2022).

8-1-2: **CONTROL OF PETS.** Pet owners shall be responsible for their pets in all public parks and must keep their pets under control, including (but not limited to) keeping pets on a leash at all times while in a public park. Pet owners shall clean up after, remove, and properly dispose of any waste left by their pets in all public parks. Further, all pets in public parks are also subject to Chapters 3 and 4 of Title 5 of this Code (regarding the treatment of Animals and Dog Control).

(Ord. 282-10-22, 10/18/2022).

8-1-3: **NO ALCOHOLIC BEVERAGES ALLOWED.** No person shall sell, offer for sale, consume, or open any alcoholic beverage in any public park, nor shall any person possess any open container of any alcoholic beverage in any public park. Provided, however, that the City

may, by resolution or other written agreement, allow alcoholic beverages to be sold, consumed, and possessed in a specific public park for specific dates and times in association with an approved event.

(Ord. 282-10-22, 10/18/2022).

8-1-4: **NO TOBACCO PRODUCTS ALLOWED.** No person shall sell, offer for sale, consume, or open any tobacco product on public property outside of a designated area. Provided, however, that the City may, by resolution or other written agreement, allow tobacco products to be sold, consumed, and possessed in a specific public park or other specified portion of public property for specific dates and times in association with an approved event.

(Ord. 282-10-22, 10/18/2022).

8-1-5: **OPERATION OF MOTOR VEHICLES.** No person shall operate any motorized vehicle within any public park without the express written consent of the Mayor. Notwithstanding the foregoing, employees, contractors, or agents of the City may reasonably and safely operate a motorized vehicle owned by the City for City business (including maintenance) within any public park.

(Ord. 282-10-22, 10/18/2022).

8-1-6: **COMMERCIAL ACTIVITIES IN PARKS.** No person shall sell or offer for sale any good or service within a public park, nor shall any person operate or cause to be operated any amusement ride, device, mechanical or electronic game or machine, show, or exhibit of any kind in any public park. Provided, however, that the City may, by resolution or other written agreement, allow certain commercial activities in a specific public park for specific dates and times in association with an approved event.

(Ord. 282-10-22, 10/18/2022).

8-1-7: **PARK GROUNDS.**

(A) **Planting or Removal of Plants.** No trees, shrubs, vines, or other plants shall be planted in any public park without the consent of the City. No trees, shrubs, vines, or other plants shall be cut down or removed from any public park without the consent of the City.

(B) **Damage to Park Grounds.** No person shall damage, harm, or deface any City property in any public park. Further, no person shall dig or excavate in any public park without the consent of the City.

(Ord. 282-10-22, 10/18/2022).

8-1-8: **PARK HOURS.** All public parks shall be closed daily from 12:00 a.m. to 5:00 a.m. All persons in any public park during any park closure without the express written consent of the Mayor shall be considered trespassers.

(Ord. 282-10-22, 10/18/2022).

8-1-9: **PENALTIES.** A violation of any provision of this Chapter shall be an infraction.

(Ord. 282-10-22, 10/18/2022).

CHAPTER 2 Water Service

SECTION:

- 8-2-1: Purpose
- 8-2-2: Definitions
- 8-2-3: City to Have Exclusive Management and Control
- 8-2-4: Exclusivity of Water System
- 8-2-5: City Not Liable for Damages
- 8-2-6: Right to Turn Off Water
- 8-2-7: Mayor may Limit Use of Water
- 8-2-8: Water Meters
- 8-2-9: Equivalent Domestic User (or “EDU”) Classification
- 8-2-10: Inspection of Premises
- 8-2-11: Inspection of New Construction
- 8-2-12: Installation and Maintenance
- 8-2-13: Required Permits
- 8-2-14: Extension of Water Mains Within City
- 8-2-15: Extension of Water Mains Outside City
- 8-2-16: Customer Extension of Water Main
- 8-2-17: Arrangement of Service Pipes
- 8-2-18: Branch Service
- 8-2-19: Customer Line Maintenance
- 8-2-20: Fire Service Connection
- 8-2-21: Fire Hydrants
- 8-2-22: Water Service Outside City
- 8-2-23: Customer Accounts
- 8-2-24: Water System Connection Fee
- 8-2-25: Water System Capital Improvement Fund

- 8-2-26: Disbursement of Funds
- 8-2-27: Front Footage Connection Fees
- 8-2-28: Monthly Water Service Fee
- 8-2-29: Seasonal Water Service Charge
- 8-2-30: Multiple Service
- 8-2-31: Water Rates Outside City
- 8-2-32: Service Charges
- 8-2-33: Billing Administration
- 8-2-34: Waste Prohibited
- 8-2-35: Tampering Unlawful
- 8-2-36: Unlawful Contamination or Cross-Connections
- 8-2-37: Backflow Prevention Assemblies and Devices
- 8-2-38: Termination and Restoration of Water Service

8-2-1: **PURPOSE.** The purpose of this Chapter is to:

- (A) Establish reasonable rules and regulations for the operation of the Water Department.
- (B) To establish reasonable fees to be charged to customers receiving Water Service and provide fair, orderly, and efficient procedures for collection and termination of delinquent accounts.
- (C) To establish a fair and equitable means of having persons who hook into and receive a direct and immediate benefit from existing Water System by requiring them to participate in the capital cost of water mains fronting upon their property and which have been constructed at taxpayer expense or from revenues derived from the operation of the Water System.
- (D) To establish a fair and equitable charge for the actual cost of materials and labor expended by the City whenever City crews install infrastructure to provide Water Service for a Customer.
- (E) To protect the public health and welfare by controlling cross-connections or other sources or potential sources of contamination to the City water supply.

- (F) To provide a clean, efficient and adequate water system for the residents of the City.
(Ord. 229-05-19, 5/21/2019)

8-2-2: **DEFINITIONS.**

(A) Certain terms used in this Chapter shall have the meanings ascribed below:

- | | |
|--------------------------------------|---|
| (1) APPLICANT: | Any person who owns Customer Property and, who (with respect to such Customer Property) desires to become a Customer and/or a Water User. |
| (2) BACKFLOW: | The flow other than in the intended direction of flow, of any non-potable waters, foreign liquids, gases or harmful or offensive substances into the City water supply as a result of reduced, negative, or back pressure. |
| (3) BACKFLOW PREVENTION ASSEMBLY: | An apparatus that prevents Backflow that is on the most current list of approved backflow prevention assemblies certified by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. |
| (4) CLASSIFICATION: | The classification of a Customer Property, as specified in Section 8-2-9 of this Code, for purposes of determining how many Equivalent Domestic Users (or EDUs) are associated with such Customer Property. |
| (5) CONNECTION FEE CALCULATION DATE: | The date of any calculation of the Water System Connection Fee undertaken pursuant to Section 8-2-24 of this Code. |
| (6) CROSS-CONNECTION: | Any physical arrangement whereby the City water system is connected or potentially connected with any other water supply system, sewer, drain, conduit, pool, storage reservoir or any other source of water supply which contains or may contain contaminated water, chemicals, sewage or other waste or liquids which may be harmful to human health or which may deleteriously affect the City water |

- supply.
- (7) CURB STOP: The Service Line valve owned by the City and located near the property line of the Customer Property.
 - (8) CUSTOMER: Any person who owns Customer Property to which Water Service is actually provided.
 - (9) CUSTOMER LINE: The water pipe, valves, and fittings laid on the Customer Property from, but not including, the Water Meter or (if there is no Water Meter) the Curb Stop to the place, location, building, structure, and/or improvement provided with Water Service, that is physically capable of being provided with Water Service, or to which an Applicant or Customer seeks to have Water Service provided.
 - (10) CUSTOMER PROPERTY: The parcel of land on which is located any place, location, building, structure, and/or improvement provided with Water Service, that is physically capable of being provided with Water Service, or to which an Applicant or Customer seeks to have Water Service provided.
 - (11) EQUIVALENT DOMESTIC USER (or EDU): A hypothetical Customer Property with needs for Water Service equivalent to one residential unit.
 - (12) EQUITY BUY-IN METHODOLOGY: The methodology for calculating Water Service Connection Fees as set forth in this Chapter.
 - (13) EXISTING CUSTOMER: Any Customer whose Service Line was connected to the Water System prior to the relevant Collection Fee Calculation Date.
 - (14) FRONTAGE: The side of a parcel of land abutting on a public street from which primary pedestrian access to the street is made.
 - (15) GROSS SYSTEM VALUE: The total cost to duplicate all System Assets including all design, engineering and construction costs associated therewith; minus any accrued depreciation on the System Assets; plus all System Cash Revenues held in the City Water System

- Capital Improvement Fund, all as determined according to generally accepted engineering and accounting practices.
- (16) MONTHLY WATER SERVICE FEE: The monthly fee charged pursuant to Section 8-2-28 of this Code for Water Service.
 - (17) MONTHLY WATER SERVICE RATE: The monthly charge per EDU for Water Service, which shall be specified from time to time by Resolution of the Council.
 - (18) NET SYSTEM VALUE: The Gross System Value minus any Outstanding System Indebtedness.
 - (19) NEW CUSTOMER: Any Applicant or Customer who connects a Service Line (or who desires to connect a Service Line) to the Water System after the relevant Collection Fee Calculation Date.
 - (20) OPEN HOSE: The use of water through a hose without a nozzle or other pressure-limiting device or assembly.
 - (21) OUTSTANDING SYSTEM INDEBTEDNESS: The aggregate unpaid principle balance of any indebtedness attributable to any bond or loan secured, obtained or issued by the City for the purpose of constructing System Assets, or for the purpose of enlarging, expanding or rehabilitating such improvements as such indebtedness exists at the time of any Connection Fee Calculation Date.
 - (22) SERVICE CHARGE: The charge specified in Section 8-2-32(A) of this Code.
 - (23) SERVICE LINE: The water pipe, valves, and fittings laid from a Water Main to the Water Meter (if present on the particular Customer Property), or (if there is no Water Meter on the particular Customer Property) the Curb Stop.
 - (24) SYSTEM ASSETS: All of the Water Mains, Service Lines, distribution lines, water lines, water pipes, connections, Curb Stops, Water Meters, water tanks, water pumps, backhoes, motor vehicles, equipment, inventory, supplies,

insurance, agreements, water rights and permits, and other real or personal property of any kind together with other appurtenances owned or operated by the City, used (in whole or in part) for the purpose of providing domestic or culinary water to Customer Property or for the purpose of providing the operation and maintenance of such property.

- (25) SYSTEM CAPACITY: The total number of Equivalent Domestic Users (or EDUs) that may be reasonably and prudently served by the Water System at the time of a Connection Fee Calculation Date, as calculated and determined in accordance with sound and generally accepted engineering principles.
- (26) SYSTEM CASH RESERVES: All cash revenues and reserves held or controlled by the City in the City Water System Capital Improvement Fund.
- (27) SYSTEM ENHANCEMENTS: Any improvement, expansion, increase in capacity, or enhancement of any System Asset or any new System Asset added to the Water System installed, purchased, or otherwise acquired solely for the use of the Water System.
- (28) WATER DEPARTMENT: The City's Public Works Department.
- (29) WATER MAIN: Water pipe, valves, and fittings laid in a street, road, alley, or easement within the City or within an easement controlled by the City or pursuant to a permit or license issued to the City.
- (30) WATER METER: A water meter, i.e., the device (of whatever configuration) that measures water flow and/or usage, as well as its enclosure, valve, and related appurtenances.
- (31) WATER SERVICE: The supply and provision of water from the Water System.
- (32) WATER SYSTEM: All of the System Assets necessary to properly supply, provide, and distribute

domestic or culinary water to Customer Property.

- (33) **WATER SYSTEM BOND:** Any bonded indebtedness issued for the purpose of constructing, enlarging, rehabilitating, or expanding the capacity of the Water System.
- (34) **WATER SYSTEM LOAN:** Any loan, the proceeds of which were used to construct, enlarge or increase Water System capacity or to rehabilitate any portion of the Water System.
- (35) **WATER USER:** Any person—regardless of whether such person is a property owner, landlord, tenant, agent, or otherwise—who receives Water Service or who has the ability to receive Water Service on a Customer Property.

(Ord. 215-08-17, 8/15/2017); (Ord. 216-10-17, 10/17/2017); (Ord. 229-05-19, 5/21/2019); (Ord. 293-08-23, 8/15/2023).

8-2-3: **CITY TO HAVE EXCLUSIVE MANAGEMENT AND CONTROL.** The City shall have exclusive control and management of the Water System and shall have exclusive management and control of the supply and distribution of water to the inhabitants thereof. The City may make such rules and regulations as are necessary for the complete management, control, distribution, and supply of water within and without the City.

(Ord. 229-05-19, 5/21/2019).

8-2-4: **EXCLUSIVITY OF WATER SYSTEM.**

- (A) **Granting of Franchise Prohibited.** Except as required for secondary irrigation systems in compliance with this Code, no person shall be granted any franchise or permit to furnish or supply any inhabitant within the boundaries of the City any water for domestic or culinary use or for sprinkling of lawns and gardens within any portion thereof where the Water Mains have been extended or may hereafter be extended so as to supply said property with water.
- (B) **Private Emergency Wells.** Notwithstanding the foregoing, each property or lot within the City may construct one private emergency well, subject to the following provisions:
 - (1) **Definition of Emergency.** As used in this section, “emergency” means any sudden and unforeseen condition in relation to the Water System that constitutes a clear

and present danger to life, health, or property. “Emergency” specifically does not include any condition precipitated by intentional actions of the City taken in accordance with the provisions of this Chapter, including (but not limited to) Section 8-2-6, 8-2-7, and 8-2-33.

- (2) **Restrictions.** Every private emergency well shall be subject to the following restrictions:
- (a) The well is only for use in an emergency and may not be connected to the primary building on the property to provide water for domestic or culinary uses, including the irrigation or sprinkling of lawns, gardens, or plants.
 - (b) The well may not be connected in any way to the Water System.
 - (c) Because the well may not be considered an accessory or other use of property, the property on which the well is located must be located in a zone that specifically allows for private wells (*e.g.*, as a permitted use or conditional use, subject to other applicable law) and the well itself must comply with all applicable zoning requirements (for example, setbacks).
 - (d) The well must comply with all applicable laws, including the regulations of the Idaho Department of Water Resources and the Idaho Department of Environmental Quality.
 - (e) The property owner must obtain and maintain a permit from the City for the well.
- (3) **Application for Permit.** Any property owner desiring a well permit in accordance with this subsection (B) must submit an application containing the property owner’s name and contact information; the property’s address and legal description; the zone in which the property is located; the name and contact information of the person constructing the well; the details of the well itself; evidence of the property owner’s compliance with any requirements of the Idaho Department of Water Resources and/or the Idaho Department of Environmental Quality; a visual depiction (or site map) of the property showing the location of the well, any infrastructure relating to the well, utility easements on the property, other buildings on the property, and any other details relevant to the well; consent to an initial and, thereafter, annual site inspection of the well; and any other details necessary to evaluate the safety of the well. A non-refundable application fee in the amount of \$100 shall be paid at the time the application is submitted.
- (4) **Site Inspection.** Once the application is submitted, the City will conduct a site inspection to verify the details of the application and the well’s compliance with this subsection (B). This inspection shall be in addition to any other inspection required under the circumstances of the well (for example, building inspections).

- (5) **Permit Approval and Annual Re-Inspection.** After the site inspection if the City determines that the well complies with all the requirements of this subsection (B), the City personnel who conducted the site inspection may approve the application, issue a permit, and inform the Mayor and the City Clerk. After a permit is issued, the City may inspect the well no more than annually, after providing reasonable notice to the property owner. The failure to allow such annual inspection shall be cause for the City to revoke the permit and require the property owner to remove the well and completely fill in and remediate the location of the well in accordance with state statutes.

(Ord. 229-05-19, 5/21/2019); (Ord. 253-03-21, 3/16/2021); (Ord. 261-04-21, 4/20/2021); (Ord. 308-09-24, 9/24/2024).

8-2-5: **CITY NOT LIABLE FOR DAMAGES.** The City shall not be liable for damages caused by interruptions of water supply, scarcity of water, accidents to water works or mains or during the time of alterations, additions, or repairs or for any other unavoidable causes. Nothing herein is intended to create any private duty to any Customer or create a private right of action against the City, on account of any failure by the City or its officers, agents, or employees to provide water service or comply with the provisions of this Chapter.

(Ord. 229-05-19, 5/21/2019).

8-2-6: **RIGHT TO TURN OFF WATER.** The City may turn off water within the Water System when deemed necessary to maintain or repair the Water System (or any portion thereof), when ordered to do so by the Mayor or Council, or as otherwise specified in this Chapter.

(Ord. 229-05-19, 5/21/2019).

8-2-7: **MAYOR MAY LIMIT USE OF WATER.** In times of, or in anticipation of, scarcity of water, or when the Water Department is unable to furnish a sufficient supply of water, the Mayor may, by public proclamation, limit the use of water to such extent as may be necessary for the public good. Such proclamation shall be published in two consecutive issues of the official newspaper, or conspicuously posted in two or more public places within the City, and after such publication or posting, the proclamation shall have the same force and effect as a City ordinance.

(Ord. 229-05-19, 5/21/2019).

8-2-8: **WATER METERS.**

- (C) **Authority to Place Meter.** The City may, at its sole discretion, place a Water Meter on any Service Line and change the method of billing from a flat rate to a metered rate.

- (D) **Ownership of Meters.** All Water Meters installed by the City shall remain the property of the City and may be removed or replaced by the City at any time.
- (E) **Maintenance of Meters.** The City shall maintain and repair all Water Meters that are owned by the City. Where replacement, repair, or adjustment of any Water Meter is rendered necessary by the act, neglect, or carelessness of the Customer or Water User on any Customer Property, any expense incurred by the City thereby shall be charged against and collected from the Customer who owns such Customer Property or Water Meter, and Water Service may be discontinued until the Water Meter is repaired, replaced, or adjusted.
- (F) **Meters; Location and Access.** Water Meters shall be located near the property line of the Customer Property or within the structure to which Water Service is provided. The Customer shall keep the area adjacent to the Water Meter free from trees, shrubbery, or other obstructions and shall allow the City access to the Water Meter during normal working hours of any day of the week.

(Ord. 229-05-19, 5/21/2019).

8-2-9: **EQUIVALENT DOMESTIC USER (OR “EDU”) CLASSIFICATION.** All Customer Properties that are not billed at a metered rate will be subject to Classification as to the number of EDUs necessary to provide Water Service to such Customer Property. The Classification of a Customer Property determines the number of EDUs associated with the Customer Property, which is used in determining the Monthly Water Service Fee for such Customer Property due from the Customer. Customer Properties are Classified pursuant to the following chart:

CLASSIFICATION	NUMBER OF EDUs
Single Dwelling Unit (per residence, apartment unit, mobile home, or trailer)	1.00
Assembly Hall or Lodge (no café)	1.00
Bar or Tavern (per seat)	0.06
Barber and Beauty Shops (per chair)	0.50
Bowling Alley (per lane)	0.50
Café, up to 50 seats– (additional for each additional 25 seats)	2.00 1.00
Car Wash (per stall)	2.00
Clinic and Hospitals (no beds) (additional for each bed)	2.00 0.50
Commercial Food Preparation	2.00

CLASSIFICATION	NUMBER OF EDUs
Churches (single congregation)	2.50
(additional for each additional congregation)	2.50
(additional for kitchen)	1.00
Garage or Maintenance Shop	1.00
Hotels and Motels	
(per unit with showers)	0.46
(per unit without showers)	0.33
(additional per unit with kitchen)	0.20
Bunkhouse with showers	0.46
(without showers)	0.33
Laundromat, up to 10 washers	4.00
(additional for each additional washer)	0.30
Office, up to 20 employees	1.00
(additional for each additional employee)	0.03
Dry Store, up to 20 employees	1.00
(additional for each additional employee)	0.03
Grocery Store	2.00
(additional if butcher shop included)	1.00
Service Station with Public Restrooms	2.00
(without Public Restrooms)	1.00
Showers and bathrooms (per average person per day)	0.12
School (no cafeteria) per student and employee	0.03
(with cafeteria per student and employee)	0.05
Trailer Parks	
(per Permanent Resident Trailer)	1.00
(per Overnight Trailer without showers)	0.33
(per Overnight Trailer with showers)	0.46
(Dump Station)	4.00
Swimming Pools (per average person per day)	0.06
Public Restrooms per toilet, urinal, etc.	0.10

Such chart has been taken from a user rate comparison chart, provided to the City by engineering staff and created in accordance with generally accepted engineering principles, based on

information from the United States Geological Survey and the United States Environmental Protection Agency, which the Council finds to be credible and a reasonable method (in the absence of meters) for allocating fees in relation to usage

(Ord. 229-05-19, 5/21/2019).

8-2-10: **INSPECTION OF PREMISES.** Free access for inspection shall, upon such reasonable notice as the circumstances permit, be allowed to all persons authorized by the City to enforce the provisions of this Chapter, to all Customer Property. Inspections by City or its authorized agent may be made of any existing Customer Property. The City's agent shall inspect any Customer Property if there is cause to believe that a Cross-Connection exists or that a Backflow Prevention Assembly should be installed pursuant to this Chapter. Whenever a Cross-Connection or other source of contamination to the water supply is found, or it is determined that a Backflow Prevention Assembly is necessary, the City shall immediately terminate Water Service to such Customer Property and the Water Service shall not be resumed until the Cross-Connection or source of contamination is eliminated or an appropriate Backflow Prevention Assembly has been installed in accordance with this Chapter.

(Ord. 229-05-19, 5/21/2019).

8-2-11: **INSPECTION OF NEW CONSTRUCTION.** No place, location, building, structure, and/or improvement shall be connected to the Water System unless such place, location, building, structure, and/or improvement has been inspected by the City or its agent and found free of any Cross-Connection or other conditions for which a Backflow Prevention Assembly is required by this Chapter.

(Ord. 216-10-17, 10/17/2017); (Ord. 229-05-19, 5/21/2019).

8-2-12: **INSTALLATION AND MAINTENANCE.** All Water Mains and all Service Lines and other connections from the Water Main up to and including the Water Meter and/or Curb Stop shall be maintained, owned, and exclusively controlled by the City. Service Lines shall be installed at the sole expense of the Customer served by such Service Line. Such Customer shall also be responsible for all costs to install the Service Line and to repair damage caused by such connection to the street, sidewalk, Service Line, Water Main, or any other public facilities or infrastructure.

(Ord. 229-05-19, 5/21/2019).

8-2-13: **REQUIRED PERMITS.**

- (A) **Permits and Fees.** It shall be unlawful to install, alter, or connect any Water Service without first obtaining a permit from the City and paying all of the required fees set forth in this Chapter. Applications for Water Service shall be made at the office of the City Clerk.
- (B) **Permit to Excavate.** No person shall dig into or under any public right-of-way, street, or public sidewalk for the purpose of laying, removing, or repairing any Water Main, Service Line, or Customer Line without first obtaining a permit from the City. If any private person desires to perform any work relating to the Water System or Water Service that requires excavation within a public right-of-way, such person shall obtain a public right-of-way permit under Chapter 3 of this Title, in addition to any permit required hereunder.
- (C) **Permit to do Plumbing.** No plumber or other person shall, without first obtaining a permit from the City:
- (1) make any connections to a Water Main or Service Line;
 - (2) make alterations in any conduit, pipe, or other fixture connecting to any Water Main or Service Line;
 - (3) connect pipes where they have been disconnected; or
 - (4) turn water off or on at a Curb Stop supplying any premises.
- (D) **Permit for Lawn Sprinkler System.** No person shall install, construct, or connect any lawn sprinkler system, pump, or device to the Water System, without first obtaining a permit therefor from the City Clerk. Such person shall pay a permit fee in the amount of \$65.00 and shall complete an application for such installation. The application shall include:
- (1) the name, address, and telephone number of the installer;
 - (2) if a professional installer will be utilized, the contractor's license number of the professional installer; and
 - (3) a detailed description of the lawn sprinkler system to be installed, including the specific location and configuration of all Backflow Prevention Assemblies and devices installed in conjunction therewith

(Ord. 89, 10/09/2002); (Ord. 177-08-13, 8/20/2013); (Ord. 229-05-19, 5/21/2019).

8-2-14: **EXTENSION OF WATER MAINS WITHIN CITY.** The City may extend Water Mains within the City at City expense whenever, in the City's sole discretion, such extension is necessary for the health, welfare, or safety of Customers or the residents of the City, provided however nothing herein shall require that such extension be made at City expense. The City may require any person desiring Water Service to install a Water Main along the entire Frontage of such person's property at the expense of such person.

(Ord. 229-05-19, 5/21/2019).

8-2-15: **EXTENSION OF WATER MAINS OUTSIDE CITY.** Water Mains shall not be extended outside the boundaries of the City unless adequate excess water is available for such service and the Council approves of such extension.

(Ord. 229-05-19, 5/21/2019).

8-2-16: **CUSTOMER EXTENSION OF WATER MAIN.** The Customer or Applicant shall be responsible for the costs of extending the Water Main to the Customer Property, provided however the City may by written agreement agree to collect a portion of such costs from any other Customer who subsequently connects to such Customer-supplied Water Main.

(Ord. 229-05-19, 5/21/2019).

8-2-17: **ARRANGEMENT OF SERVICE PIPES.** The Service Lines must be so arranged that the water supply to each building, place of business, or tract of land shall be controlled by a separate curb stop placed near the property line, unless permission for a different arrangement is first authorized in writing by the City.

(Ord. 229-05-19, 5/21/2019).

8-2-18: **BRANCH SERVICE.** No Service Line or connection serving more than one Customer Property shall be made. Where an existing Service Line or connection provides service to multiple Customer Properties, the City may terminate Water Service until a separate Service Line or connection for each Customer Property is provided at the Customer's expense. If the City does not terminate Water Service to such existing services, the established rate shall be charged for each Customer Property receiving Water Service from the existing Service Line or connection.

(Ord. 229-05-19, 5/21/2019).

8-2-19: **CUSTOMER LINE MAINTENANCE.** All water users shall at their own expense keep their Customer Lines, connections, and other apparatus in good repair and in a condition that avoids waste of water. Customer Lines that become frozen are the responsibility of the Customer, provided the City may thaw the same and charge the Customer for the fair and reasonable costs therefor.

(Ord. 229-05-19, 5/21/2019).

8-2-20: **FIRE SERVICE CONNECTION.** All fire service connections between Water Mains and property lines shall be installed and maintained by the City, at the expense of the owner or occupant of the premises served, and shall be the property of the City. At the time of making application for Water Service the Applicant shall file with the City detailed plans showing all piping installed or to be installed for fire protection, all fire gates, automatic sprinklers, and all other outlets, gates, or appurtenances. Each fire service connection shall have a gate valve with an adequate valve box installed between the main and the property line of the premises served. No fire service connection larger than six inches shall be installed without the advance written permission of the Council. Upon receipt of such application, the City shall determine the cost for the installation of such service, taking into consideration the length and size of pipe and the condition of street and sidewalk, all relative to the character of service, and such cost shall be paid by the Applicant before such installation is made. No Customer receiving Water Service shall use a fire service connection for any purpose other than for fire protection. If the City finds a fire connection is being used for any purpose other than for fire protection upon any premises, the owner or occupant shall be notified and if such improper conditions are not corrected within ten (10) days, Water Service to the entire premises may be shut off until proper adjustments are made. (Ord. 229-05-19, 5/21/2019).

8-2-21: **FIRE HYDRANTS.** All public fire hydrants shall be maintained by the Water Department. All paid or volunteer firefighters shall have free access to such hydrants. No other person shall draw or attempt to draw any water from a fire hydrant unless such person has the written permission of the City. The City may assess an equitable charge for water drawn from a fire hydrant. In addition, any unauthorized use of a fire hydrant, including drawing or attempting to draw water from a fire hydrant, is an infraction. (Ord. 229-05-19, 5/21/2019).

8-2-22: **WATER SERVICE OUTSIDE CITY.** Water Service to any Customer Property that is located outside the boundaries of the City shall not be provided unless a written service contract has been executed between the City and the Customer or Applicant. Agreements pertaining to Water Service for Customer Property located outside the City shall (a) specifically reserve to the City the right to terminate such Water Service without cause at any time upon at least thirty days' advance written notice and (b) require that, prior to the commencement of Water Service, the Customer or Applicant to execute for recordation a consent to annexation when the Customer Property becomes contiguous to the City, which consent shall be recorded by the City. (Ord. 229-05-19, 5/21/2019); (Ord. 301-02-24, 2/27/2024).

8-2-23: **CUSTOMER ACCOUNTS.** All fees, charges, and other amounts due under this Chapter in relation to any Customer Property shall be the obligation of the Customer, regardless

of whether the Customer is the actual Water User and regardless of any arrangement between the Customer and Water User. If a Water User, who is not the owner of the Customer Property and therefore is not the Customer, establishes an account in relation to such Customer Property, the Water User must act as the authorized agent of the Customer and with the Customer's written approval.

(Ord. 229-05-19, 5/21/2019).

8-2-24: **WATER SYSTEM CONNECTION FEE.** For purposes of furthering the Equity Buy-In Methodology, the City establishes a Water System Connection Fee, imposed pursuant to this Section.

(A) **Findings.**

- (1) The City owns and operates the municipal Water System and System Assets necessary to provide a sanitary, efficient, and satisfactory water supply system to Customers. The City has also established a Water System Capital Improvement Fund into which revenues derived from the operation of the System are deposited and from which all enterprise expenses are paid. A portion of the fund balance in such Water System Capital Improvement Fund is comprised of System Cash Reserves and a depreciation account sufficient to maintain the financial integrity of the System. All the System Assets were acquired with revenues derived from providing Water Service, ad valorem tax revenues, state and federal grants, and private "in lieu" grants or donations.
- (2) Whenever an Applicant connects to the Water System and becomes a New Customer, he or she receives the benefit of the Net System Value. The Net System Value is not considered in establishing the Monthly Water Service Rate or Monthly Water Service Fee charged to Customers pursuant to Section 8-2-28 of this Code, except to the extent necessary to pay debt service for indebtedness incurred to construct System Enhancements.
- (3) The Water System has the capacity to provide Water Service to a finite number of Customers in terms of cumulative capacity as well as peak demand, which capacity is a function of the limits set forth in the City's water rights and permits, as well as the mechanical capacity of the City to maintain satisfactory flow and pressure in the Water System, as necessary to provide for the health, safety, and welfare of the Customers and City residents. Whenever a New Customer connects to the System or whenever an Existing Customer enlarges his or her Service Line, such connection or enlargement diminishes the total capacity of the System to maintain adequate pressure and water supply.
- (4) The establishment of a System Water Connection Fee will provide a means for a "buy-in" of system equity by New Customers who connect to the Water System or by Existing Customers who enlarge their existing water service connections.

- (5) In *Loomis v. City of Hailey*, 119 Idaho 434, 807 P.2d 1272 (1991), the Idaho Supreme Court recognized that the Idaho Revenue Bond Act (Idaho Code § 50-1027, et seq.) authorizes collection of water and sewer connection fees as long as such fees are allocated and budgeted in conformity with the Idaho Revenue Bond Act and are not established primarily for the purpose of raising revenue. Specifically, the Court recognized that a city ordinance authorizing the collection of “equity buy-in” water and sewer service connection fees from new users based upon a formula which defines the current value of the system and fairly apportions a share of such value to the new user, was reasonable and did not require a new user to pay an excessive amount such as would constitute an unlawful tax.
 - (6) This holding in *Loomis*, subsequently approved of in *Viking Construction, Inc. v. Hayden Lake Irrigation District*, 149 Idaho 187, 233 P.3d 118 (2010) and *North Idaho Building Contractors Association v. City of Hayden*, 158 Idaho 79, 343 P.3d 1086 (2015), forms the basis for the Equity Buy-In Methodology employed by the City. As explained there, for cities, “the cost approach is the most feasible method for valuation [of a municipal utility system]. Under that method, value is based upon the estimated cost of duplicating the improvements to the real property, minus accrued depreciation, plus the value of the land, if any.” *North Idaho Building Contractors Association*, 158 Idaho at 82, n. 2, 343 P.3d at 1089, n. 2.
 - (7) Customers who connect to a City-owned Water Main located immediately adjacent to their property receive a direct benefit from such Water Mains and such benefit is directly proportional to the length of the frontage of the Water Main along their property. Whenever such Water Mains are constructed at private expense or are donated to the City, the City may enter into reimbursement agreements with such private donors in order to allow such donors to recover a proportionate share of the costs of construction of such water mains, proportional to the length of frontage owned by such subsequent Customer along such Water Mains. However, the costs of such privately funded Water Mains is not included in the methodology used to calculate the Water System Connection Fee contemplated by this Chapter.
- (B) **Imposition of Water System Connection Fee.** No Applicant or New Customer shall connect to a City-owned Water Main, Service Line, Curb Stop, or Water Meter, nor shall an Existing Customer enlarge an existing Customer Line or Service Line connected to a Water Main, Curb Stop, or Water Meter, unless he or she has first paid a Water System Connection Fee, as established pursuant to this Section, in relation to each Customer Property to be connected or the Service Line of which is to be enlarged. Such Water System Connection Fee shall be collected by the City Clerk at the time a building permit is issued for any structure utilizing such connection or, if no building permit is required, then prior to the issuance of a permit under Section 8-2-13 of this Code. The amount of such Water Service Connection Fee shall be calculated in accordance with the methodology set forth in this Chapter. Notwithstanding the foregoing, no Water System

Connection Fee shall be required if the connection is made or required solely for the purpose of providing fire protection capacity.

- (C) **Methodology.** The amount of the base Water Service Connection Fee at any applicable Connection Fee Calculation Date shall be calculated by dividing the Net System Value by the System Capacity. This base Water Service Connection Fee shall be adjusted as set forth in Subsection (D) of this Section, as applicable to the particular Customer Property of the New Customer, or adjusted as set forth in Subsection (E) of this Section, as applicable to an Existing Customer making any changes to their Service Line. Once the amount of the base Water Service Connection Fee has been determined by using such methodology, the City shall adopt a Resolution setting forth the amount of such base Water Service Connection Fee to be charged until a new connection fee is calculated on the next Connection Fee Calculation Date.
- (D) **Fee Adjustments based on Service Line for New Customers.** For purposes of calculating the Water Service Connection Fee for each Customer Property of a New Customer, the relevant fee shall be adjusted as specified in this subsection.
- (1) If the desired Service Line is one inch (or less) in diameter, no adjustment is necessary.
 - (2) If the desired Service Line is more than one inch in diameter, but less than or equal to two inches in diameter, the Water Service Connection Fee shall be increased by the increase in cost to the City from the cost of a one-inch Service Line, as estimated in a fair and equitable manner by the Water Department as of the date of the request.
 - (3) If the desired Service Line is greater than two inches in diameter, the Water Service Connection Fee shall be increased by an amount determined by the Water Department, with the written agreement of the Council.
- (E) **Fee Adjustments for Existing Customers changing their Service Line.** For purposes of calculating the Water Service Connection Fee for the Customer Property of an Existing Customer who desires to enlarge or expand the size of his or her existing Service Line Connection, the relevant fee shall be adjusted as specified in this subsection.
- (1) The base Water Service Connection Fee for the Existing Customer's current Service Line is calculated in accordance with Subsection (D), above.
 - (2) Then, the base Water Service Connection Fee for the proposed enlarged or expanded Service Line is calculated in accordance with Subsection (D), above.
 - (3) The adjusted fee is the result of the fee calculated in paragraph (E)(2), minus the fee calculated in paragraph (E)(1), above.

(Ord. 103, 12/14/2005); (Ord. 135-9-08, 4/15/2008); (Ord. 215-08-17, 8/15/2017); (Ord. 229-05-19, 5/21/2019); (Ord. 293-08-23, 8/15/2023).

8-2-25: **WATER SYSTEM CAPITAL IMPROVEMENT FUND.** A Water System Capital Improvement Fund is hereby established into which all revenues derived from Water System Connection Fees collected pursuant to Section 8-2-24 of this Code shall be deposited. Expenditures from this Fund shall be made only for the purposes set forth in Section 8-2-26 of this Code, when authorized by the Council. In no event shall any of the revenues so collected be used for General Fund purposes, operational expenses of the Water System (e.g., utility costs, labor costs or administrative expense), or for any purpose unrelated to the maintenance of the Water System or the development, expansion, or rehabilitation thereof.

(Ord. 215-08-17, 8/15/2017); (Ord. 229-05-19, 5/21/2019).

8-2-26: **DISBURSEMENT OF FUNDS.** Disbursements may be made from the Water System Capital Improvement Fund for the following purposes only:

- (A) Construction and installation of City water wells, water tanks, pumps, electrical panels, water lines, and appurtenances.
- (B) Construction, installation and extension of City Water Mains and Service Lines, including costs of construction of mains with excess capacity.
- (C) Payment of principal and interest on any Water System Loan, Water System Bond, or other bond issued by the City to defray the cost of construction, extension, or betterment of the Water System or System Assets.
- (D) Reimbursement of front footage connection fees, described in Section 8-2-27 of this Code, to any person who has constructed that portion of a Water Main for which a front footage connection fee has been charged by the City, provided a reimbursement agreement has been approved by the Council and executed by the person.
- (E) Repair, maintenance, rehabilitation, and enlargement of any capital improvement of the Water System or System Assets.
- (F) Purchase of motor vehicles, backhoes, and other mechanical equipment used primarily for the maintenance, repair, enlargement, or improvement of the Water System or System Assets.

(Ord. 215-08-17, 8/15/2017); (Ord. 229-05-19, 5/21/2019).

8-2-27: **FRONT FOOTAGE CONNECTION FEES.** Before connecting to any portion of a public Water Main constructed at the sole expense of a private person or entity, any person desiring such connection shall pay, in addition to the Water System Connection Fee described in Section 8-2-24 of this Code, a Front Footage Connection Fee of thirty dollars per foot of Frontage of the property to be served by such Water Main. Notwithstanding the foregoing, no Front Footage Connection Fee shall be charged to the private person who constructed such portion of the Water Main. If any person constructs a Water Main entirely at his or her expense and dedicates it to the

City, the City may, by written agreement, pay over to such person all Front Footage Connection Fees collected by the City with respect to such Water Main from any other person who subsequently connects to such water main. In no event shall such agreement extend over a period of greater than ten years nor shall such agreement be assignable to any other party or successor in interest.

(Ord. 215-08-17, 8/15/2017); (Ord. 229-05-19, 5/21/2019).

8-2-28: **MONTHLY WATER SERVICE FEE.** The City shall impose a Monthly Water Service Fee, which shall be charged to each Customer each month in the amount computed pursuant to this Section.

(A) **Metered Rates.** [RESERVED].

(B) **Non-Metered Rates.** The Monthly Water Service Rate, as specified by Resolution of the Council, shall apply to all Customer Properties charged on a non-metered basis. Each non-metered Customer Property shall be subject to Classification, as described in Section 8-2-9 of this Code. Each non-metered Customer Property shall be charged a Monthly Water Service Fee, which is equal to the Monthly Water Service Rate multiplied by the number of EDUs associated with such Customer Property (as determined by the Classification).

(Ord. 89, 10/09/2002; Ord. 126, 12/18/2007; Ord. 136-10-08, 6/17/2008); (Ord. 202-02-16, 2/16/2016); (Ord. 212-06-17, 6/27/2017); (Ord. 229-05-19, 5/21/2019).

8-2-29: **SEASONAL WATER SERVICE CHARGE.** If, during any calendar year, more than five head of livestock will be maintained for more than 30 days on a Customer Property or if any nonresidential Customer Property will have more than 1/20th of an acre of lawn or cultivated area, the Customer owning such Customer Property shall inform the Water Department in writing on or before June 1st of each year. In addition to the regular monthly charges for Water Service, the following annual rates shall be charged to any Customer using City water for lawn sprinkling, irrigation, or livestock watering:

Each Customer Property on which five or more head of livestock are maintained for more than 30 days per calendar year (per five head of livestock or fraction thereof).	\$ 60.00
Each nonresidential Customer Property with lawn or cultivated area measuring more than 1/20 th of an acre (per acre or fraction thereof).	\$ 60.00

On or before October 1st of each year, the City Clerk shall furnish each Customer a statement of the amount due for seasonal water service. If any Customer Property is discovered that is required to pay a Seasonal Water Use Charge, where such Customer has not reported the seasonal water usage as required by this Section, the Customer shall be charged a Service Charge.

(Ord. 89, 10/09/2002); (Ord. 126, 12/18/2007); (Ord. 136-10-08, 6/17/2008); (Ord. 202-02-16, 2/16/2016); (Ord. 212-06-17, 6/27/2017); (Ord. 229-05-19, 5/21/2019).

8-2-30: **MULTIPLE SERVICE.** Where a single Customer is supplied with water through more than one Service Line, charges shall be computed separately for each Service Line, unless otherwise approved by the Council.

(Ord. 229-05-19, 5/21/2019).

8-2-31: **WATER RATES OUTSIDE CITY.** Monthly rates charged for Water Service outside the boundaries of the City, whether metered or non-metered, shall be equal to the rates charged for Water Service inside the boundaries of the City, including minimums.

(Ord. 202-02-16, 2/16/2016); (Ord. 229-05-19, 5/21/2019).

8-2-32: **SERVICE CHARGES.**

- (A) Whenever in this chapter a Service Charge is authorized, the City may assess and collect a Service Charge in the amount of \$35.00.
- (B) In place of the Service Charge specified above, the City may assess and collect a Special Service Charge, in the amount of \$52.50, which amount the Council finds, does not exceed the actual cost to the City, for service calls which are requested on Saturday, Sunday, a legal holiday, or during a time other than normal working hours and which are only for the convenience and benefit of the Customer, or which are necessitated because of plumbing which does not meet the requirements of the Uniform Plumbing Code.

(Ord. 229-05-19, 5/21/2019).

8-2-33: **BILLING ADMINISTRATION.**

- (A) **Billing Periods.** All regular billing periods shall be on a calendar monthly basis. Any Customer Property provided Water Service for any portion of a month shall be charged the established rate for the entire month. Billings for Water Service shall commence upon the earliest of the following to occur:
 - (1) Issuance of a building permit for any Customer Property.
 - (2) Connection of any Service Line serving the Customer Property to any Main Line, Water Meter, or Curb Stop owned by the City.
 - (3) Change in the nature of the Classification for any Customer Property.

In the event any of such events occur prior to the commencement of a calendar month or billing cycle, the Customer shall be charged on a pro-rated basis for water service provided until commencement of the next billing cycle.

- (B) **Billing Procedures.** Metered accounts shall receive a billing separate from non-metered accounts. All accounts shall be charged the Monthly Water Service Fee and such other fees and charges as specified in this Chapter.
- (C) **Due Date.** Bills rendered for Water Service are payable upon receipt and become past due ten days from the date on which rendered. When the past due date falls on a Saturday, Sunday, a legal holiday, or on a day when City offices are not open for business, the next regular business day is considered the past due date. Bills shall be deemed paid on the date payment is received by the City.
- (D) **Delinquent Accounts.** Whenever a Customer's account is not paid within forty days from the past due date, the City Clerk shall assess a delinquency charge in the amount of \$5.00 for each month the account is delinquent, which charge shall be added to any balance due. The City may also terminate Water Service to the Customer Property of the delinquent Customer and in such event a Service Charge shall be added to the Customer's account balance arising from the service to terminate such Water Service. Interest at a rate of one percent (1%) per month shall accrue on the unpaid balance of all delinquent accounts, including any unpaid delinquency fees or charges (including the delinquency charge and the Service Charge to terminate Water Service to the Customer Property of the delinquent Customer). If Water Service is terminated for delinquency, it shall not be restored until the account is brought current and all the amounts owing are paid in full, unless a written agreement for installment payments is approved by the Water Department (subject to ratification at the next meeting of the Council). The Service Charge to disconnect the Customer Property shall be payable whenever a service trip is made for the purpose of terminating Water Service, regardless of whether Water Service is actually terminated. All payments shall be applied first to any unpaid delinquency charges and disconnect fees, then to accrued interest, and finally to the outstanding utility charges in the same order as the utility charges were incurred.
- (E) **City Clerk to Furnish Statements.** The City Clerk shall furnish a monthly statement of the amount due for Water Service each month to each Customer. The failure of any Customer or Water User to receive a statement shall not excuse or release the Customer from the obligation to pay for Water Service.

(Ord. 89, 10/09/2002); (Ord. 126, 12/18/2007); (Ord. 130, 1/15/2008); (Ord. 136-10-08, 6/17/2008); (Ord. 139-13-08, 12/16/2008); (Ord. 173-04-13, 6/27/2013); (Ord. 202-02-16, 2/16/2016); (Ord. 212-06-17, 6/27/2017); (Ord. 229-05-19, 5/21/2019).

8-2-34: **WASTE PROHIBITED.** It shall be unlawful for any water user to waste water or allow it to be wasted by improper use or by faulty facilities. Water is being wasted if, for example:

water from the Water System is not being used for a beneficial purpose (as defined by the Idaho Department of Water Resources); an extraordinary and unnecessary amount of water is being drawn from the Water System by a Water User; or if a Water User is irrigating by any Open Hose. If water from the Water System is being wasted by any Water User, the City may terminate the Water Service to the Customer Property on which the water is being wasted, until the issues causing the waste are remedied to the satisfaction of the Water Department.

(Ord. 229-05-19, 5/21/2019).

8-2-35: **TAMPERING UNLAWFUL.** It shall be unlawful to damage, adjust, or tamper with any portion of the City Water System or appurtenances, whether located upon public or private property, without having first obtained the express permission of the City. If any person damages the Water System or in any way causes the City to expend extraordinary costs as a result of such unlawful acts, the City may assess and collect the same from the person committing the same, or from the parent or guardian of any minor who commits such acts. Such amounts may be included upon the person's regular monthly billing statement for water service as an extraordinary service charge, and upon the person's failure or refusal to pay the same, Water Service may be terminated in accordance with the procedures set forth in this Chapter.

(Ord. 229-05-19, 5/21/2019).

8-2-36: **UNLAWFUL CONTAMINATION OR CROSS-CONNECTION.** It shall be unlawful for any person to introduce or permit the introduction of pollution or contamination of any kind into the City water supply system. It shall be unlawful for any person to install or maintain any Cross-Connection within the City.

(Ord. 216-10-17, 10/17/2017); (Ord. 229-05-19, 5/21/2019).

8-2-37: **BACKFLOW PREVENTION ASSEMBLIES AND DEVICES.**

- (A) It shall be unlawful to install, relocate or remove a Backflow Prevention Assembly without a permit, as provided in this Section.
- (B) Backflow Prevention Assemblies shall be installed by the property owner, tenant, occupant, lessee, or other user of the Water System where the nature and extent of the activities conducted or the materials used or stored on the premises would present a hazard to the public health or be deleterious to the quality of the City water supply should a Cross-Connection occur. Even though Cross-Connections may not exist at the time, Backflow Prevention Assemblies shall be installed under circumstances including, but not limited to the following:
 - (1) Premises having an auxiliary water supply;

- (2) Premises having internal cross-connections that are not correctable, or having intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist;
 - (3) Premises where entry is restricted so that inspections for cross-connections cannot reasonably be made;
 - (4) Premises having a history of cross-connections being established or reestablished;
 - (5) Premises on which any substance is handled under pressure so as to permit the entry of any harmful substance into the Water System;
 - (6) Premises having pumps or devices which may affect the pressure within any line connected to the Water System.
- (C) All Backflow Prevention Assemblies shall be installed in accordance with the Uniform Plumbing Code, as is presently adopted by the City or as may be amended hereafter. All such assemblies shall also be installed in accordance with the Cross-Connection Control Manual, 7th Edition, published in April 2012 by the Pacific Northwest Section, American Water Works Association Cross-Connection Control Committee. The City Clerk shall at all times maintain a copy of such Cross-Connection Control Manual in the offices of the City Clerk. Such copy shall contain a certification issued by the City Clerk that such copy has been filed for use and examination by the public.
- (D) All Backflow Prevention Assemblies shall be installed by the property owner at his expense and shall be of a type commensurate with the degree of hazard which exists or which could exist. An air-gap separation or a reduced pressure principle backflow prevention assembly shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a public health hazard. In all other cases where the contaminant may be objectionable but not hazardous to the public health, a double check valve assembly, an air-gap separation, a pressure vacuum breaker, or a reduced pressure principle backflow prevention assembly shall be installed. All Backflow Prevention Assemblies and the installation thereof shall be approved by the City Plumbing Inspector or his agent or designated representative.
- (E) All Backflow Prevention Assemblies installed pursuant to this Chapter, except atmospheric vacuum breakers, shall be inspected and tested by a certified tester at the time of initial installation, relocation, or substantial repair and annually thereafter, or more often if deemed necessary by the City. Whenever a Backflow Prevention Assembly is found to be defective, it shall be repaired, overhauled, or replaced at the owner's expense. The City or its agent shall retain adequate records of all inspections, tests, or repairs made pursuant to this Chapter.
- (F) If a Backflow Prevention Assembly is found to be necessary, the owner, tenant, occupant, or lessee of the property shall obtain an installation permit from the City, specifying the type and location of such assembly. It shall be unlawful to install, relocate, or remove a Backflow Prevention Assembly without a permit.

(Ord. 177-08-13, 8/20/2013); (Ord. 216-10-17, 10/17/2017); (Ord. 229-05-19, 5/21/2019).

8-2-38: **TERMINATION AND RESTORATION OF WATER SERVICE.**

- (A) **Involuntary Termination of Water Service.** Water Service may be involuntarily discontinued to any Customer Property only pursuant to the provisions of this Chapter. The City may charge a Service Fee when Water Service is involuntarily terminated to any Customer Property.
- (B) **Voluntary Termination of Water Service.** Whenever a Customer desires to voluntarily terminate his or her existing customer service account, he or she shall notify the City Clerk of such desire and execute a written request for termination of Water Service. Such Customer shall be required to pay a Service Charge before Water Service will be terminated to the specified Customer Property. Notwithstanding any written request for termination of Water Service, the Customer shall remain liable for any amount due and owing to the City arising from the City's provision of Water Service. Upon receipt of such written request for termination of Water Service, the City shall have no obligation to refund all or any portion of the payments made in advance by the Customer for Water Service for the remainder of the billing cycle. In the event a Customer fails to execute or deliver such notice request or fails to pay the required Service Charge, the Customer shall continue to be responsible for Water Service provided to the Customer Property notwithstanding that the Customer Property may have been sold, transferred, or conveyed to another person and that such new owner, transferee, or recipient may have used or received the benefit of Water Service billed to the previous owner.
- (C) **Temporary Termination of Water Service.** Whenever a Customer desires to temporarily terminate or shut off Water Service to any of such Customer's Customer Property, he or she shall notify the City Clerk of such desire and execute a written request for temporary termination of Water Service, which shall also specify when the Customer desires Water Service to be restored. Such Customer shall be required to pay a Service Charge before Water Service will be terminated to the specified Customer Property. Additionally, before Water Service is restored to the Customer Property, the Customer shall be required to pay all of the charges, including the Monthly Water Service Fee, that would have been paid for such Customer Property if Water Service had not been terminated.
- (D) **Restoration of Water Service.** In any event, whenever an Applicant or Customer desires to restore Water Service to a Customer Property that was actually provided with Water Service at any time within the prior 12 months, the Applicant or Customer shall be required to pay all of the charges, including the Monthly Water Service Fee, that would have been paid for such Customer Property if Water Service had not been terminated, unless a written agreement providing otherwise is approved by the Council.

(Ord. 212-06-17, 6/27/2017); (Ord. 229-05-19, 5/21/2019).

CHAPTER 3 Public Right-of-Way Construction

SECTION:

- 8-3-1: Definitions
- 8-3-2: Permit Required
- 8-3-3: Exceptions
- 8-3-4: Insurance
- 8-3-5: Application for Permit
- 8-3-6: Location Procedure
- 8-3-7: Completion of Work and Backfilling
- 8-3-8: Time to Complete Repairs
- 8-3-9: Maintenance and Safeguards
- 8-3-10: Warranty of Repairs
- 8-3-11: Repairs by City
- 8-3-12: Remedy for Noncompliance
- 8-3-13: No Duty
- 8-3-14: Costs of Removal

8-3-1: **DEFINITIONS.** For the purposes of this chapter, certain terms shall have the meanings ascribed below:

ACT: The Underground Facilities Damage Prevention Act as set forth in Idaho Code Section 55-2201, et seq.

CONSRUCTION: The construction, placement or laying of any asphalt or concrete pavement, sidewalk, driveway, curb, gutter, water line, sanitary sewer line; storm drain line, telephone line, conduit or facilities, electrical line, conduit or facilities, cable

	TV line, conduit or facilities, gas line or facilities, or any other structure or facilities in any street, alley, easement or other public right of way of the City.
EXCAVATION:	Any operation in which earth, rock or other material in the ground is moved or otherwise displaced by any means, including, but not limited to explosives.
EXCAVATOR:	Any person who engages directly in excavation.
REPAIR:	The improvement, alteration, modification or replacement of any asphalt or concrete pavement, sidewalk, driveway, curb, gutter, water line, sanitary sewer line, storm drain line, telephone line, conduit or facilities, electrical line, conduit or facilities, cable TV line, conduit or facilities, gas line or facilities, or any other structure or facilities in any street, alley, easement or other public right of way of the City.
UNDERGROUND FACILITY:	Any item buried or placed below for use in connection with the storage or conveyance of water, unless being delivered primarily for irrigation, sewage, electronic, telephonic or telegraphic communications, cable television, electrical energy, petroleum products, gas, gaseous vapors, hazardous liquids or other substances, including, but not limited to pipes, sewers, conduits, cables, valves, lines, wires manholes, attachments and those parts of poles or anchors located below ground.
WORKING DAYS:	All days except Saturdays, Sundays and legal holidays.
WORKING HOURS:	The hours from eight o'clock (8:00) a.m. to five o'clock (5:00) p.m. of any working day.

8-3-2: **PERMIT REQUIRED.** No person shall engage in any construction, repair or excavation in any street, alley, easement or other public right of way within the City without first obtaining a permit from the City. The permit shall clearly define the area within which the permittee may do such construction, repair, or excavation. Provided, however, that no such permit may be issued between December 1st and March 1st of the following year, except as otherwise approved by the City Council or in case of an emergency.

- (A) No permit under this chapter shall be valid until or unless the notice provisions of Idaho Code Section 55-2201, *et seq.*, have been complied with.
- (B) A copy of the permit shall be kept on file with the City Engineer for a period of not less than 5 years after its issuance.
- (C) Any person engaging in any construction, repair, or excavation within any public right of way without a permit, or otherwise damaging a street, sidewalk, pavement, underground facility shall be liable for the actual costs of repair, whether such repair is completed by the City, another contractor, or a third party.

(Ord. 259-04-21, 4/20/2021); (Ord. 322-12-25, 12/16/2025).

8-3-3: **EXCEPTIONS.** Unless facts exist which would reasonably cause an excavator to believe that an underground facility exists within the depth of the intended excavation, a permit shall not be required for the following excavations:

- (A) The tilling of soil to a depth of less than 15 inches for agricultural purposes;
- (B) For placement of highway guardrail posts, sign posts, delineator posts, culverts, electric poles, telephone poles and traffic control device supports in the same approximate location and depth of the replaced item within a public highway right of way.
- (C) For the placement of a private mailbox structure, provided such placement conforms to section 6-4-10 of this Code.

(Ord. 203-03-2016, 03/15/2016).

8-3-4: **INSURANCE.** No permit shall be issued pursuant to this chapter unless the applicant presents with the application, or has on file with the City Engineer, a certificate of insurance from an insurance company qualified to write insurance contracts within the State of Idaho, certifying that the applicant has a policy of public liability insurance in an amount of not less than five hundred thousand dollars (\$500,000) single limit liability for personal injury, death and property damage; provided, however, if the work to be done under the permit is limited to excavation in an easement situated entirely on private property or is for construction of a concrete sidewalk, driveway or curb and gutter within a street right of way, but parallel with and adjacent to private property, the amount of such insurance shall be not less than one hundred thousand dollars (\$100,000) single limit for personal injury, death and property damage. Said insurance

policy shall contain a clause requiring that the City be given at least thirty (30) days' advance written notice in the event of expiration or anticipated cancellation. The permit shall be revoked at the time such insurance expires or is cancelled unless a certificate of comparable insurance is filed with the City Engineer prior to the time of cancellation or expiration of the original policy of insurance.

8-3-5: **APPLICATION FOR PERMIT.** Applications for construction, repair and excavation permits shall be made at the office of the City Engineer. The application shall state the applicant's name, business or home address, the applicant's City Contractor's license number (if any), telephone number, the location of the construction, repair or excavation, the date notification was given to all one number locater services or the owner of any underground public facility pursuant to the Act, and the nature of the work to be performed at the location specified. If the applicant demonstrates compliance with the provisions of this chapter and the construction, repair or excavation work complies with this Code and will not endanger public health, safety or welfare, the City shall issue the permit, provided the City may issue the permit subject to such conditions as are necessary to protect the public health, safety and welfare.

8-3-6: **LOCATION PROCEDURE.** If the permittee desires the City to locate any water main, sewer main or other utility line, the permittee shall give written or oral notice to the City Engineer or his designated representative not more than twenty-four (24) hours nor less than twenty-four (24) working hours prior to commencing construction, repair or excavation. If the permittee, after commencing work, shall cease construction, repair or excavation for more than one working day, then notice shall again be given to the City Engineer or his designated representative not more than twenty-four (24) hours nor less than two (2) working hours prior to the time when construction, repair or excavation shall again commence.

8-3-7: **COMPLETION OF WORK AND BACKFILLING.** All work shall be expeditiously performed and completed as soon as reasonably possible, provided however, that except as otherwise provided in this section, no such work may occur between December 1st and March 1st of the following year. Such work constructing, repairing, or excavating in any street, alley, easement or other public right of way within the City may occur between December 1st and March 1st of the following year with the advanced written approval of the City Council or, in case of emergency, upon the approval of the City's Public Works Division. Upon completion of construction or repair, the permittee shall promptly backfill any street, alley, easement or other public right of way in which permittee has made any excavation. Such backfilling shall be done in accordance with the City Standard Drawings and Engineering Specifications adopted by ordinance of the City.

(Ord. 322-12-25, 12/16/2025).

8-3-8: **TIME TO COMPLETE REPAIRS.** Permanent asphalt repairs shall be completed by the permittee not later than three (3) days after the excavation has been backfilled, unless otherwise authorized by the City Engineer or his designated representative. If weather conditions prohibit permanent repairs, the City Engineer, or his designated representative, may authorize the use and installation of temporary cold patches. Such temporary cold patches shall be replaced by the permittee as soon as weather permits.

8-3-9: **MAINTENANCE AND SAFEGUARDS.** The permittee shall continuously maintain the construction, repair or excavation site in a safe condition and keep the site free from any condition that may cause risk of harm to any person or property at all times after the work has commenced and until all work, including permanent patching, has been completed and accepted by the City. During such time, permittee also shall provide, install and continuously maintain proper safeguards, signs and barricades at the construction, repair or excavation site. Such signs and barricades shall conform to the requirements and standards set forth in the most recent edition of the Manual on Uniform Traffic Control Devices published by the U.S. Department of Transportation, Federal Highway Administration, or any other manual adopted by the Idaho Department of Law Enforcement pursuant to the provisions of Idaho Code Section 49-201.

8-3-10: **WARRANTY OF REPAIRS.** The permittee shall warrant to the City the adequacy and continued satisfactory condition and function of all backfill and permanent patches installed by permittee or by any agent or employee of permittee for a period of one year after the permanent patch has been accepted by the City Engineer. Such warranty shall extend only to any unsatisfactory condition or function caused by inferior design, workmanship and materials furnished by permittee or by any agent or employee of permittee.

8-3-11: **REPAIRS BY CITY.** If the permittee fails to install permanent patching within three (3) days after completion of backfill, or if the permittee fails to honor the warranty set forth in the preceding section after demand by the City, the City may complete the work and make such repairs. If such repairs are completed by the City, the City may charge the cost of the repairs to the permittee. The cost of repairs shall be based upon the actual charges and cost to the City of repairs at the time the repair was completed. If the permittee is charged with the City's costs of repairs, the permittee shall pay such cost within five (5) days after the City has given written notice to permittee of the cost.

8-3-12: **REMEDY FOR NONCOMPLIANCE.** If any permittee fails to perform any duty imposed by this chapter or if any permittee fails to pay cost the costs assessed pursuant the preceding section within the time provided therein, the City, at its option and upon prior written notice to permittee, may suspend or revoke any contractor's license issued by the City to the permittee, cancel or revoke all permits held by the permitted and refuse to issue to the permittee

further permits for construction, repair or excavation in public rights of way or easements of the City.

8-3-13: **NO DUTY.** Nothing in this chapter shall be deemed or construed to impose any private duty or obligation upon the City to properly or accurately locate any utility line or facility or to ensue a result of the failure of any permittee to comply with the provisions hereof.

8-3-14: **COSTS OF REMOVAL.** If any private fence, pipe, pavement, structure, building, appurtenance, or other property encroaches upon or interferes with any public, governmental, or utility property, right-of-way, easement, or other property interest, the property owner of the property and/or associated real property shall be liable for the actual costs of removing the encroaching or interfering property if:

- (A) Such removal is reasonably necessary to the public, governmental, or utility entity's exercise of its property, right-of-way, easement, or other property interest; and
- (B) The public, governmental, or utility entity provides written notice to the property owner at least 72 hours before removing the encroachment or interference, which notice must: (1) reference this Section, (2) state the date and time the removal is scheduled to take place, and (3) state that the property owner will be required to pay the actual costs of removing the encroaching or interfering property unless the property owner removes the property before the date and time stated in the notice.

(Ord. 243-07-20, 7/21/2020).

CHAPTER 4 Community Forestry

SECTION:

- 8-4-1: Purpose
- 8-4-2: Definitions
- 8-4-3: Community Forester
- 8-4-4: Establishment of a Shade Tree Committee
- 8-4-5: Term of Office
- 8-4-6: Operation
- 8-4-7: Duties and Responsibilities
- 8-4-8: Species of Trees Permitted
- 8-4-9: Utilities
- 8-4-10: Regulations for Planting Street Trees
- 8-4-11: Trees and Shrubs Overhanging Public Property
- 8-4-12: Abuse of Public Trees and Shrubs
- 8-4-13: Street Tree Care
- 8-4-14: Tree Topping
- 8-4-15: Abatement of Nuisances
- 8-4-16: Interference with City Shade Tree Committee
- 8-4-17: Adoption of ANSI A300 and ANSI Z133.1

8-4-1: **PURPOSE.** The purpose of this chapter is to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs and other plants within the City of Iona.

(Ord. 89, 6/11/2003).

8-4-2: **DEFINITIONS.** Terms used in this chapter shall have the meanings ascribed below:

ANSI A300:	That certain standard tree, shrub and other woody plant maintenance standard practice as set forth in ANSI A300 (Part I)—2001, as published by the American National Standards Institute, Inc. and approved on May 22, 2001.
ANSI Z133.1:	That certain safety standard regarding the planting and maintenance of trees in proximity to utility lines as published by the American National Standards Institute, Inc. May 22, 2001 Edition.
COMMUNITY FOREST:	The sum of all trees and shrubs within the City.
CRITICAL ROOT ZONE:	The area under a tree extending from the base of a tree in all directions to a line 10 feet outside of the drip-line.
PARK TREES:	Public trees, shrubs, bushes and all woody vegetation located in or upon any public park owned by the City, but excluding those trees in the public right-of-way.
PERSON:	Any individual, firm, partnership, corporation, association, company, or other governmental entity or organization of any kind.
PRIVATE TREES:	Any tree that is not a public tree.
PUBLIC RIGHT-OF-WAY:	Improved or unimproved public property owned by, dedicated to, or deeded to, the public or the public's use for the purpose of providing vehicular, pedestrian and other public use. Such public property includes, but is not limited to, streets, alleys, sidewalks, public utility.
PUBLIC TREES:	Trees located upon public property owned by the City, including street trees.
SHRUB:	A woody perennial plant, branched at or near the base and which at maturity is expected to grow less than fifteen (15) feet in height.

STREET TREES:

Trees, shrubs, bushes and all other woody vegetation whose critical root zone is located on or encroaches into any public right-of-way or whose branches overhang any public right-of-way owned or managed by the City of Iona.

TOPPING:

The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown or the removal of the top part (trunk and limbs) of a coniferous tree, thereby removing the normal canopy and disfiguring the tree.

TREE:

A woody perennial plant, usually having one main stem or trunk and many branches and which, at maturity is expected to exceed fifteen (15) feet in height and two (2) inches in diameter. The failure to achieve such height at maturity shall not preclude its consideration as a tree.

(Ord. 89, 6/11/2003).

8-4-3: **COMMUNITY FORESTER.** The City Council may appoint a person to serve as Community Forester. The Community Forester shall have such duties and perform such functions as shall be prescribed herein and as required by the City Council. The Community Forester is hereby authorized to:

- (A) Direct, manage, supervise and control the City street tree and park tree program for the planting, removal, maintenance and protection of all public trees and shrubs on all public areas.
- (B) To guard all public and private trees and shrubs within the City so as to prevent the spread of disease or pest and to eliminate dangerous conditions which may affect the life, health or safety of person or property.

(Ord. 89, 6/11/2003).

8-4-4: **ESTABLISHMENT OF A SHADE TREE COMMITTEE.** There is hereby created and established a Shade Tree Committee for the City of Iona, which shall consist of a minimum of five members who reside within the City, one of whom shall be a member of the City Council. Each member shall be nominated by the Mayor and confirmed by the Council.

(Ord. 89, 6/11/2003).

8-4-5: **TERM OF OFFICE.** The terms of the members of the Committee shall be three years, except that the initial term of two of the at-large members shall be only two years. In the event that a vacancy occurs during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. Vacancies shall be filled in the same manner as original appointments.

(Ord. 89, 6/11/2003).

8-4-6: **OPERATION.** The committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall constitute a quorum for the transaction of business.

(Ord. 89, 6/11/2003).

8-4-7: **DUTIES AND RESPONSIBILITIES.** The Iona Shade Tree Committee shall provide advice to the City Council, Mayor, Community Forester and City Council as to the preservation, protection and management of the community forest of Iona, in accordance with the intent and purpose of this chapter. The committee shall have the following duties and responsibilities:

- (A) Assist the Community Forester in encouraging landscaping installation and maintenance on private property by providing information on the value of landscaping and the proper planting and care of trees and other vegetation;
- (B) Recommend policies and procedures to identify, mark, publicize and preserve historic and notable trees on both public and private property;
- (C) Assist the Community Forester in promoting appreciation of trees and the Community Forest through annual Arbor Day observances and other activities;
- (D) Encourage improvement of the community forest through planning and policy development;
- (E) Assist City departments in every way possible to enhance the community forest in the City;
- (F) Enhance opportunities for obtaining monetary funds for tree purchases, related supplies and community forestry activities through local and federal assistantship grants and donations;
- (G) Serve as an advocate of the City's community forest.

(Ord. 89, 6/11/2003).

8-4-8: **SPECIES OF TREES PERMITTED.** It shall be unlawful for any person to plant any public tree except the following species of trees:

Small Trees

Cherry, Canada Red	Prunus virginiana ‘Shubert’
Crabapple, (persistent or fruitless varieties)	Malus spp.
Elm, Camperdown	Ulmus glabra ‘Camperdownii’
Honeylocust, Imperial	Gleditsia triacanthos var. inermis ‘Imperial’
Lilac, Japanese Tree	Syringa reticulata
Maple, Amur	Acer ginnala
Mayday	Prunus padus
Mountain Ash, European	Sorbus aucuparia
Plum, Newport	Prunus cerasifera ‘Newport’
Serviceberry, Saskatoon	Amelanchier alnifolia
Sumac Staghorn	Rhus typhina

Medium Trees

Ash, Green (seedless varieties)	Fraxinus pennsylvanica
Ash, White (seedless varieties)	Fraxinus americana
Birch, Cutleaf Weeping	Betula pendula laciniata
Ginkgo (male sex only)	Ginkgo biloba
Hackberry	Celtis occidentalis
Honeylocust, (thornless varieties)	Gleditsia triacanthos var. inermis
Linden, American (varieties)	Tilia americana
Linden, Littleleaf	Tilia cordata
Maple, Norway (varieties)	Acer platanoides
Maple, Silver Queen	Acer saccharinum ‘Silver Queen’

Large Trees

Ash, Green (native species)	Fraxinus pennsylvanica
Ash, White (native species)	Fraxinus americana
Coffeetree, Kentucky	Gymnocladus dioicus
Honeylocust, Thornless (native species)	Gleditsia triacanthos var. inermis
Horsechestnut	Aesculus hippocastanum
Linden, American (native species)	Tilia americana
Maple, Norway (native species)	Acer platanoides
Oak, Bur	Quercus macrocarpa

Oak, Northern Red

Quercus rubra

No species other than those included in the above list may be planted as street trees or in the public right-of-way without written permission from the Shade Tree Committee.

(Ord. 89, 6/11/2003).

8-4-9: **UTILITIES.**

- (A) It shall be unlawful for any person to plant any public or private tree under or within twenty (20) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, electric transmission or distribution line or other utility except the following species of trees:

Cherry, Canada Red	<i>Prunus virginiana</i> 'Shubert'
Crabapple, (persistent or fruitless varieties)	<i>Malus</i> spp.
Elm, Camperdown	<i>Ulmus glabra</i> 'Camperdownii'
Honeylocust, Imperia	<i>Gleditsia triacanthos</i> var. <i>inermis</i> 'Imperial'
Lilac, Japanese Tree	<i>Syringa reticulata</i>
Maple, Amur	<i>Acer ginnala</i>
Mayday	<i>Prunus padus</i>
Mountain Ash, European	<i>Sorbus aucuparia</i>
Plum, Newport	<i>Prunus cerasifera</i> 'Newport'
Serviceberry, Saskatoon	<i>Amelanchier alnifolia</i>
Sumac, Staghorn	<i>Rhus typhina</i>

- (B) It shall be unlawful to plant any public or private tree at any location in any manner which does not comply with the safety standards for planting and maintenance of trees in proximity to public utilities, as set forth in ANSI Z133.1.
- (C) The City of Iona will not be responsible for damage to any tree or shrub located within a utility easement as a result of the operation or maintenance of public utility lines. Damage to any public utility system caused by trees improperly located within the public right-of-way or easement will be repaired at the owner's expense.

(Ord. 89, 6/11/2003).

8-4-10: **REGULATIONS FOR PLANTING STREET TREES.** Street trees shall be classified in accordance with the three species size classes listed in section 8-4-8 of this chapter. Street trees shall not be planted closer together than the following: small trees, 20 feet; medium trees, 30 feet; large trees, 40 feet. No trees may be planted closer to the backside of any curb or

the nearest edge of any sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet. All distances shall be measured from the center of the tree trunk at ground level.

(Ord. 89, 6/11/2003); (Ord. 260-04-21, 4/20/2021).

8-4-11: **TREES AND SHRUBS OVERHANGING PUBLIC PROPERTY.** All owners, or persons in control of private real property upon which a street tree or shrub is growing, shall remove or trim, at his or her expense, all limbs or foliage which overhang or project into any public street, sidewalk, alley or easement and which interfere with public travel or use of such public way or easement or which do not satisfy the clear view and corner clearance requirements of the City Zoning Ordinance. Street trees and shrubs shall be trimmed from the ground level to at least twelve feet (12') above any public street, public easement or alley, and to at least eight feet (8') above the curb and sidewalk.

(Ord. 89, 6/11/2003).

8-4-12: **ABUSE OF PUBLIC TREES AND SHRUBS.**

(A) Unless authorized by an appropriate public officer, it shall be unlawful for any person to:

- (1) injure, deface, disfigure or destroy any public tree;
- (2) permit any animal under his control to injure any public tree or shrub;
- (3) permit any fire to injure any portion of any public tree or shrub;
- (4) cause any toxic chemical to be applied to, seep, drain or be emptied on or about any public tree or shrub;
- (5) attach any device or structure to or on public trees, in a manner which harms or which may potentially harm a public tree;
- (6) injure, destroy, cut or pick any flower or ornamental plant growing, standing or being on public property;
- (7) make or cause excavations in the soil near roots of public trees unless appropriate measures are taken to prevent exposed soil from drying out;
- (8) damage the roots of a public tree by compacting or filling on or around the base of the tree;
- (9) to top, prune or trim any public tree, except in accordance with the provisions of ANSI A300.

(B) Nothing herein shall prevent or prohibit the pruning, removal, treatment, care or maintenance of any public tree or shrub, provided such work complies with the provisions of ANSI A300.

(Ord. 89, 6/11/2003).

8-4-13: **STREET TREE CARE.** The City Council shall have the right to remove, trim, destroy and control all street trees which are planted, grown or maintained in violation of the provisions of this Chapter. The City Council shall have the right to plant, prune, maintain and remove street trees within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(Ord. 89, 6/11/2003).

8-4-14: **TREE TOPPING.** It shall be unlawful for any person to prune or top any public tree or other public tree, except in accordance with ANSI A300.

(Ord. 89, 6/11/2003).

8-4-15: **ABATEMENT OF NUISANCES.**

(A) The City hereby declares the following actions, practices or objects to be a public nuisance:

- (1) Any living or standing private or public elm tree or part thereof infected with the Dutch elm disease fungus *Ceratocystis ulmi* (Buisman) or which harbors any of the elm bark beetles *Scolytus multistriatus* (Marsham) or *Hylurgopinus rufipes* (Eichhoff).
- (2) Any public or private dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material not buried, burned, sprayed with an effective elm bark beetle-destroying insecticide, or from which the bark has not been removed.
- (3) The cultivation, maintenance or allowing to grow of any private or public tree which harbors any insect, disease or infestation by any living creature which poses a threat to the health or safety of any other public or private tree within the City or which poses a health or safety threat to any person or property.
- (4) Any public or private tree infested by any insect, pest or disease which is determined by the City Forester to pose a threat to the health of any other public or private tree.
- (5) Any public or private tree, the roots of which are growing beneath a public sidewalk and which cause a public hazard to the safe and efficient pedestrian travel upon such sidewalk.

- (6) Any public tree planted, growing or maintained in violation of the provisions of this Chapter.
- (B) Any person who fails to commence the abatement of any nuisance within ten (10) days after receiving written notice from the City, or who fails to diligently prosecute and complete the abatement of such nuisance within a reasonable time after the delivery of such notice, shall be guilty of a misdemeanor. Such notice shall be delivered to the owner or person in control of any property upon which such nuisance shall exist. Notice shall be deemed complete upon its deposit in the United States mail, postage prepaid, certified mail, return receipt request, addressed to the last known address of such owner or person.
- (C) In the event any owner or person in control of private real property fails to abate such nuisance in accordance with the time frame set forth above, then the City may prevent, remove or abate such nuisance at the expense of such owner or person and may levy a special assessment against the property upon which such nuisance is located, in accordance with the provisions of Idaho Code § 50-334.

(Ord. 89, 6/11/2003).

8-4-16: **INTERFERENCE WITH CITY SHADE TREE COMMITTEE.** It shall be unlawful for any person to prevent, delay or interfere with the City Forester, or his or her agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on public property, as authorized in this chapter.

(Ord. 89, 6/11/2003).

8-4-17: **ADOPTION OF ANSI A300 AND ANSI Z133.1.** There is hereby adopted as an official code for the maintenance of trees, shrubs and other woody plants that certain standard maintenance practice as published in ANSI Standard A300 (Part I)—2001, as published by the American National Standards Institute, Inc. and approved on May 22, 2001. There is also hereby adopted as an official code, that certain safety standard for planting and maintenance of three in proximity to utility lines, known as ANSI Z133.1 as published by the American National Standards Institute, Inc., May 22, 2001 Edition. One copy of such codes shall be filed with and maintained in the office of the City Clerk, for use and examination by the public.

(Ord. 89, 6/11/2003).

TITLE 9 Motor Vehicle and Bicycle Regulations

<i>Chapter</i>	<i>Subject</i>
1	Traffic Regulations
2	Traffic Control Signs and Signals
3	Speed Regulations
4	Public Parking
5	Parking on Private Property
6	Bicycles

CHAPTER 1 Traffic Regulations

SECTION:

- 9-1-1: Applicability of Regulations
- 9-1-2: Applicability of State Laws
- 9-1-3: Enforcement
- 9-1-4: Obedience to Police Officers
- 9-1-5: Construction Crews
- 9-1-6: Following Fire Engines
- 9-1-7: Parking Near Emergency Vehicles
- 9-1-8: Crossing Fire Hose
- 9-1-9: Engine Compression Brakes

9-1-1: **APPLICABILITY OF REGULATIONS.** The provisions of this title shall apply to the operation of all vehicles upon the streets, alleys and places within the City.

9-1-2: **APPLICABILITY OF STATE LAWS.** All traffic and motor vehicle laws of the State of Idaho codified in Title 49, Idaho Code, and any rules and regulations promulgated by the Idaho Department of Law Enforcement pursuant thereto, shall apply to the operation of all vehicles upon the streets and alleys of the City, except to the extent such laws or regulations are expressly inconsistent with the provisions of this Code. The City Clerk shall keep at least one (1) copy of this chapter available for public use and examination in his or her office at all times.

9-1-3: **ENFORCEMENT.** Any person who violates any traffic or motor vehicle law within the City shall be guilty of an infraction and shall be punishable in accordance with the provisions of Title 49, Chapter 15, Idaho Code, as the same now exists or as amended hereafter. All peace officers shall follow the procedures set forth in such chapter when issuing citations for infractions.

9-1-4: **OBEDIENCE TO POLICE OFFICERS.** Any person who fails or refuses to comply with any lawful order or direction of any police officer of the City, or any other police officer of Bonneville County or the State of Idaho, shall be guilty of a misdemeanor.

9-1-5: **CONSTRUCTION CREWS.** This chapter shall not apply to the operation of any vehicle while the operator is actually engaged in the construction, repair or maintenance of any street, alley, sidewalk, curb, gutter or any utility located therein, if such operator is an employee of the City or has a permit or is otherwise lawfully authorized to perform such work.

9-1-6: **FOLLOWING FIRE ENGINES.** Any person who operates a vehicle within 500 feet of any fire engine, equipment or vehicle responding to a fire alarm, except persons operating a police, fire or public safety vehicle, shall be guilty of an infraction.

9-1-7: **PARKING NEAR EMERGENCY VEHICLES.** Any person who parks any vehicle within 500 feet of any police, fire or emergency vehicle responding to a fire alarm shall be guilty of an infraction.

9-1-8: **CROSSING FIRE HOSE.** Any person who drives any vehicle over any fire hose while such hose is being used to suppress any fire, without the consent of a police officer or the fire official in command, shall be guilty of an infraction.

9-1-9: **ENGINE COMPRESSION BRAKES.** No person shall, while operating a motor vehicle within the City, apply or otherwise use Engine Compression Brakes, “Jake Brakes”, or any similar braking system that emits a clearly audible noise when measured from a distance of 50 feet away from the source. Engine Compression Brakes include any braking system that uses compressed air from a motor vehicle’s engine to slow the vehicle as well as any similar system that causes an audible noise prohibited by this section. Any person who violates this section shall be guilty of an infraction.

(Ord. 276-04-22, 4/19/2022).

CHAPTER 2 Traffic Control Signs and Signals

SECTION:

- 9-2-1: Adoption of Uniform Manual
- 9-2-2: Display of Unauthorized Signs or Signals
- 9-2-3: Tampering with Traffic Control Devices

9-2-1: **ADOPTION OF UNIFORM MANUAL.** The City hereby adopts the 2009 edition of the Manual on Uniform Traffic Control Devices, including revisions 1 and 2 thereto, which are published by the Federal Highway Administration of the U.S. Department of Transportation or any other manual adopted by the Idaho Transportation Department. All traffic signs, signals, and devices installed within the City shall (A) be approved and authorized by the Council and (B) conform to the provisions of such Manual on Uniform Traffic Control Devices, except as otherwise expressly ordered by the Council.

(Ord. 274-01-22, 1/18/2022).

9-2-2: **DISPLAY OF UNAUTHORIZED SIGNS OR SIGNALS.** Any person who—without the approval and authorization of the City Council—places, maintains or displays upon any street, alley, public right of way or private property any unauthorized sign, signal, marking, or device that imitates or resembles any official traffic control sign, signal, or device is guilty of a misdemeanor. Such signs, signals or devices may be summarily removed by any police, fire, or public safety officer or by any employee of the City's Public Works Division.

(Ord. 274-01-22, 1/18/2022).

9-2-3: **TAMPERING WITH TRAFFIC CONTROL DEVICES.** Any person who tampers, alters, injures, destroys, removes, defaces or knocks down any official traffic control sign, signal or device, without lawful authority to do so, shall be guilty of a misdemeanor.

CHAPTER 3 Speed Regulations

SECTION:

- 9-3-1: Basic Rule
- 9-3-2: General Speed Limit
- 9-3-3: Establishment of Speed Limits
- 9-3-4: Minimum Speed Regulations

9-3-1: **BASIC RULE.** Any person who operates a vehicle within the limits of the City, at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing shall be guilty of an infraction.

9-3-2: **GENERAL SPEED LIMIT.** Subject to the provisions of the preceding section, any person who drives or operates any vehicle in excess of the speed set forth below shall be guilty of an infraction. Such speeds are as follows:

- (A) Any speed established pursuant to Section 9-3-3 of this Code.
- (B) Twenty-five (25) miles per hour on all streets except as posted in accordance with Section 9-3-3 of this Code.
- (C) Twenty (20) miles per hour in all posted school zones, except where a different speed is posted in accordance with Section 9-3-3 of this Code.

9-3-3: **ESTABLISHMENT OF SPEED LIMITS.** Whenever the Chief of Police and the Mayor and Council shall determine, upon the basis of an engineering and traffic study or investigation that any prima facie speed set forth above is greater or less than is reasonable or safe under the conditions found to exist at any location within the City, the Council may determine and declare by resolution a reasonable and safe prima facie speed limit, which, when proper signs giving notice thereof have been erected, shall be the speed limit for such street or portion thereof.

9-3-4: **MINIMUM SPEED REGULATIONS.** Any person who drives a vehicle at such a slow speed as to impede or block the safe and efficient movement of vehicular traffic, shall be guilty of an infraction.

CHAPTER 4 Public Parking

SECTION:

- 9-4-1: General Parking Restrictions
- 9-4-2: Parking in Alleys Prohibited
- 9-4-3: Parking in Residential Zones
- 9-4-4: Repair of Vehicles on Public Streets
- 9-4-5: Storage of Vehicles on Public Street
- 9-4-6: Manner of Parking
- 9-4-7: Unattended Motor Vehicle
- 9-4-8: General Parking Restriction
- 9-4-9: Impounding Vehicles
- 9-4-10: [Reserved]
- 9-4-11: Payment of Towing and Storage Fees
- 9-4-12: Establishment of Storage Fees
- 9-4-13: Parking Zones Established
- 9-4-14: Designation of Parking Zones
- 9-4-15: Manner of Parking
- 9-4-16: Operating Time Defined, Exceptions
- 9-4-17: Parking in Loading Zones
- 9-4-18: Unlawful Parking
- 9-4-19: Handicapped Parking
- 9-4-20: Designation of Handicapped Parking Spaces
- 9-4-21: Enforcement on Private Property
- 9-4-22: Notice of Violation
- 9-4-23: Penalties
- 9-4-24: Additional Remedies Preserved

9-4-1: **GENERAL PARKING RESTRICTIONS.** Any person who parks a vehicle, except when necessary to allow movement of other vehicular traffic or pursuant to the direction of a peace officer or traffic control device, in any of the following designated places, shall be guilty of an infraction, to-wit:

- (A) On a public sidewalk.
- (B) Within any portion of a public or private driveway or entrance to a public street.
- (C) Within an intersection.
- (D) Within fifteen (15) feet of a fire hydrant.
- (E) Within a crosswalk.
- (F) Within twenty (20) feet of a crosswalk located at any intersection.
- (G) Within thirty (30) feet of the approach to any flashing beacon, stop sign or traffic control signal.
- (H) Between a designated safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a traffic regulatory sign indicates a different length is allowed.
- (I) Within fifty (50) feet of the nearest rail of a railroad crossing.
- (J) Within twenty (20) feet of the driveway entrance to any fire station or within seventy-five (75) feet of such entrance when parking on the side of the street opposite such entrance, when regulatory signs indicate such prohibition.
- (K) Beside or opposite any street excavation or obstruction in a manner which obstructs traffic.
- (L) Upon any street or portion thereof in a manner which blocks or interferes with the regular flow of vehicular traffic.
- (M) Upon any bridge or elevated structure upon or part of a public highway.
- (N) At any place where traffic regulatory signs prohibit such parking.

9-4-2: **PARKING IN ALLEYS PROHIBITED.** Any person who parks a motor vehicle in any alley within the City for any purpose other than to load or unload such vehicle in a reasonably expeditious fashion shall be guilty of an infraction. Parking for purposes of loading or unloading a vehicle shall be permitted only if a clearance of at least ten (10) feet in width between the adjacent building or other structures is left on each side of the vehicle.

9-4-3: **PARKING IN RESIDENTIAL ZONES.** Any person who parks a motor vehicle having a gross vehicle weight greater than 10,000 pounds in any residentially-zoned district within the City shall be guilty of an infraction unless such parking is necessary to load or unload such vehicle in an expeditious manner.

9-4-4: **REPAIR OF VEHICLES ON PUBLIC STREETS.** Any person who uses any street or alley within the City for the purpose of repairing any vehicle, except for temporary emergency repairs, shall be guilty of an infraction.

9-4-5: **STORAGE OF VEHICLES ON PUBLIC STREETS.** Vehicles stored, parked, or otherwise placed on a street are subject to the following regulations. As used in this chapter, “vehicle” has the meaning as “vehicle” is defined in Idaho Code § 49-123, and “street” has the meaning as “roadway” is defined in Idaho Code § 49-119.

- (A) It shall be unlawful for any automobile dealer to park or place any vehicle, upon any street within the City for the purpose of selling or offering such vehicle for sale or lease. For the purposes of this section, an automobile dealer is defined as any person who regularly engages in the sale or offering for sale of motor vehicles for profit or pecuniary gain of any kind.
- (B) Subject to further restriction as specified in subsection (C), below, it shall be unlawful to park or place any vehicle upon any street within the City for a period of more than seven consecutive days at the same location. For the purposes hereof, the term “location” shall mean an area within 500 feet in any direction from the exterior surface of such vehicle.
- (C) It shall be unlawful to park or place any vehicle upon any street within the City, from and including the period commencing on each November 22nd to and until April 10th of the following year, between the hours of 5:00 a.m. and 5:00 p.m., Monday through Friday, inclusive, except within areas lawfully designated for loading and unloading of goods and materials or within any other area lawfully designated as exempt from the provisions of this section, or except for the purpose of temporarily parking a bus or other public conveyance while loading or unloading of passengers.
- (D) Nothing in this Chapter shall be construed to prohibit the parking upon a public street of police vehicles, fire trucks or other emergency vehicles, or vehicles operated by a licensed physician while responding to an emergency call, from parking or allowing the parking of such motor vehicle during the course of responding to such emergency call or to prohibit the parking of public safety vehicles, snow removal vehicles, publicly owned maintenance vehicles or police vehicles.

- (E) Any vehicle parked or stored in violation of this Chapter may be removed by or under the direction of any peace officer and may be impounded in accordance with the provisions of this chapter or as otherwise provided by law.

(Ord. 140-14-08, 12/16/2008); (Ord. 255-04-21, 4/20/2021).

9-4-6: **MANNER OF PARKING.** Except as otherwise provided in this chapter, any person who parks any vehicle, or allows the parking of any vehicle, in the following manner shall be guilty of an infraction, to-wit:

- (A) Where the right-hand wheels of such vehicle are at a distance greater than eighteen inches (18”) from the right-hand curb upon any two-way street; or
- (B) At a distance of greater than eighteen inches (18”) between the left wheels of the vehicle and the left-hand curb where parking is permitted on either side of a one-way street.
- (C) At a distance of greater than eighteen inches (18”) between the curb, the point on front bumper of such vehicle closest to the curb, where the area is designated for angle parking.

9-4-7: **UNATTENDED MOTOR VEHICLES.** Any person who owns or has control of any motor vehicle and who leaves the vehicle without first stopping the engine, locking the ignition and removing the key therefrom, or who parks such vehicle upon a grade without turning the front wheels to the curb or side of the street, shall be guilty of an infraction.

9-4-8: **GENERAL PARKING RESTRICTION.** Any person who parks or allows any vehicle to be parked upon any street in violation of any sign restricting parking within such area, shall be guilty of an infraction. All such parking restrictions shall be established only by resolution of the City Council, after receiving the recommendation of the Traffic Safety Committee.

9-4-9: **IMPOUNDING VEHICLES.** Any peace officer may remove, cause to be removed and impound any vehicle parked in violation of the provisions of this chapter.

9-4-10: [Reserved].

(Ord. 256-04-21, 4/20/2021).

9-4-11: **PAYMENT OF TOWING AND STORAGE FEES.** The owner of any motor vehicle or trailer that has been duly impounded, removed from the City streets, towed or stored at the direction of the Police Division shall pay a reasonable towing and storage fee before such

vehicle or trailer may be released. The towing and storage fee shall be paid to the person or company effecting the removal and towing and providing the storage for such vehicle or trailer. If the motor vehicle or trailer is towed or stored by City personnel, the towing and storage fees shall be paid to the City.

9-4-12: **ESTABLISHMENT OF STORAGE FEES.** The City Council shall annually establish by resolution the towing and storage fees provided for in this chapter.

9-4-13: **PARKING ZONES ESTABLISHED.** The City Council may establish parking and loading zones upon the streets of the City. The establishment of, and all changes in, such zones shall be only as duly ordered by the City Council and entered in the official minutes of its meeting.

9-4-14: **DESIGNATION OF PARKING ZONES.** The Chief of Police shall designate all parking and loading zones established by the Council by causing appropriate parking signs to be installed upon the streets clearly informing the public of the location of the parking and loading zones and the parking time allowed therein. Such zones shall be designated by painting or otherwise marking lines upon the street surface, or upon the adjacent curb, designating the area within such zones are located.

9-4-15: **MANNER OF PARKING.** Any vehicle parked within a parking or loading zone shall be parked entirely within the markings designating one parking space; shall be parked parallel or diagonal to the curb in accordance with the markings of the parking space; and in case of diagonal parking, shall be parked so that the front portion of the vehicle closest to the curb is within eighteen inches (18") of the curb.

9-4-16: **OPERATING TIME DEFINED, EXCEPTIONS.** "Operating time" is that time when parking within parking zones and loading zones is regulated and is the time between eight o'clock (8:00) a.m. and six o'clock (6:00) p.m. of every day. "Operating time" shall not include any Saturday or legal holiday.

9-4-17: **PARKING IN LOADING ZONES.** Notwithstanding the provisions of this chapter, a person may park a vehicle in a loading zone for the purpose of unloading persons, supplies or merchandise. Parking in a loading zone or space during "operating time" for any other purpose is unlawful.

9-4-18: **UNLAWFUL PARKING.** It shall be unlawful for any person to park a vehicle, or, having parked the same, to allow it to remain parked in violation of the regulations of any parking sign located within clear view of a restricted parking area. When the parking sign merely states the duration of time allowed for parking, then the regulation shall be in force only during “operating times.” When the sign forbids parking at all times, or at designated times, the regulation is in force at all times, or as stated. Any person who violates this section shall be guilty of any infraction.

9-4-19: **HANDICAPPED PARKING.** Any person who parks or allows a vehicle to be parked in any parking space designated for use by handicapped persons and signed in conformity with the next section of this Code is guilty of an infraction, unless the vehicle is momentarily in the space for the purpose of allowing a handicapped person to enter or leave the vehicle, or unless special license plates or a card or temporary card issued for the handicapped pursuant to Idaho Code Section 49-410 is displayed on the vehicle. For the purposes of this section, the registered owner of a vehicle who has expressly or impliedly consented to the use of his or her vehicle shall be deemed to have allowed the parking of such vehicle by the person to whom such consent was given. The term “handicapped” shall have the same meaning ascribed in Idaho Code Section 49-109.

9-4-20: **DESIGNATION OF HANDICAPPED PARKING SPACES.** For the purposes of the preceding section, a parking space designated for the handicapped shall be any parking space or area upon which there is posted immediately adjacent thereto, and visible from each stall or space, a sign which is at least thirty-six inches (36”) above the ground, displaying the international handicapped symbol as depicted in Idaho Code Section 49-410. Such sign shall be approximately centered along the front portion of the parking space or stall and the handicapped symbol shall have the same proportions as shown in the Idaho Code and shall be at least ten inches (10”) high at its greatest height. The surface of the parking stall shall have a four foot (4’) square area displaying the handicapped symbol against a solid, light blue background, approximately centered in the parking stall. The handicapped symbol shall be at least two feet (2’) in height and of the same proportions as shown in the Idaho Code.

9-4-21: **ENFORCEMENT ON PRIVATE PROPERTY.** No person shall park or allow the parking of a vehicle on any privately owned lot or property without the express or implied consent of the owner thereof.

(Ord. 140-14-08, 12/16/2008).

9-4-22: **NOTICE OF VIOLATION.** Any person who operates a vehicle.

- (A) Any police officer or other person duly authorized by the Chief of Police or Mayor may issue a Notice of Violation to any person who violates the provisions of this Chapter. The Notice of Violation shall be issued by placing it on the windshield of an illegally parked vehicle, in a secure manner, or in a prominent place therein. A separate Notice of Violation shall be issued for each parking regulation violated. If the violation is for overtime parking, a separate notice shall be issued for each hour, or fraction thereof, the owner or operator of the vehicle allows it to remain parked in violation of this chapter.
- (B) The notice of violation shall state the date and time when it is issued, the nature of the parking violation observed and the amount of the penalty as provided in section 9-4-23 of this chapter. The notice shall advise the owner or operator of the vehicle that he or she must admit the violation and pay the penalty therefor or deny the violation and deliver a written notice of such denial to the City Clerk, within twenty one (21) days of the date the notice of violation is issued, in default of which an Idaho uniform citation or summons and criminal complaint may be served upon such person.
- (C) Any person issued a Notice of Violation may enter an admission in the following ways:
 - (1) By depositing the Notice of Violation together with the amount of penalty stated thereon in any collection box designated by the Chief of Police;
 - (2) By mailing the Notice of Violation together with the amount of the penalty stated thereon to the address indicated on the notice; or
 - (3) By physically presenting the Notice of Violation together with the amount of the penalty indicated thereon at the office of the City Clerk or City Treasurer.

(Ord. 140-14-08, 12/16/2008).

9-4-23: **PENALTIES.**

- (A) Any person who violates any parking regulation herein, is guilty of an infraction and shall be subject to penalties as follows:
 - (1) If a person violates Section 9-4-19 (Handicapped Parking), then:
 - (a) The violator shall have 21 days from the date the notice of violation is issued to either (i) admit the violation and pay a \$75.00 penalty or (ii) deliver a written denial thereof to the City Clerk.
 - (b) If the violator shall provide a written denial within 21 days as described above, and is thereafter convicted of the violation, the violator shall pay a \$75.00 penalty to the City Clerk (or the City Clerk's agent) and any costs allowed by law.

- (c) If the violator does not either complete either option (i) or option (ii) within 21 days as described in subsection (a) above, the violator shall pay a \$150.00 penalty upon subsequent admission, or if convicted of the violation, the violator shall pay a \$150.00 penalty and any costs allowed by law.
 - (2) If a person violates any parking regulation in this Chapter other than Section 9-14-19, then:
 - (a) The violator shall have 21 days from the date the notice of violation is issued to either (i) admit the violation and pay a \$50.00 penalty or (ii) deliver a written denial thereof to the City Clerk.
 - (b) If the violator shall provide a written denial within 21 days as described above, and is thereafter convicted of the violation, the violator shall pay a \$50.00 penalty to the City Clerk (or the City Clerk's agent) and any costs allowed by law.
 - (c) If the violator does not either complete either option (i) or option (ii) within 21 days as described in subsection (a) above, the violator shall pay a \$100.00 penalty upon subsequent admission, or if convicted of the violation, the violator shall pay a \$100.00 penalty and any costs allowed by law.
 - (B) In the event any person violates any provision of this chapter within sixty (60) days of any prior violation of this chapter, the penalty therefor shall be double the amounts set forth above.
- (Ord. 140-14-08, 12/16/2008); (Ord. 257-05-21, 5/19/2021).

9-4-24: **ADDITIONAL REMEDIES PRESERVED.** The issuance of a notice of violation shall not be the exclusive remedy for enforcing the parking regulations of this chapter and all other lawful remedies are reserved, including prosecution by filing a criminal complaint for an infraction violation.

CHAPTER 5 Parking on Private Property

SECTION:

9-5-1: Parking on Private Property

9-5-1: PARKING ON PRIVATE PROPERTY. Any person who parks or leaves unattended any motor vehicle upon any private property posted in accordance with the terms hereof and located within the City, without the consent of the owner or person thereof, is guilty of an infraction. For the purposes of this chapter, property is posted when one or more signs legibly printed in the English language are placed upon the premises stating that public parking thereon is prohibited, provided at least one such sign is plainly visible from each vehicular entrance to the premises.

CHAPTER 6 Bicycles

SECTION:

- 9-6-1: Definitions
- 9-6-2: Establishment of Bicycle Paths and Routes
- 9-6-3: Applicability of Vehicle Traffic Laws
- 9-6-4: Operation of Motor Vehicles upon Bicycle Path
- 9-6-5: Right of Way to Cyclists
- 9-6-6: Two-Way Traffic on Bicycle Paths
- 9-6-7: General Speed Regulation
- 9-6-8: Emerging from Alley or Driveway
- 9-6-9: Carrying Articles
- 9-6-10: Riding on Sidewalks

9-6-1: **DEFINITIONS.** The following terms whenever used in this chapter shall have the meaning ascribed below:

BICYCLE:	Every device propelled by human power having one wheel at least 16 inches in diameter.
BICYCLE PATH:	A way established, marked and signed specifically for the riding of bicycles, and which is not otherwise part of a public street.
BICYCLE ROUTE:	A travel way designated specifically for the riding of bicycles along and upon a public street.
RIGHT OF WAY:	The privilege of immediate use of a bicycle path or bicycle route.
VEHICLE:	Every device, in, upon or by which any person or property is or may be transported

or drawn upon a street, highway, alley or other public way, except bicycles.

9-6-2: **ESTABLISHMENT OF BICYCLE PATHS AND ROUTES.** The City Council may by resolution duly passed and approved establish and designate the location of bicycle paths and bicycle routes within the City.

9-6-3: **APPLICABILITY OF VEHICLE TRAFFIC LAWS.** All motor vehicle traffic laws shall apply with respect to the operation of any bicycle upon any bicycle path or bicycle route, except as expressly otherwise provided in this chapter or except as the context of such ordinance or statute expressly indicates otherwise.

9-6-4: **OPERATION OF MOTOR VEHICLES UPON BICYCLE PATH.** Any person who operates a motor vehicle or parks a vehicle upon or across any bicycle path, except at intersections of a path within a public street or alley or when necessary to enter or leave a driveway, is guilty of an infraction.

9-6-5: **RIGHT OF WAY TO CYCLISTS.** Any person driving any vehicle into or across any bicycle path which intersects a public street or alley or driveway who fails to yield the right of way to any cyclist operating a bicycle is guilty of an infraction.

9-6-6: **TWO-WAY TRAFFIC ON BICYCLE PATHS.** Any person who fails to pass to the right of any oncoming cyclist on a bicycle path shall be guilty of an infraction.

9-6-7: **GENERAL SPEED REGULATION.** Any person who operates a bicycle upon any public street, bicycle route or bicycle path at a speed greater than is reasonable and prudent under the conditions then existing, is guilty of an infraction.

9-6-8: **EMERGING FROM ALLEY OR DRIVEWAY.** Any person operating a bicycle emerging from an alley, driveway or building shall yield the right of way to all pedestrians walking upon any sidewalk or sidewalk area intersecting with the alley, driveway or building egress and upon entering the public street shall yield the right of way to all vehicles approaching on such public street.

9-6-9: **CARRYING ARTICLES.** Any person who carries any package, bundle or article which prevents the rider from keeping at least one hand upon the bicycle handlebars shall be guilty of an infraction.

9-6-10: **RIDING ON SIDEWALKS.** Any person fifteen (15) or more years of age who rides a bicycle upon a sidewalk within the City is guilty of an infraction.

TITLE 10 Planning and Building

<i>Chapter</i>	<i>Subject</i>
1	Iona Subdivision Ordinance
2	Wireless Communication Towers and Antennas

CHAPTER 1 Iona Subdivision Ordinance

SECTION:

- 10-1-1: Title
- 10-1-2: Purpose
- 10-1-3: Definitions
- 10-1-4: Platting Requirement
- 10-1-5: General Plat Requirements
- 10-1-6: Application for Subdivision Approval
- 10-1-7: Preliminary Plat Approval Process
- 10-1-8: Final Plat Approval Process
- 10-1-9: Continuance Requirements and Fee
- 10-1-10: Third Parties
- 10-1-11: Post-Decision Remedies
- 10-1-12: Variances
- 10-1-13: Subdivision Application Fees
- 10-1-14: Subdivision Standards
- 10-1-15: Surveying and Monuments
- 10-1-16: Lot Improvements
- 10-1-17: Requirements for Public Ways
- 10-1-18: Alleys and Easements
- 10-1-19: Blocks
- 10-1-20: Flood Plain Areas
- 10-1-21: Domestic Water System Works
- 10-1-22: Secondary Irrigation
- 10-1-23: Water and Sewage Facilities
- 10-1-24: Electrical Utilities
- 10-1-25: Open Park Space

10-1-26: Requirements for Mail Delivery

10-1-1: **TITLE.** This chapter shall be known as the Iona Subdivision Ordinance.
(Ord. 225-10-18, 10/20/2018).

10-1-2: **PURPOSE.** The purpose of this chapter is to:

- (A) Promote the public health, safety and welfare;
- (B) Provide guidance for future development and growth to the City in accordance with the comprehensive plan;
- (C) Integrate existing streets and highways with proposed transportation plans and other related development of the City;
- (D) Assure safe and adequate transportation systems, water, sewers, storm drains, parks, school sites, and other public uses and facilities;
- (E) Establish reasonable standards of design and uniform procedures for the subdivision and re-subdivision of land;
- (F) Provide for orderly layout, monumenting and legal description of subdivided lands; and
- (G) Provide for an orderly and expeditious method of processing applications for subdivisions and re-subdivisions.

(Ord. 225-10-18, 10/20/2018).

10-1-3: **DEFINITIONS.**

(A) The following definitions shall apply to terms used in this chapter.

- (1) **ALLEY:** A Public Way, without a sidewalk, designed to serve as secondary access to the side or rear of Lots having principal access on some other Street.
- (2) **AGRICULTURAL LAND:** Land used strictly for the cultivation of crops or for animal husbandry and which is held in tracts or parcels no smaller than ten acres.

- | | | |
|------|----------------------------|---|
| (3) | APPLICANT: | A person who submits any Application. |
| (4) | APPLICATION: | A Subdivision Application for approval of a Plat, as described in Section 10-1-6. |
| (5) | APPLICATION,
COMPLETED: | An Application that is fully filled out and is submitted with five copies of the Plat for which approval is requested (although the City Engineer may require a reasonable number of additional copies of the Plat, if necessary) and all other required contents, attachments, copies, or documentation. |
| (6) | BLOCK: | A tract of land bounded by Streets, Alleys, parks, cemeteries, rights of way, or other public boundary lines. |
| (7) | BUILDING: | Any structure built for the protection, shelter, or enclosure of persons, animals, chattels, or property of any kind. |
| (8) | BUILDING SITE: | An area upon which the Developer proposes to erect or construct a Building or make any Improvement to render the property suitable for the erection of a building, together with the surrounding land that is intended to be used in conjunction with such Building or Improvements. |
| (9) | CITY: | The City of Iona. |
| (10) | CITY ENGINEER: | The City Engineer duly appointed by the Council. |
| (11) | COMMISSION: | The Planning and Zoning Commission of the City as it presently exists or as may be adopted or amended hereafter. |
| (12) | COMPREHENSIVE PLAN: | The Comprehensive Plan of the City. |
| (13) | CUL-DE-SAC: | A local street with only one outlet and having a circuit for traffic reversal that is determined to be safe and convenient by the City Engineer. |

- (14) DEDICATION: The setting apart, acceptance, and confirmation by the Council of land or an interest in land for use by the public.
- (15) DEVELOPER: A person who subdivides or proposes to subdivide land, whether as an owner or an agent of an owner.
- (16) DEVELOPMENT: The land that is subdivided or proposed for subdivision by a Developer.
- (17) EASEMENT: The use of a designated part of property, authorized by the owner, for another, in perpetuity.
- (18) FRONTAGE: That side of a Lot abutting on a Street from which primary pedestrian access to the Street is made.
- (19) GRADE: The slope of a road or street expressed as a percentage amount.
- (20) IMPROVEMENT: Any alteration to, or construction upon real property, which increases the value or utility of the land.
- (21) INDIVIDUAL SEWAGE DISPOSAL SYSTEM: A septic tank, seepage tile sewage disposal system, or any other sewage treatment device not connected or intended to serve more than one Building or connected to any other public or private sewage system.
- (22) LOT: A tract, plot, or portion of a Subdivision or other parcel of land of sufficient dimension and area to meet the applicable zoning requirements for lot size.
- (23) LOT, CORNER: A Lot situated at the intersection of two Streets.
- (24) OPEN SPACE: An area open to the sky that is exclusive of Streets, Buildings, or other covered structures.
- (25) OWNER: Any person, group of persons, partnership, corporation, limited liability company, or other legal entity having legal title to, or an interest in, the land proposed to be subdivided.

- (26) PLAT A term referring to an Amended Plat, Final Plat, Preliminary Plat, and/or Sketch Plat.
- (27) PLAT, AMENDED: A change in the Final Plat of an approved or recorded Development that affects the layout of any Street or area reserved for public use or creates any additional Lots.
- (28) PLAT, FINAL: The final drawing of the Development, including all dedications, certificates, and acknowledgments thereon, which conforms to the provisions of this chapter.
- (29) PLAT, PRELIMINARY: The preliminary drawing or drawings, indicating the proposed manner or layout of the Development, including street layout and design, lots, blocks and proposed zoning, which conforms to the provisions of this chapter.
- (30) PLAT, SKETCH: A sketch prior to the preparation of a Preliminary Plat and/or Final Plat with no dedication, used for the purpose of generally discussing the proposed Subdivision and any applicable requirements.
- (31) PUBLIC IMPROVEMENT: Any drainage system, road, curb, sidewalk, off-street parking area, sewer system, water system, or any other facility for which the City may assume responsibility, or which may affect Improvements that are presently the responsibility of the City.
- (32) PUBLIC WAY: A Right-of-Way for use of motor vehicles, including any sidewalks, that has been dedicated to the public for public use and accepted by the Council. Dedication shall be evidenced by a Final Plat approved by the Council in accordance with the provisions of this chapter or by a public dedication accompanied by a written resolution of the Council accepting such dedication.
- (33) RECORDING: The act of filing and recording a document with the Bonneville County Recorder and submitting a full-size and complete copy of the recorded document to the City Clerk.

- (34) REPLAT or RE-SUBDIVIDE: The creation or submission of an Amended Plat.
- (35) RIGHT-OF-WAY: A strip of land, being the entire width between the boundary lines (i.e., measured from property line to property line), occupied or intended to be occupied by a Public Way, sidewalk, railroad, public utility, public easement, or other public use.
- (36) SALE or LEASE: Any immediate or future transfer of ownership or any reversionary interest in land, including a contract of sale, whether by deed, contract, plat, or other agreement.
- (37) SETBACK: The minimum horizontal distance between any property line of a Lot and the foundation or wall of the Building, excluding uncovered steps. Uncovered steps or a deck may not extend into the Setback more than one-third of the Setback.
- (38) STANDARD SPECIFICATIONS: The most recently issued Idaho Standards for Public Works Construction, as modified by the standard specifications and drawings adopted by the City from time to time.
- (39) STREET: A Public Way that is not an Alley, but including any adjacent sidewalk.
- (40) STREET, DEAD-END: A Street or portion thereof, with only one point of ingress and egress.
- (41) SUBDIVIDE (or SUBDIVISION): The division of land into three or more lots, at once or through more than one division occurring within any period of ten years, including any replat of land.
- (42) SUBDIVISION AGREEMENT: A legal document or contract between the Developer and the City that sets forth the rights, duties, and obligations of all parties regarding each specific Subdivision or Development.
- (43) SUBDIVISION DIRECTIVES: The written regulations, procedures, and specifications established by the City Engineer, consistent with this chapter, to more particularly set forth the information

required to be submitted in the Application and the particular manner in which the Sketch Plat, Preliminary Plat, and/or Final Plat shall be drawn.

(44) SUBDIVISION POLICY:

The procedures and policies for administering and processing a Subdivision application, as may be adopted by ordinance or resolution of the Council, which policy implements the provisions of this chapter.

(45) VARIANCE:

A modification of the strict application of this chapter.

(Ord. 182-05-14, 8/19/2014); (Ord. 225-10-18, 10/20/2018); (Ord. 252-03-21, 3/16/2021); (Ord. 298-01-24, 1/23/2024).

10-1-4: **PLATTING REQUIREMENT.**

- (A) **Platting Required.** No person shall Subdivide or Re-Subdivide any piece, parcel, or tract of land situated within the City or within one mile outside the City limits or Re-Subdivide, sell, lease, or convey any Development or portion thereof, within said area, without first (1) obtaining approval of a Preliminary Plat from the City in conformity with the requirements of this Iona Subdivision Ordinance and (2) recording a Final Plat approved by the City in conformity with the requirements of this Iona Subdivision Ordinance. Notwithstanding the foregoing, any Development situated within an officially designated area of City impact as provided for in Section 67-6526, Idaho Code, shall be subject to the terms and provisions of any area of impact agreement between the City and Bonneville County, Idaho.
- (B) **Exclusions.** Notwithstanding Subsection 10-1-4(A), above, no Final Plat must be recorded in the following circumstances:
- (1) A bona fide Sale, division, or partition of land intended strictly for use thereafter as Agricultural Land. The intent to construct, as evidenced by a request for a building permit, a residence, apartment, commercial, or industrial Building or other nonagricultural Building or Buildings upon such tract of land shall be deemed sufficient evidence that the land described in the application for a building permit is no longer agricultural and shall immediately subject such land to the requirements of this Iona Subdivision Ordinance.
 - (2) An allocation of land in settlement of an estate of a decedent or a court decree for the distribution of property.
 - (3) An involuntary sale of land as result of legal condemnation as defined and allowed in the Idaho Code.

- (4) A widening of any existing Right-of-Way to conform to the comprehensive plan or by authority of the City.
 - (5) The acquisition of a Right-of-Way by a public agency in conformity with the Comprehensive Plan.
 - (6) An exchange of land for the sole purpose of straightening property boundaries or enlarging any existing Lot, and which does not create additional Lots.
- (C) **Amended Plat or Replat.** Whenever a Developer proposes to Subdivide or Re-Subdivide and platting is required pursuant to this section, the Developer shall file an Application, which shall be processed in the manner set forth in this Iona Subdivision Ordinance.
- (Ord. 182-05-14, 08/19/2014); (Ord. 225-10-18, 10/20/2018); (Ord. 306-08-24, 08/27/2024).

10-1-5: **GENERAL PLAT REQUIREMENTS.**

- (A) **Plat Specifications.** All Plats shall comply with Idaho Code Section 50-1304, this Iona Subdivision Ordinance, and the Subdivision Directives.
 - (B) **Subdivision Directives.** Consistent with the provisions of the City Code, the City Engineer may establish Subdivision Directives that describe the information required to be submitted in or with any Plat or Application or are reasonably necessary to assure legibility, permanency, clarity, reproducibility, accuracy, uniformity, and neatness of the Plat. The City Engineer shall, upon request, make available a written copy of the Subdivision Directives.
 - (C) **Scale.** The map drawings on any Plat shall be at a scale of one inch equals up to one hundred feet (1" = 100').
 - (D) **Standards.** All Plats shall be drawn in accordance with generally accepted engineering standards and practices and shall be drawn in such a manner as will assure legibility, clarity, reproducibility, accuracy, uniformity and neatness of the Plat.
- (Ord. 225-10-18, 10/20/2018); (Ord. 234-12-19, 12/17/2019).

10-1-6: **APPLICATION FOR SUBDIVISION APPROVAL.**

- (A) **Application Required.** Whenever a Developer requests approval of any Plat, the Developer shall submit a Completed Application. No Plat shall be recorded until a Completed Application has been filed with the City Clerk and approved by the Council in accordance with the provisions of this Iona Subdivision Ordinance.
- (B) **Form of Application.** The City Clerk shall prepare one or more form Applications, which shall require sufficient information to determine if the Plat complies with the provisions of

this Iona Subdivision Ordinance and the City Code. The City Clerk shall, upon request, make available a written copy of any blank Application.

- (C) **Contents.** Each Completed Application shall accurately and fairly describe and depict all improvements, structures, boundary lines, lot configurations, area to be developed, existing and proposed land use and zoning, grades, land contour, recreational and public use area, utilities(including water works), topography, streets, alleys, easements, and shall contain such other information as may be necessary to determine if the proposed Development complies with the requirements of this Iona Subdivision Ordinance
- (D) **Payment of Fees Required for Submission.** An Application shall be deemed to be filed with the City Clerk's office upon payment of all fees required by this Iona Subdivision Ordinance and receipt of a Completed Application using the appropriate form prepared by the City Clerk.
- (E) **Submission Date.** Every Application shall be filed with the City Clerk at least twenty-five days before the meeting date of the Commission or Council at which the Applicant desires such Application to be considered.

(Ord. 225-10-18, 10/20/2018).

10-1-7: **PRELIMINARY PLAT APPROVAL PROCESS.**

- (A) **Action by City Clerk.** Once the appropriate Completed Application for approval of a Preliminary Plat and required fees have been submitted, the City Clerk shall:
 - (1) Cause the consideration of such Completed Application to be placed on the agenda of the Commission's next meeting that is at least twenty-five days after the date of submission, unless otherwise requested by the Applicant;
 - (2) Cause the consideration of such Completed Application to be placed on the agenda of the Council's next meeting after the meeting at which the Commission will consider such Completed Application; and
 - (3) Cause arrangements to be made to provide notice, in the manner required by law, of (a) the meeting relating to the consideration of such Completed Application before the Commission and (b) the public hearing relating to the consideration of such Completed Application before the Council.
 - (4) Forward copies of the Completed Application to the Mayor, each member of the Council, each member of the Commission, the City Public Works Director, the City Engineer, the City Attorney, and other City staff as the Mayor shall direct.
- (B) **Commission Consideration.** At the meeting at which the Commission considers such Completed Application, the Commission shall review the Completed Application—including the Preliminary Plat—to determine its compliance with this Iona Subdivision Ordinance; the Comprehensive Plan; and all applicable federal, state, or local laws. The

Applicant, Developer, and/or Owner may (but is not required to) address the Commission to present additional evidence, answer questions from the Commission members, or make any other statement relevant to the Completed Application under consideration. The Commission may (but is not required to) allow interested persons to address the Commission in relation to the Completed Application under consideration. The Commission shall prepare a written recommendation on such Completed Application and cause its written recommendation to be forwarded to the Council before the meeting at which the Council considers the Completed Application.

- (C) **Council Consideration.** The Council shall conduct a public hearing in which interested persons shall have an opportunity to be heard in relation to the Completed Application. At the meeting at which the Council considers such Completed Application, the Council shall consider the Commission's written recommendation and review the Completed Application—including the Preliminary Plat—to determine its compliance with this Iona Subdivision Ordinance; the Comprehensive Plan; and all applicable federal, state, or local laws.
- (D) **Council Action.** Within 60 days after the date of the Council meeting at which the Completed Application was first submitted, the Council shall complete its consideration and review and shall either (a) approve, (b) conditionally approve, or (c) disapprove of the Preliminary Plat and Completed Application.
 - (1) If the Preliminary Plat is approved, the Council shall advise the Developer in writing of the Council's approval.
 - (2) If the Preliminary Plat is conditionally approved, the Council shall advise the Developer in writing of the conditions under which the approval is to be granted and, upon Developer's complete compliance with those conditions and the Developer's written certification of such compliance, the Preliminary Plat shall be deemed approved.
 - (3) If the Preliminary Plat is disapproved, the Council shall advise the Developer, in writing, of the reasons for denial of the Application.
- (E) **Expiration of Approval.**
 - (1) Approval of a Preliminary Plat shall expire at such time as the Council may specify or, if no other time is specified by the Council, one year after such Preliminary Plat is approved.
 - (2) Provided, in the event a Final Plat relating to the same Development depicted on such Preliminary Plat has been approved by the Council before the expiration of the approval of the Preliminary Plat, the approval of the Preliminary Plat as to any area of the Development not included within the Final Plat shall be deemed renewed for one year after such Final Plat is approved unless otherwise specified by the Council.

- (3) Notwithstanding the above provisions, the Council may specify another expiration date for its approval of any Preliminary Plat, but the Council may not set the expiration of such approval any later than one year after the approval of the Preliminary Plat or approval of a Final Plat. Upon request of the Developer, the Council may extend its approval for a period of not to exceed one year from the date of the initial approval of the Preliminary Plat or Final Plat, as the case may be.
- (4) The Council shall advise the Developer of the expiration date of the Preliminary Plat at the time it approves any request for sectionalization.
- (F) **Resubmission.** The resubmission of any portion of the Application that requires additional review by the City Engineer shall require an additional fee, in an amount to be specified by resolution of the City Council, that must be paid before the materials may be reviewed by the City Engineer, which review shall occur not less than 25 days prior to the meeting date of the Commission or Council at which the Applicant desires such materials to be considered with the Application. The Application shall be deemed tolled until this resubmission fee is paid in full. If the required resubmission fee is not paid within 60 days of the submission of the materials, then the Application shall be deemed withdrawn.

(Ord. 225-10-18, 10/20/2018); (Ord. 248-12-20, 12/15/2020); (Ord. 306-08-24, 08/27/2024).

10-1-8: **FINAL PLAT APPROVAL PROCESS.**

- (A) **Additional Application Requirements for Approval of a Final Plat.** Following the approval of the Preliminary Plat, as the case may be, the Developer may file with the City Clerk an Application for approval of a Final Plat. Such Completed Application shall, in addition to all general requirements of a Completed Application, contain the following:
 - (1) A Completed Application requesting approval of the final plat in the appropriate form prepared by the City Clerk, including a request for annexation or zoning, if appropriate;
 - (2) Proof of current ownership of the real property included in the proposed Final Plat;
 - (3) Development street and utility improvement drawings prepared in accordance with generally accepted engineering practices, the requirements of this Iona Subdivision Ordinance, the Subdivision Directives, and any Subdivision Policy adopted by the Council;
 - (4) A copy of a proposed Subdivision Agreement;
 - (5) Copies of any easements or other covenants which run with the land;
 - (6) Proof of payment of all fees prescribed by City ordinance; and
 - (7) Any other maps, data, or information deemed necessary by the City Engineer to determine compliance with the provisions of this chapter.

- (B) **Action by City Clerk.** Once the appropriate Completed Application for approval of a Final Plat and required fees have been submitted, the City Clerk shall:
- (1) Cause the consideration of such Completed Application to be placed on the agenda of the Commission's next meeting that is at least twenty-five days after the date of submission, unless otherwise requested by the Applicant;
 - (2) Cause the consideration of such Completed Application to be placed on the agenda of the Council's next meeting after the meeting at which the Commission will consider such Completed Application; and
 - (3) Cause arrangements to be made to provide notice, in the manner required by law, of (a) the meeting relating to the consideration of such Completed Application, including any request for annexation or zoning, before the Commission and (b) the public hearing relating to the consideration of such Completed Application, including any request for annexation or zoning, before the Council.
 - (4) Forward copies of the Completed Application to the Mayor, each member of the Council, each member of the Commission, the City Public Works Director, the City Engineer, the City Attorney, and other City staff as the Mayor shall direct.
- (C) **Commission Consideration.** At the meeting at which the Commission considers such Completed Application, the Commission shall review the Completed Application—including the Final Plat—to determine its compliance with this Iona Subdivision Ordinance; the Comprehensive Plan; and all applicable federal, state, or local laws. The Applicant, Developer, and/or Owner may (but is not required to) address the Commission to present additional evidence, answer questions from the Commission members, or make any other statement relevant to the Completed Application under consideration. The Commission may (but is not required to) allow interested persons to address the Commission in relation to the Completed Application under consideration. The Commission shall prepare a written recommendation on such Completed Application and cause its written recommendation to be forwarded to the Council before the meeting at which the Council considers the Completed Application.
- (D) **City Engineer's Consideration.** The City Engineer shall, with the assistance of a surveyor as necessary, review the Completed Application—including the Final Plat—to determine its compliance with this Iona Subdivision Ordinance; the Comprehensive Plan; and all applicable federal, state, or local laws. The City Engineer shall prepare a written recommendation on such Completed Application and cause its written recommendation to be forwarded to the Council before the meeting at which the Council considers the Completed Application.
- (E) **Council Consideration.** The Council shall conduct a public hearing in which interested persons shall have an opportunity to be heard in relation to the Completed Application. At the meeting at which the Council considers such Completed Application, the Council shall consider the Commission's written recommendation, the City Engineer's written

recommendation, and review the Completed Application—including the Final Plat—to determine its compliance with this Iona Subdivision Ordinance; the Comprehensive Plan; and all applicable federal, state, or local laws. The Council may, in accordance with the public notice provided as required by law, simultaneously consider a request for annexation, zoning, rezoning, and/or amendment of the Comprehensive Plan relating to the same property.

- (F) **Council Action.** Within 60 days after the date of the Council meeting at which the Completed Application was first submitted, the Council shall complete its consideration and review and shall either (a) approve or (b) disapprove of the Final Plat and Completed Application; provided, however, that the Developer may request that the matter be recessed, and in such event, the 60-day period shall not commence running until the matter is again considered by the Council.
- (1) If the Final Plat conforms to the provisions of this Iona Subdivision Ordinance and all other applicable federal, state, or local laws, the Council shall approve the Final Plat and authorize the Mayor and City Clerk to sign the original Final Plat. If the Final Plat is approved, the Council shall advise the Developer in writing of the Council's approval.
- (2) If the Final Plat is disapproved, the Council shall specify, in writing, the ordinances and standards used in evaluating the Completed Application, and its reasons for denial thereof and the actions, if any, that the Applicant may take to obtain their approval.
- (G) **Resubmission.** The resubmission of any portion of the Application that requires additional review by the City Engineer shall require an additional fee, in an amount to be specified by resolution of the City Council, that must be paid before the materials may be reviewed by the City Engineer, which review shall occur not less than 25 days prior to the meeting date of the Commission or Council at which the Applicant desires such materials to be considered with the Application. The Application shall be deemed tolled until this resubmission fee is paid in full. If the required resubmission fee is not paid within 60 days of the submission of the materials, then the Application shall be deemed withdrawn.
- (H) **Recording of Final Plat.** All Final Plats shall be recorded within 90 days after approval by the Council, unless an extension of time is granted by the Council. If the Final Plat is not recorded within the specified time because of the Developer's failure to meet the requirements specified herein, the Council may rescind its approval of the Final Plat.

(Ord. 225-10-18, 10/20/2018); (Ord. 248-12-20, 12/15/2020); (Ord. 306-08-24, 08/27/2024).

10-1-9: CONTINUANCE REQUIREMENTS AND FEE.

- (A) **Applicability.** Whenever a public hearing is required for the consideration of any Application under this Iona Subdivision Ordinance or applicable Idaho Law, and a

continuance of such public hearing is requested by an Applicant or the board conducting such public hearing determines that a continuance has been necessitated, in whole or part, due to factors within the Applicant's direct or indirect control, then such board may continue the public hearing in accordance with this Section.

- (B) **Continuation Fee.** Because any continuation of a public hearing necessitates further public notice—by publication, posting, mailing, and/or other means required or allowed by applicable law—the City finds that any continuation of a public hearing will require the City to incur additional expenses. Therefore, upon the exercise of the discretion allowed in Subsection (A), above, and (if necessary) upon finding either of the conditions specified in Subsection (A), above, actually exist, then in order to continue the relevant public hearing, the Applicant shall pay a continuation fee within 7 days of being notified of the continuation under this Section.
- (C) **Amount of Continuation Fee.** The continuation fee shall be equal to 150% of the actual costs of publishing, posting, mailing, and any other means of providing lawful notice of the public hearing being continued, in order to account of the time of City personnel in re-doing this work to provide due notice a second time.
- (D) **Dispute Resolution.** If any Applicant disputes either the imposition, amount, or any other issue relating to the continuation and/or continuation fee, the Applicant shall provide written notice to the City of such dispute, and the bases therefor, within 7 days of being notified of the continuation under this Section. Such dispute shall be resolved by public meeting and, if deemed appropriate, discussion in public meeting with the City Council, which shall issue a written decision. The underlying application, including any timeframes associated therewith, shall be deemed tolled until the dispute is resolved by decision of the City Council. Any further dispute with the City Council's decision in this regard shall be resolved pursuant to Section 10-1-11 of this Code.
- (E) **Failure to pay Continuation Fee.** If any Applicant fails to timely pay the continuation fee when required by the relevant board or decision, the Application shall be deemed denied without further action of the City.

(Ord. 225-10-18, 10/20/2018); (Ord. 306-08-24, 08/27/2024).

10-1-10: **THIRD PARTIES.** Any person, other than an Applicant, may request notice and service of any decision made by the Council under this Iona Subdivision Ordinance by submitting a written request for such notice to the City Clerk and any such notice and service shall be provided electronically by e-mail to an email address provided by such person.

(Ord. 225-10-18, 10/20/2018).

10-1-11: **POST-DECISION REMEDIES.** Any person who parks.

(A) **Reconsideration.**

- (1) Any person denied a permit or aggrieved by a decision may, within 14 days after the Council has issued a decision under this Iona Subdivision Ordinance, seek reconsideration of such decision by submitting a written request for reconsideration, which shall explain all the reasons (legal, factual, or otherwise) why the person asks the Council to reconsider its decision.
- (2) The Council shall hear the request for reconsideration at the next possible Council meeting before which sufficient public notice can be provided, as required by law.
- (3) Within 14 days after the date of the Council meeting at which the request for reconsideration is considered, the Council shall, in writing, notify the Applicant and any person who requested reconsideration that the Council is either (a) upholding its prior decision or (b) altering its prior decision in a manner specified.

(B) **Appeal.** Any person denied a permit or aggrieved by a decision may, within 28 days after all remedies have been exhausted under this Iona Subdivision Ordinance, seek judicial review pursuant to the procedures set forth in Section 67-6521, Idaho Code, as amended.

(Ord. 225-10-18, 10/20/2018).

10-1-12: **VARIANCES.** The Council may grant a Variance to the terms and provisions of this Iona Subdivision Ordinance. A Variance may be granted only upon an express finding that all of the following conditions exist.

- (A) There are special circumstances or conditions affecting the property such that a strict application of this Iona Subdivision Ordinance would clearly be impracticable or unreasonable;
- (B) Strict compliance with this Iona Subdivision Ordinance would result in extraordinary hardship, as distinguished from mere inconvenience, to the Developer because of the particular physical surroundings, shape, or unusual topography of the Developer's property, and will substantially preclude development of the property;
- (C) The circumstances for which the variance is sought are unique to the property and are not applicable to other properties similarly situated;
- (D) The variance is the least deviation from this chapter necessary to mitigate the hardship;
- (E) The granting of the variance will not be substantially detrimental to the public safety, health, welfare or will not substantially injure other property adjoining the property for which the variance is sought;
- (F) The variance is not otherwise contrary to law; and

- (G) The conditions necessitating the variance were not caused by or in any way arise from the actions of the Developer.

(Ord. 225-10-18, 10/20/2018).

10-1-13: **SUBDIVISION APPLICATION FEES.** The following fees are hereby established relative to the processing of Applications.

- (A) **Application Fee for Consideration of Preliminary Plat.** Any Applicant submitting a Completed Application seeking approval of a Preliminary Plat shall pay to the City Clerk a fee of \$1,200.00.
- (B) **Application Fee for Consideration of Final Plat.** Any Applicant submitting a Completed Application seeking approval of a Final Plat shall pay to the City Clerk a fee as follows:

<u>Number of Lots</u>	<u>Amount of Fee</u>
1 to 10 lots	\$ 2,120.00
11 to 50 lots	\$ 6,600.00
51 lots or more	\$ 12,200.00

- (C) **Fee for Consideration of Development Improvement Plans and for Infrastructure Inspection.** Any person who requests acceptance by the City of any street, utility line, or other public improvement within a Development shall submit improvement plans, profiles, and specifications for such improvements to the City Clerk. Substantial construction of said public improvements shall not be commenced until the City Engineer has reviewed and approved such plans and the Applicant has paid a fee as follows:

<u>Number of Lots</u>	<u>Amount of Fee</u>
1 to 10 lots	\$ 3,200.00
11 to 50 lots	\$ 12,800.00
51 lots or more	\$ 24,800.00

- (1) If such improvement plans comply with all state and local laws and ordinances and any Subdivision Agreement executed or to be executed between the City and such Developer, the City Engineer shall endorse his approval upon the improvement plans and shall cause a notice to be imprinted upon the applicable Plat stating that the City will not accept ownership or maintenance of such public improvements until a professional engineer licensed in the State of Idaho has inspected the construction of such public improvements and has delivered his written

certification to the City Engineer that such inspection was made and that construction of such improvements meets or exceeds the minimum standards set forth in the Standard Specifications.

- (2) “As-built” drawings of such public improvements shall also be prepared by such engineer and delivered to the City Engineer immediately upon completion of all public improvements shown on the plans, or upon completion of any portion thereof as required by the City.

- (D) **Rebate Upon Filing of “As-Built” Drawings.** Upon delivery of the “as-built” drawings, together with the certification of the professional engineer within 90 days after the completion of all public improvements shown on the plans or any portion thereof as required or permitted by the City, the City Engineer shall then cause a “Notice of Public Acceptance of Street and Utilities” to be recorded in the Bonneville County Recorder's office for those public improvements which have been accepted by the City. The City Engineer shall also cause the following portion of the above-referenced fees to be rebated to the developer or other person who paid the same, according to the following schedule:

<u>1 to 10 lots</u>	<u>Amount of Rebate</u>
Final Plat	\$1,060.00
Subdivision Improvement Plans and Street & Utility Construction Inspection	\$1,600.00
 <u>11 to 50 lots</u>	 <u>Amount of Rebate</u>
Final Plat	\$3,300.00
Subdivision Improvement Plans and Street & Utility Construction Inspection	\$6,400.00
 <u>51 lots or more</u>	 <u>Amount of Rebate</u>
Final Plat	\$6,100.00
Subdivision Improvement Plans and Street & Utility Construction Inspection	\$12,400.00

- (1) In the event the Developer or Owner fails to file such “as-built” drawings and deliver such certification within 90 days after the completion of all public improvements shown on the plans or any portion thereof as required or permitted by the City, then the developer or owner shall forfeit all right to such rebate. The City Engineer shall cause the Development and any public improvements to be inspected and, once satisfied that they have been completed per the approved Final Plat and improvements plans, the City Engineer shall then cause a “Notice of Public

Acceptance of Street and Utilities” to be recorded in the Bonneville County Recorder's office for those public improvements which have been accepted by the City.

(Ord. 225-10-18, 10/20/2018); (Ord. 309-10-24, 10/22/2024).

10-1-14: **SUBDIVISION STANDARDS.** All improvements located upon land which is subdivided shall be designed and constructed in compliance with the following laws, rules and regulations, and standards:

- (A) **Local Ordinances.** The City Code, as applicable, including the Zoning Ordinance of the City of Iona, the Uniform Building Code (as adopted and/or amended by the City), the Uniform Fire Code (as adopted and/or amended by the City), and the Uniform Plumbing Code (as adopted and/or amended by the City).
- (B) **State Laws.** All applicable laws of the State including Sections 50-1304 through 50-1310, Idaho Code, and all rules and regulations, having the force and effect of law, promulgated by the Idaho Department of Transportation, Idaho Department of Health and Welfare, Idaho Department of Environmental Quality, or other agency of the State of Idaho.
- (C) The Standard Specifications.

In the event of any irreconcilable inconsistency between the Standard Specifications and this Chapter, the provisions of this Chapter shall prevail.

(Ord. 225-10-18, 10/20/2018).

10-1-15: **SURVEYING AND MONUMENTS.**

- (A) All linear dimensions shown on a Plat shall be calculated to the nearest one-hundredth (0.01) of a foot and all bearings shall be calculated to one second (1”) of arc. All curves shall be defined by the radius, central angle, tangent, arc, and chord distances. The description and location of all monuments shall be shown. Monuments conforming to the requirements of the Idaho Code shall be set at centerline tangent points, centerline points of curve, centerline points of intersection of streets, and any subdivision boundary points that fall in the paved area of the streets and shall be existing at the time of the City's final acceptance of the street improvements. All points on the exterior boundary of the subdivision where the boundary changes direction shall be marked with monuments conforming to the requirements of the Idaho Code, consisting of iron or steel rods not less than five-eighths inch (5/8”) in diameter and twenty-four inches (24”) long. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to one-tenth (0.1) of a foot. All lot corners shall be marked with monuments meeting the requirements of the Idaho Code, consisting of iron or steel rods, not less than one-half inch (1/2”) in diameter and twenty-four inches (24”) long. These points shall be

marked prior to final acceptance by the City of the Public Improvements in the Development. No Plat showing a plus or minus distance will be accepted unless agreed to by the City Engineer. The survey for any Plat shall be conducted in such a manner as to produce an unadjusted mathematical error of closure of each area bounded by property lines within the survey of not more than one (1) part in five thousand (5,000).

- (B) All bearings shall conform to the 2004 Idaho Falls datum. All points requiring monuments shall, if directed by the City Engineer, have coordinates based on the State plane coordinate system shown on the Plat. A definite tie between not less than two prominent points shall be shown between the exterior boundary of the subdivision and the section corner and quarter corner system as established by the United States Government and supplemented by the City and Bonneville County, and shall be indicated by bearing and distance and coordinates if directed by the City Engineer.
- (C) The Final Plat shall be submitted to the City Clerk along with a computation sheet bearing coordinates on all points, based on the State plane coordinate system, and upon the 2004 Idaho Falls datum.

(Ord. 225-10-18, 10/20/2018).

10-1-16: **LOT IMPROVEMENTS.**

- (A) All lots shall be arranged so that each lot meets all qualifications necessary to secure a building permit.
- (B) Lot dimensions shall conform to the minimum standards in the Zoning Ordinance of the City of Iona. All lots shall have at least 85 feet of frontage upon a dedicated street. Frontage for lots located on a cul-de-sac shall be measured at the front set-back line.
- (C) No Plat shall be approved where the area between the property line of any unplatted property owned by the Owner and any other property owned by another, is of insufficient size or is of an irregular configuration such that the area cannot reasonably be used to develop lots that will conform to the provisions of this Iona Subdivision Ordinance and the Zoning Ordinance of the City of Iona.
- (D) All lots shall have full frontage on, and access to, a Street or shall have access to a Street through a private access road approved in accordance with the provisions of Section 11-11-26 of this Code.
- (E) Adequate provisions shall be made for soil preservation, drainage patterns, and debris and waste disposal and collection.
- (F) Side lines of lots shall be at, or near, right angles or radial to the street lines. All corner lots shall have a minimum radius of 20 feet on the property line.
- (G) All property within the Development shall be included within a lot or an area dedicated for public use.

- (H) All residentially zoned corner lots shall be a minimum of 10 percent larger in area than the average area of all similarly zoned lots in the Plat or Development under consideration, unless such average lot area is greater than 25,000 square feet. If less than 10 lots are shown in the subdivision or plat under consideration, then the City Engineer may use other Plats or Developments within the surrounding area to calculate the average area of all similarly zoned lots within the vicinity of the property under consideration.

(Ord. 182-05-14, 8/19/2014); (Ord. 225-10-18, 10/20/2018).

10-1-17: **REQUIREMENTS FOR PUBLIC WAYS.**

- (A) All Public Ways within the Development shall be dedicated for public use.

(B) **Alignment.**

- (1) All major Streets in the Development must conform to the major street plan of the City, as may be adopted by the City or as set forth in the Comprehensive Plan.
- (2) The alignment and width of previously platted Public Ways shall be preserved unless topographical conditions or existing buildings or structures require otherwise.
- (3) Public Ways shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 80° or greater than 100°. Notwithstanding the foregoing, the City Engineer may allow an angle of intersection less than 80° or greater than 100° for a Public Way if circumstances so warrant.
- (4) All dead-end streets shall be cul-de-sacs, provided at the closed end with a turn-around having a street property line diameter of at least 90 feet, and that are:
 - (a) Permanently not longer than 400 feet; or
 - (b) A temporary dead-end street with a distance of greater than 400 feet in length (measured from the center point of the nearest intersection to the center point of the cul-de-sac), provided the Developer files or has already filed a Preliminary Plat of an adjoining Development depicting a through Street connecting to such temporary dead-end street that is not a dead-end street, and provided further the Council may order the Developer to file a Final Plat for such Preliminary Plat, at any time at the expiration of three years after the date the Plat showing the temporary dead-end street was approved; or
 - (c) Designed and constructed pursuant to a detailed plan approved by the City Council in conjunction with any Final Plat or in advance of the commencement of any construction (whichever is earlier), in order to protect public safety, which plan may include (but is not limited to)

requiring the street to be wider than normal, including the installation of additional fire hydrants, and/or providing additional signage.

- (5) Public Ways in new Developments shall continue the alignment of existing Public Ways in adjoining Developments, or their proper projections when adjoining property is not subdivided. All Rights-of-Way (Streets, Alleys, utility lines, etc.) shall be arranged in a manner that will, insofar as possible, facilitate convenient extension and connection thereof to future Public Ways that may be developed by the owners of adjoining property.
- (6) In determining the appropriate angle of intersection of two or more Public Ways or other issues with regard to the alignment of Public Ways, the City Engineer may take into consideration the following factors:
 - (a) Zoning and land usage of the area in which the street is located.
 - (b) Anticipated traffic volume and character of traffic use.
 - (c) Character or function of the street.
 - (d) Vehicular and pedestrian safety.
 - (e) Anticipated future growth in the area served by the street.
 - (f) Population density in the area served by the street.

(C) Width.

- (1) The minimum width of all Streets shall be 70 feet. Notwithstanding the foregoing, the City Engineer may require a wider width for a Street if circumstances so warrant.
- (2) All Alleys shall be at least 20 feet in width. Notwithstanding the foregoing, the City Engineer may require a wider width for an Alley if circumstances so warrant.
- (3) In determining the appropriate width for any Public Way or the appropriate angle of intersection of two or more Public Ways, the City Engineer may take into consideration the following factors:
 - (a) Zoning and land usage of the area in which the street is located.
 - (b) Anticipated traffic volume and character of traffic use.
 - (c) Character or function of the street.
 - (d) Vehicular and pedestrian safety.
 - (e) Anticipated future growth in the area served by the street.
 - (f) Population density in the area served by the street.

- (4) The dedication of half streets in any Development is prohibited except where essential to the reasonable development of the Development in conformity with other requirements of this Iona Subdivision Ordinance and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is situated adjacent to a tract to be subdivided, the other half shall be platted within such tract.

(D) Grading and Hydrologic Considerations.

- (1) All Public Ways other than sidewalks shall have a minimum vertical (longitudinal) grade of 0.4 percent, with the maximum grade being 7 percent for major Streets and 10 percent for Alleys or local/minor Streets. Stormwater features in the Development shall be utilized in a manner that will prevent flooding in the lower elevations of the Development during rain or snow melt on frozen ground events.
- (2) Sizing criteria shall utilize Rational Method Calculations with the minimum rain intensity and infiltration values provided in the Standard Specifications.
- (3) Infiltration trenches may be used at periodic low points created with adverse longitudinal grading in the Public Way profiles to ensure flooding does not occur at the lower elevations of the Development. Driveways across swales shall be graded or have culverts installed so as to avoid impeding the flow of surface waters.
- (4) Hydrologic design for curb-and-gutter Public Ways may be completed with the use of accepted engineering principles and the Subdivision Directives.

(E) Construction.

- (1) All Streets shall conform to the Standard Specifications for sub-grade, sub-base, crushed gravel, pavement, asphalt and chip seal, and sidewalk—except to the extent a different standard is expressly adopted in this Section. The construction of each Street section shall also be in accordance with the methods and procedures set forth in the Standard Specifications—except to the extent a different standard is expressly adopted in this Section. Notwithstanding the Standard Specifications, the street cross section shall be constructed in accordance with the Subdivision Directives.
- (2) All streets and driveway approaches shall be constructed in accordance with the Standard Specifications for a rural street section. No residential driveway approach, excluding any transition slope, shall exceed 30 feet in width across any portion thereof unless permitted in accordance with Section 10-1-17(E)(3), below.
- (3) Any person desiring, in compliance with the City's standard drawings and specifications, (a) a driveway approach in excess of the limits provided in Section 10-1-17(E)(2), above, (b) multiple independent driveway approaches, and/or (c) a half circle driveway, shall first submit an application to the City, together with an application fee of \$200, which application shall include or attach the following

information: the applicant's name and address, the landowner's name and address, the legal description of the property for which the application is submitted, landowner's consent to the application, the plan for the proposed driveway approach, and the required engineering work to show that the proposed driveway approach will (x) not conflict with the public interest (including, but not limited to, neighborhood appearance and aesthetic considerations), and (y) satisfy, by other means, the purposes of limiting driveway approaches (including, but not limited to, drainage and public safety) in accordance with accepted engineering principles, the Subdivision Directives, and the City's standard specifications and drawings. This application shall be considered by the City Council.

- (4) All sidewalks throughout the Development shall be five feet wide and constructed per the standards required by the Americans with Disabilities Act and all rules and/or regulations associated therewith, including connecting sidewalks through the drainage swales in each direction at each street corner. Sidewalks must be placed over the minimum base requirements given in the Standard Specifications. Sidewalk concrete shall be properly cured by Developer using any method allowed by the Standard Specifications.
 - (5) Curbs at street intersections shall be rounded with curves having a minimum radius of 25 feet.
 - (F) Where street lines within a block deflect from each other at any one point more than 10°, there shall be a connecting curve. The radius of the curve for the inner street line shall be not less than 700 feet for a major street, 250 feet for a collector or secondary street, and 50 feet for local or minor streets.
 - (G) Street name signs shall be erected by the developer at the corner of each intersection located within the Development. Such signs shall conform to the Manual on Uniform Traffic Control Devices (2009 Edition, including Revision 1 and 2, both dated May 2012), as published by the United States Federal Highway Administration and most recently supplemented by the State of Idaho (the "MUTCD"), and the Standard Specifications to the extent not specified in the MUTCD. Sign posts shall be made of steel square tubing with the one-piece anchor post per SD(Standard Drawing)-1130 of the Standard Specifications. Street name signs are to be white lettering on green signage to match existing City name signs and may be installed on the same sign post as any stop sign.
- (Ord. 225-10-18, 10/20/2018); (Ord. 264-06-21, 6/15/2021); (Ord. 278-07-22, 7/19/2022); (Ord. 284-11-22, 11/15/2022); (Ord. 288-07-23, 7/18/2023); (Ord. 295-11-23, 11/21/2023); (Ord. 298-01-24, 1/23/2024); (Ord. 320-08-25, 8/26/2025).

10-1-18: **ALLEYS AND EASEMENTS.**

- (A) The minimum width of any Alley shall be 20 feet. Alleys may be required along the rear line of business property and in the rear of all lots fronting major Streets.

- (B) Where Alleys are not provided, easements of not less than eight feet in width shall be dedicated on each side of all rear lot lines and six feet on side lot lines, where necessary, for poles, wires, conduits, storm or sanitary sewers, and gas and water lines. Easements of greater width may be required along lines across lots or along boundaries where necessary for surface drainage or for the extension of main sewers or other utilities.
- (C) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be of sufficient radius to permit safe vehicular movement.
- (D) Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turn-around facilities at the dead-end.

(Ord. 225-10-18, 10/20/2018).

10-1-19: **BLOCKS.**

- (A) Blocks shall be designed in accordance with sound engineering practices and standards, taking into consideration such factors as access, circulation, traffic safety and control, topography, utilities, and service easements.
- (B) Residential block lengths shall not exceed 1,300 feet nor be less than 400 feet. The City Engineer may require dedication and construction of hard-surfaced pedestrian ways, not less than five feet wide, where necessary, to provide safe and convenient circulation or access to school, playgrounds, shopping areas, transportation, or any other community facilities.

(Ord. 225-10-18, 10/20/2018).

10-1-20: **FLOOD PLAIN AREAS.** The City may prohibit the subdivision of any portion of land which lies within the flood plain of any body of water as designated by the U.S. Department of Housing and Urban Development for the public health, safety, and welfare if it is determined that construction of such Development could create a potential hazard to the health or safety of the occupants of the Development.

(Ord. 225-10-18, 10/20/2018).

10-1-21: **DOMESTIC WATER SYSTEM WORKS.**

- (A) **Mainline Pipe.** All mainline water pipe shall be AWWA C-900 (DR18) Polyvinyl Chloride (PVC) bell and spigot pipe with rubber gasket joints. All fittings are to be ductile iron. All PVC pipe shall be installed per the requirements of the Standard Specifications and American Water Works Association C-605 Underground Installation of Polyvinyl Chloride Pressure Pipe for Water. Flexible couplings for use with pipe shall be as specified in ISPMC.

- (B) **Pipe Lay and Testing.** Developer shall trench, lay, backfill, pressure test, and disinfect all pipelines in accordance with the Standard Specifications and all applicable American Water Works Association requirements.
- (C) **Trace Wire.** No. 12 AWG insulated copper wire (the “Wire”) shall be placed over the top of all mainline pipe, hydrant runs, and service lines from the mainline to each water meter box. The Wire shall be accessible at the surface at all mainline gate valves and hydrants and meter boxes.
- (D) **Hydrants.** Hydrants shall be installed as specified in the Standard Specifications and as required by the City. At each hydrant location, the hydrant shall be centered two feet from the back of sidewalk within the utility easement and the hydrant valve shall be located in the Public Way. Each hydrant shall be a Mueller Centurian, Clow Medallion, or Waterous Pacer. Each hydrant shall be supplied to accommodate a bury depth of six feet and be painted yellow.
- (E) **Gate Valves.** Mainline resilient seated gate valves as per the Standard Specifications shall be installed. Any valve larger than a 12-inch valve may be the butterfly type.
- (F) **Flush Hydrants.** Developer shall provide and install flush hydrants, as specified by the City Engineer, at the end of all permanent and temporary dead-end mainlines. All flush hydrants shall be placed two feet from the back of the sidewalk, within the utility easement.
- (G) **Service Lines.** Residential service lines shall be iron pipe size, one-inch diameter, 250 psi rated polyethylene (“PE”) pipe per American Water Works Association C-901, as specified in the Standard Specifications. Each service line connection to the mainline shall utilize a service saddle and corporation stop as per the Standard Specifications for use with PE pipe.
- (H) **Meters.** For each Lot in a Development, the size of the Lot shall determine the required size of the meter. For each Lot that is less than ½ acre in size, a ¾-inch meter shall be required. For each Lot that is ½ acre in size or larger, a 1-inch meter shall be required.
- (I) **Meter Boxes.** All meter boxes in the Development shall be 18-inch diameter, 72-inch deep Mueller Thermal-Coil type meter boxes, or an acceptable equivalent meter box, for use with the required meter. Each meter box shall be complete with a side locking cast iron lid, an angle dual check valve, insulation pad, and one-inch lock wing full port ball valve to be used as a shutoff.
- (J) **Meter Box Placement.** Each water meter box, with meter, shall be centered two feet from the back of sidewalk within the utility easement in the middle of each lot, while maintaining a horizontal separation of at least 10 feet from the sewer service line. In all cases where the meter/meter box assembly is placed on private property, an easement must be provided with the Final Plat that will allow City access to the meter/meter box assembly.
- (K) **Meter Box Grading and Initiation of Service.** The meter lid is to be set at or within one inch above finished grade level, which is defined as the same elevation as the back of the sidewalk in most cases. The City may place a lock in the closed position of each ball valve

after the meter/meter box assembly is installed. Any such lock will remain in place until the water account has been established with the City and the meter box installation is approved and accepted by the City.

- (L) **Backflow Prevention.** Backflow prevention devices shall be installed on each Lot served by the City's water system, as required by and in accordance with Title 8, Chapter 2 of this Code (including the specific requirements of Section 8-2-43), and the Idaho Department of Environmental Quality requirements, including IDAPA 58.01.08. Backflow prevention devices for residential lawn sprinkler systems shall be approved for use in Idaho.
- (M) **Pressure Testing and Bacteriological Testing of Water Lines.** All materials testing (frequency, test standards, etc.) shall be in accordance with the Standard Specifications and conducted by an independent testing firm. Developer's independent testing firm will report all test results to the City Public Works Department (in writing, by email to publicworks@cityofiona.org) on a weekly basis throughout construction. A Professional Engineer, employed by Developer, shall witness each pressure test segment and monitor each segment proven bacteriologically safe. Developer and/or Project Engineer shall notify the City's Public Works Department (in writing, by email to publicworks@cityofiona.org) 24 hours in advance of each water pressure test so that a representative of the City may, at the City's election, also be present during each test.

(Ord. 225-10-18, 10/20/2018).

10-1-22: **SECONDARY IRRIGATION.**

(A) **Applicability.**

- (1) Pursuant to Idaho Code § 67-6537, all Applicants shall use surface water, where reasonably available, as the primary water source for irrigation. Surface water is deemed reasonably available if:
 - (a) A surface water right is, or reasonably can be made, appurtenant to the land; and/or
 - (b) The land is entitled to distribution of surface water from an irrigation district, canal company, ditch users association, or other irrigation delivery entity, and the entity's distribution system is capable of delivering the water to the land; and/or
 - (c) An irrigation district, canal company, or other irrigation delivery entity has sufficient available surface water rights to apportion or allocate to the land and has a distribution system capable of delivering the water to the land.
- (2) If surface water is reasonably available to be the primary source for irrigation and a new Development contains 10 acres or less, the City Council may exempt new developments comprising 10 acres or less from constructing a surface water

irrigation system if the property owner of a proposed development deeds to the City compensatory groundwater rights equivalent to the projected irrigation needs of the development. No groundwater right donation shall be less than 10 acres (40 acre feet) of groundwater rights. Projected irrigation needs shall be calculated according to the Minimum Compensatory Groundwater Rights Calculation Table contained in Paragraph 10-1-22(A)(4), below.

- (3) If surface water is not reasonably available to be the primary source for irrigation, the property owner of a proposed development shall deed to the City compensatory groundwater rights equivalent to the projected irrigation needs of the development. No groundwater right donation shall be less than 10 acres (40 acre feet) of groundwater rights. Projected irrigation needs shall be calculated according to the Minimum Compensatory Groundwater Rights Calculation Table contained in this section.

- (4) Minimum Compensatory Groundwater Rights Calculation Table:

Minimum Compensatory Groundwater Rights Calculations		
Land Use Activity	Diversion Rate - Gallons Per Minute	Annual Volume - Acre Feet
Residential	7.8 per developed acre	2.0 per developed acre
Commercial	14.2 per irrigated acre	4.0 per irrigated acre

- (5) Any property annexed into the City shall agree to constructing a pressurized irrigation system utilizing surface water and deed all surface water and groundwater rights appurtenant to the property to the City as a condition of annexation.
- (6) Any property with access to a pressurized irrigation system shall not be connected to groundwater for outside irrigation.
- (7) Any Lots located within a Development that is required or will be required to provide pressurized irrigation to all Lots shall not be connected to the groundwater system for outside irrigation at any time.

(B) Application for Service.

- (1) Any property owner desiring to obtain a pressurized irrigation system connection permit shall file a written application, with the City, which information shall be in sufficient detail as to adequately inform the City as to the proposed location of the desired irrigation system connection and the demand (estimated consumption) to be used by the connection. The property owner shall be responsible for all permitting, design, and construction costs related to the irrigation system connection. Filing of the application with the city does not guarantee that a connection or connections are available and will be provided. All applicable fees and connection charges shall be paid prior to issuing a building permit.

- (2) If the City Engineer and City Council determine that the irrigation system is at or near capacity, acceptance of applications for irrigation system connections will not be required until such time that the irrigation system has the capacity available to provide service to the new connections. The City Council may delay approval of development applications until such time that the irrigation system has the capacity to accommodate the demands of said development.
- (C) **Development Standards.** All pressurized irrigation systems shall be built according to the standards and specifications adopted by the City Council at the time approval is granted for construction of a pressurized irrigation system. Pressurized irrigation standards and specifications shall be adopted from time to time by the City Council at any regular meeting. The City Clerk shall be custodian for the approved standards and specifications and shall make available the approved standards and specifications upon request.
- (D) **Pressurized Irrigation Fees and Assessments.** Pressurized irrigation fees and assessments shall be established by resolution of the City Council. Pressurized irrigation fees shall be established to cover all necessary and ordinary costs of maintaining and operating the pressurized irrigation system. Pressurized irrigation fees shall be determined each year by the City Council and fees shall be established according to Idaho law.
- (E) **Pressurized Irrigation System Connection Fees.** The City Council may establish a pressurized irrigation connection fee by resolution. All new users of the pressurized irrigation shall pay a connection fee prior to utilization of the pressurized irrigation system, unless otherwise required by development agreement.
- (F) **Service Re-Connection.** In the event the city turns off the irrigation water connection for nonpayment of the assessment and/or any fees, the City Council may adopt a re-connection fee by resolution.
- (G) **Right of Access.**
- (1) Any property owner who receives surface water through the city's pressurized irrigation system, as a condition of receiving said water, agrees to provide access upon the property owner's real property to any authorized agent of the city to all areas supplied with irrigation water for the purpose of operating valves, making repairs, examining the apparatus and ensuring that the municipal irrigation system is used in accordance with regulations applicable to using the same.
- (2) Any user of the pressurized irrigation system violating any of the rules and regulations controlling the irrigation system shall forfeit all fees and payments made and the right to use of water from the municipal irrigation system.
- (H) **Users Outside City Limits Prohibited.** No irrigation water shall be furnished from the city irrigation system to property owners outside of the boundaries of the City.
- (I) **Pressurized Irrigation System Extensions.**

- (1) All proposed extensions and/or oversizing of the city pressurized irrigation system to serve undeveloped areas shall be recommended by the City Engineer and approved in advance by the City Council on a case-by-case basis. The extension of the pressurized irrigation system will only be considered when, in the best interests of the city, the extension takes into consideration the city's overall master plan for the pressurized irrigation system.
 - (2) Costs for all extensions and/or oversizing, whether within or without the existing city limits, shall be the responsibility of the property owner or his agent.
 - (3) All pressurized irrigation system extensions and/or oversizing shall be installed prior to the construction of any new streets. All design and construction of any extensions and/or oversizing of the pressurized irrigation system shall comply with the official specifications for pressurized irrigation systems and extensions as adopted by the City. The plans for all extensions and/or oversizing to the pressurized irrigation system shall be prepared and signed by a registered professional engineer as per the licensing requirements of the Idaho Code. Three (3) copies of the plans shall be filed with the City for their review and approval as required by the Idaho Code. In approving a plan for extension and/or oversizing to the pressurized irrigation system, the city reserves the right to impose other requirements such as a special permit fee, right-of-way limits, sequence of construction, time limits for having existing service disrupted, the filing of a performance bond and other similar measures as may be required to protect the public. No work shall commence on any such extension and/or oversizing until the project has been approved by the City.
 - (4) After the construction of any pressurized irrigation system extension and/or oversizing, it shall be the obligation of the owner or his agent to have a registered professional engineer certify to the city and to the Idaho Department of Environmental Quality that the said system extensions and/or oversizing were installed in accordance with the approved plans and specifications on file with the respective agencies. Following certification by the registered professional engineer and acceptance by the city, the entire extension and/or oversizing of the pressurized irrigation system, including the city pressurized irrigation service lines, shall become property of the city and it shall be the city's responsibility to maintain and operate the system thereafter.
 - (5) If it is necessary for the City to permit a pressurized irrigation service connection and/or pressurized irrigation service line at any time after the extension has been originally accepted by the city, the owner or his agent shall be required to pay all applicable pressurized irrigation hookup fees as well as the standard permit and inspection fees as may be established by the city for such purposes.
- (J) **Pressurized Irrigation Construction Reimbursement Policy.** The owner or their agent, who has paid for the construction of the pressurized irrigation system in existing

developments that do not have access to pressurized irrigation, may apply to the city for reimbursement for eligible public infrastructure costs incurred in the construction. The city council shall review the request at a regularly scheduled meeting of the City Council. At the sole discretion of the City Council, the public infrastructure costs may be reimbursed.

- (K) **Connection Permits and Inspections.** Except as required by development agreement, no pressurized irrigation connection shall be allowed until a connection permit application has been filed and approved by the city or its authorized employee, and the applicable hookup fees paid. Following payment of connection fees, the City shall conduct an inspection of the system to ensure compliance with adopted standards. If any connection is buried prior to the City's inspection, the applicant will be responsible for the cost of uncovering the pressurized irrigation line to allow for proper inspection.

(L) **System Regulations and Requirements.**

- (1) **No tampering permitted.** Any person or entity who individually, by family, servants, employees, successors, or assigns uses irrigation water from the irrigation system without first paying for this service as provided for in this chapter and, without authority, opens any stop box, valve or other fixtures attached to the city's irrigation system, or who in any manner injures, defaces or impairs any part or apparatus or appurtenance of the irrigation system shall be guilty of a misdemeanor and be subject to a one thousand dollar (\$1,000.00) fine for each offense and shall pay restitution for all damages incurred.
- (2) **Illegally turning on irrigation water.** Any person, who, after the irrigation water has been turned off to the property as a result of nonpayment of assessments and/or fees, or other violation of the rules and regulations pertaining to the irrigation system, shall turn on or permit the irrigation water to be turned on, or use or permit the irrigation water to be used without authority, shall be guilty of a misdemeanor and subject to the penalties defined in this chapter.
- (3) **City not liable for shortage.** The city shall not be liable for damage to any irrigation water user by reason of the stoppage, or other interruption of the irrigation water supply, caused by scarcity of water, accident to works or mains, alterations, additions, repairs or from other unavoidable causes.
- (4) **Drought Schedules.** Irrigation from the city pressurized irrigation system may be scheduled to occur on specific days by resolution of the city council, upon finding that drought conditions exist and water supplies are limited or may be limited.
- (5) **Homeowners associations shall be obligated for irrigation fees and assessments on common lots and parks.** All homeowners associations using the municipal pressurized irrigation system must pay the fees for the irrigating of common lots and parks within the association's jurisdiction.

- (6) **Wanton wasting of irrigation water or use of irrigation water in a manner to cause damage or nuisance to other properties is prohibited.** The City or its agent may disconnect any service which wastes, causes damage to adjacent property or creates a nuisance through its use of irrigation water from the city system.
- (7) **Landscaping.** For purposes of this ordinance, square footage area of landscaping shall include all outside areas not covered by the roof of a permanent structure.
- (8) **Cross Connection Prohibited.** Irrigations systems that utilize the pressurized irrigation system shall not be cross connected to the City's potable Water System, as defined by Title 8, Chapter 2 of this Code. Any cross connection with the City's municipal Water System, as defined by Title 8, Chapter 2 of this Code, is a misdemeanor.

(M) **Zeroscaping or Xeriscaping.**

- (1) **Definitions.** For purposes of this Section:
 - (a) "Zeroscape" (and its various forms) means a landscaping design that does not require Irrigation, utilizing, for example, gravel, rocks, and boulders, with a minimum of plants.
 - (b) "Xeriscape" (and its various forms) means a landscaping design that does not require Irrigation, but uses plants that are native to this area and are resistant to drought.
 - (c) "Irrigation" (and its various forms) means the intentional application of material amounts of water to help grow crops, lawns, or landscape plants other than incidental houseplants.
- (2) **In Lieu of Landscaping with Water-Dependent Plants.** Areas of Lots outside of Buildings may, in lieu of irrigation as otherwise required in this Section and upon agreement with the City, be zeroscaped and/or xeriscaped, provided that such Lots be required to be maintained so by agreement, including a right and ability for the City to enforce such requirement. No sprinkler or similar infrastructure may be installed on Lots that are zeroscaped or xeriscaped in accordance with this provision.
- (3) **On Each Right-of-Way.** Every Right-of-Way within a Development shall be zeroscaped and/or xeriscaped, unless otherwise agreed by the City. No sprinkler or similar infrastructure may be installed on any Right-of-Way that is zeroscaped or xeriscaped in accordance with this provision.

(N) **Penalties.**

- (1) It shall be a criminal misdemeanor, punishable by a fine of up to one thousand dollars (\$1,000.00), to connect to the city's pressurized irrigation system without a

permit authorized by the city. In addition, the owner of the land upon which the illegal connection is located shall be liable for the costs incurred by the city caused by such illegal connections including legal costs incurred.

- (2) It shall be a criminal misdemeanor, punishable by a fine of up to one thousand dollars (\$1,000.00), for any developer to connect properties adjacent to property that they are developing to the city's pressurized irrigation system without a permit authorized by the city. Each connection extended to an unauthorized property shall be a separate offense. In addition, the developer shall be liable for the actual costs incurred by the city caused by such illegal connections including any legal costs incurred.
 - (3) It shall be a criminal misdemeanor, punishable by a fine of up to one thousand dollars (\$1,000.00) if a cross connection is found to exist. In addition to criminal penalties and fines, if a cross connection is found to exist, the City is authorized to turn off the groundwater access to the property until the cross connection is eliminated and the Water Department has approved of the modifications completed to eliminate the cross connection.
- (O) **Severability.** If any clause, sentence, paragraph, or any part of this section, shall be declared and adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this section.

(Ord. 308-09-24, 09/24/2024).

10-1-23: **WATER AND SEWAGE FACILITIES.**

- (A) The developer shall design and construct all utility improvements and extensions in a manner which ensures sufficient sanitary sewage disposal; storm drainage; and water quality, quantity, and pressure for domestic use and fire protection. All water, sewage, and storm drainage utility systems shall be designed in accordance with sound engineering standards and the rules and regulations of the Idaho Department of Environmental Quality. No construction on such utility systems may be commenced until the City Engineer and the Idaho Department of Environmental Quality have approved the design of such system in writing.
- (B) Individual sewage systems or treatment plants may be used if such systems are not otherwise prohibited by this Code and the design thereof is approved by the Idaho Department of Environmental Quality, the Idaho Department of Health and Welfare, and the City Engineer. In considering such systems, the City Engineer shall consider:
 - (1) The size of the Lot seeking to utilize an individual system;
 - (2) Whether there is a significant distance from sewer line;

- (3) The proximity of the system to other water sources, land uses, and Lots; and
- (4) Whether connecting to another sewage system is an economical or viable option.
- (C) No Plat shall be accepted by the City or recorded unless the plat bears the necessary water and sanitary certificates required by Idaho Code Sections 50-1326, 50-1334, and 31-3805, as amended.

(Ord. 225-10-18, 10/20/2018); (Ord. 308-09-24, 09/24/2024).

10-1-24: **ELECTRICAL UTILITIES.**

- (A) All electrical distribution and service lines located outside the original townsite shall be buried underground.
- (B) The Developer of a Development shall depict the location of all street lights on the Development improvement plans, which shall be approved by the City. After approval of the Final Plat (including the improvement plans), the City shall coordinate with the applicable electric utility provider to install, own, and maintain the street lights—utilizing (as possible and recommended by the applicable electric utility provider) 33-foot wood poles, LED type bulbs in cobra head lights, mounted on standard metal extension arms—and other necessary related infrastructure. City shall cooperate with Developer to coordinate with the applicable electric utility provider regarding the installation of the street lights at a time appropriate and convenient to Developer’s construction. Developer shall pay all costs associated with the installation of the street lights and other necessary related infrastructure. Developer shall also pay all costs associated with the ownership, maintenance, and operation of the street lights by the applicable electric utility provider, until the City accepts the public improvements on the Development.

(Ord. 225-10-18, 10/20/2018); (Ord. 308-09-24, 09/24/2024).

10-1-25: **OPEN PARK SPACE.**

- (A) **Applicability.** This Section shall only apply to Subdivisions that create 10 or more Lots. For all such subdivisions, the Developer must mitigate the Development’s impact on the City’s park system by setting aside or acquiring land within the City or contiguous with (and simultaneously annexed into) the City for park space.
- (B) **Mitigation Acreage.** A park is required to be included on any Plat subject to this Section, which park shall be a minimum of 4 acres in size, unless a variance is granted under this Chapter, comprised of:
 - (1) at least 8% of the acreage of the Development (omitting any Public Way entirely within the Development), or

- (2) one acre for every 50 EDUs (or any fraction of 50 EDUs) planned in the Development, which “EDUs” shall be calculated in the manner described in Title 8, Chapter 2 of this Code (which Chapter is entitled “Water Service”).
- (C) **Required Improvements and Standards.** Any park must comply with other City requirements for Parks and may be dedicated to the City or maintained by an active home owners’ association. Any park shall also meet the following standards:
- (1) Shall provide safe and convenient public access, including ADA standards.
 - (2) Shall be configured in size, shape, topography, and improvements to be functional for the general public without intruding or creating an undue negative impact on private property.
 - (3) Shall be buffered from conflicting land uses (including residential uses) by use of landscaping, which shall not exceed 6 feet in height and which landscaping plan must be reviewed and approved by the City Council in advance of construction thereof.
 - (4) Shall include such sidewalks, trails, trees, and landscaping as approved and agreed to by the City. A minimum of 15 trees of various species (including at least 2 large trees, and 4 medium trees, as described in Section 8-4-8 of this Code) are required per acre of park, in accordance with the requirements of Title 8, Chapter 4 of this Code (which Chapter is entitled “Community Forestry”). In agreement with the City in order to diversify recreational opportunities and ensure an adequate recreational mix, every park shall also include at least one of the following features per acre (or any portion thereof): play structure, recreational building, athletic field, or picnic pavilion.
 - (5) Any park larger than two acres shall also include at least one of the following features per two acres (or any portion thereof): play structure, recreational building, athletic field, or picnic pavilion.
- (D) **Alternative Financial Support for Nearby Park(s).**
- (1) If the entirety of the proposed Development is within 1 mile of an already-existing City park (meaning the furthest point of the Development created by the Subdivision will be within 1 mile of an already-existing City park), then the Developer may, with the City’s approval and in lieu of providing mitigation acreage as otherwise required in this Section, provide financial mitigation in support of City parks and recreation, in an amount that is the result of \$1,500 multiplied by the number of EDUs planned in the Development (up to a maximum of \$100,000 total), which “EDUs” shall be calculated in the manner described in Title 8, Chapter 2, of this Code.
 - (2) A Parks Improvement Fund is hereby established into which all revenues derived from any funds collected pursuant to this Subsection 10-1-24(D) of this Code shall

be deposited. In no event shall any of the revenues so collected be used for General Fund purposes, operational expenses of the City's park system or recreation activities, or for any purpose unrelated to the maintenance of the City's park system or the development, expansion, or rehabilitation thereof. Expenditures from this Parks Improvement Fund shall be made only when authorized by the Council for the following purposes:

- (a) Construction, installation, extension, and improvement of City parks, including the addition of infrastructure necessary or desirable for one or more City parks or the park system generally.
 - (b) Repair, maintenance, rehabilitation, and enlargement of any capital improvement of one or more City parks or the park system generally.
 - (c) Purchase of motor vehicles or other mechanical equipment used primarily for the maintenance, repair, enlargement, or improvement of one or more City parks or the park system generally.
- (3) By way of demonstrative example only: if a subdivision was proposed to subdivide 55 acres of land into 140 single-family dwelling lots, the developer would have the option under Subsection (B), above, to create a park of 4.4 acres (as 8% of 55 acres) or 4 acres (one acre per 50 EDUs or any portion thereof for 140 lots creating 140 EDUs, which would yield 3 acres, but the minimum park size is 4 acres). The developer could construct a park, in accordance with the requirements of this Section or, if the subdivision was within 1 mile of an already-existing City park and the City agreed, the developer could provide financial mitigation in the amount of \$100,000 (\$1,500 multiplied by the 140 EDUs planned in this subdivision, yields \$210,000, but the maximum alternative financial support is \$100,000), which would be deposited in the Parks Improvement Fund for use by the City in accordance with this Section

(Ord. 291-08-23, 08/15/2023); (Ord. 304-08-24, 08/27/2024); (Ord. 308-09-24, 09/24/2024).

10-1-26: **REQUIREMENTS FOR MAIL DELIVERY.**

- (A) **Applicability.** This Section shall only apply to Subdivisions that create 6 or more Lots.
- (B) **Definitions.** The following definitions shall apply to terms used in this Section (and, when not inconsistent with the context, words used in the present tense include the future tense and words in the plural include the singular and vice versa), unless the context clearly indicates otherwise:
- | | | |
|-----|------------------------------|--|
| (1) | CLUSTER BOX UNIT
(or CBU) | A mailbox that is a centralized unit of individually locked compartments that is for the use of multiple households. |
|-----|------------------------------|--|

- (2) MAILBOX: A privately owned box for the delivery and/or collection of mail that is provided by the U.S. Postal Service or of a design approved by the U.S. Postal Service.
- (3) PULLOUT: A paved area at the side of a Street and adjacent to a CBU where a vehicle can park to allow individuals to deliver, retrieve, or send mail at a CBU.

(C) **CBU Mailboxes Required.** All Subdivisions subject to this Section shall include one or more CBUs sufficient to facilitate mail delivery by the U.S. Postal Service to each Lot therein. No other kind of mailbox but a CBU shall be allowed in any Subdivision that is subject to this Section. Each CBU shall comply with the manufacturer's and U.S. Postal Service's requirements (including those for location, installation, clearance, and use), the Subdivision Directives, and the applicable Subdivision Agreement.

(D) **Pullout Required for each CBU.** All Subdivisions subject to this Section shall include a pullout for each CBU. Each pullout shall meet the following standards:

- (1) The pullout shall provide safe and convenient public access, including ADA standards.
- (2) The pullout shall be at the area on the Street closest to the CBU.
- (3) The pullout shall be configured to be functional for the general public without intruding or creating an undue negative impact on private property.
- (4) The pullout shall be at least 6 feet wide, measured from where the side of the Street would be without the pullout.
- (5) The pullout shall be at least 18 feet long, measured from where the pullout begins on the Street to where the pullout ends.
- (6) The pullout shall be marked or signed as a temporary stopping area and not a parking spot in compliance with the MUTCD and the Standard Specifications.

(Ord. 302-04-24, 04/23/2024); (Ord. 308-09-24, 09/24/2024).

CHAPTER 2 Wireless Communication Towers and Antennas

SECTION:

- 10-2-1: Purpose
- 10-2-2: Definitions
- 10-2-3: Applicability
- 10-2-4: General Requirements
- 10-2-5: Permitted Uses—T-1 and T-2 Zones
- 10-2-6: Application
- 10-2-7: Separation
- 10-2-8: Buildings or Other Equipment Storage
- 10-2-9: Removal of Abandoned Antennas and Towers
- 10-2-10: Non-Conforming Uses
- 10-2-11: Requests for Tower Overlay Zones

10-2-1: **PURPOSE.** The purpose of this Chapter is to establish requirements for the siting of wireless communications towers and antennas within the City. In particular, the purposes of this Chapter are to:

- (A) Protect residential areas and land uses from adverse impacts of Wireless Communication towers and antennas.
- (B) Discourage the location of Wireless Communication towers in or near residential areas.
- (C) Minimize the total number of Wireless Communication towers throughout the City.
- (D) Strongly encourage the joint use of new and existing Wireless Communication tower sites, rather than constructing single-use Wireless Communication towers
- (E) Encourage the location of Wireless Communication towers and antennas, to the maximum extent possible, in areas where the adverse impact on the City residents is minimal.
- (F) Encourage the configuration of Wireless Communication towers and antennas in a way that minimizes adverse visual impact of the Wireless Communication towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.

- (G) Enhance the ability of the providers of telecommunications services to provide such services to the City quickly, effectively, and efficiently.
- (H) Protect the public health and safety by encouraging proper design and construction of Wireless Communication towers.
- (I) Avoid potential damage to adjacent properties from Wireless Communication tower failure through engineering and careful siting of Wireless Communication tower structures.

(Ord. 191-03-15, 2/17/2015).

10-2-2: **DEFINITIONS.** As used in this Chapter, the following terms shall have the meanings set forth below:

ALTERNATIVE TOWER STRUCTURES:	Man-made trees, clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of wireless communication towers or antennas.
ANTENNA:	Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
BACK-HAUL NETWORK:	The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
CONCEALED ANTENNAS:	Antennas placed and concealed within existing structures.
FAA:	The Federal Aviation Administration.
FCC:	The Federal Communications Commission.
GUYED TOWER:	A support structure of metal crossed strips or bars steadied by wires in a radial pattern around the tower structure.

HEIGHT:	When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
LATTICE TOWER:	A support structure consisting of metal crossed strips or bars supporting antennas and related equipment, without supporting guy wires.
MICROCELL NETWORK:	Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
MONOPOLE:	A structure composed of a single spire.
OWNER:	The person who owns or operates an antenna or tower, including the person or entity which owns the property upon which an antenna or tower is located.
PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS:	Any tower or antenna for which a building permit has been properly issued prior to the effective date of this Chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
REPLACEMENT OF LIGHT STANDARDS AND SIMILAR STRUCTURES:	Antennas attached to a light standard or flagpole on a commercial or institutional use, provided the height of the standard is not increased, the height of the antenna does not exceed the height of the standard replaced, and the equipment shelter can meet the location requirements of this Chapter.
WIRELESS COMMUNICATION TOWER OR TOWER:	Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for television, telephone, radio and similar voice, video or data transmission purposes,

including self-supporting lattice towers, guyed towers, or monopole towers. The term includes microwave towers, common-carrier towers, cellular telephone towers and alternative tower structures. The term also includes any supporting guy wires or structures, as well as building used to house equipment and facilities used to operate or provide power to such antennas.

ZONING
ADMINISTRATOR:

A person appointed by the Council to administer the provisions of this Chapter. Such person may be an employee or officer of the City, including the Mayor or members of the Council or a private person. In the absence of such appointment, any reference to the “Zoning Administrator” shall be deemed to refer to the Mayor.

(Ord. 191-03-15, 2/17/2015).

10-2-3: **APPLICABILITY.**

- (A) **Wireless Communication Towers and Antennas.** All Wireless Communication towers or antennas in the City shall be subject to the provisions of this Chapter, except as provided in section (B) below.
- (B) **Exceptions.**
 - (1) **Amateur Radio Station Operators/Receive Only Antennas.** This Chapter shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a “receive-only” antenna.
 - (2) **Pre-existing Towers or Antennas.** Pre-existing Wireless Communication towers and antennas shall not be required to meet the requirements of this Chapter, other than the requirements of Section 10-2-4(F) and (G).
 - (3) **Radio and TV Towers and Antennas.** Towers and antennas when constructed as accessory uses for radio and television stations, as permitted under Section 11-7-3 (Industrial Zone) of the Iona Zoning Ordinance, shall not be required to meet the requirements of this Chapter unless modified for collocation as specified in subsection 10-2-5(D).

(Ord. 191-03-15, 2/17/2015).

10-2-4: **GENERAL REQUIREMENTS.**

- (A) **Principal or Accessory Use.** Wireless Communication towers and antennas may be considered either as principal or accessory uses. The existence of an existing structure on the same lot shall not preclude the installation of another antenna or tower on such lot.
- (B) **Inventory of Existing Sites.** Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the City or within one mile of the borders thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for approvals under this Chapter or other organizations seeking to locate antennas within the City, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for collocation.
- (C) **Aesthetics.** Wireless Communication Towers and antennas shall meet the following requirements:
 - (1) Towers shall have a galvanized steel finish or, subject to any applicable standards of the FAA, shall be painted a neutral color so as to reduce visual obtrusiveness, unless the tower is a laminated monopole.
 - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the natural setting and be compatible with surrounding buildings.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (D) **Lighting.** Wireless Communication Towers shall not be artificially lighted, unless required by the FAA or other applicable regulatory authority. If lighting is required, such lighting must employ the alternative which will cause the least possible disturbance to the surrounding views, as between all alternatives that comply with FAA regulations.
- (E) **State or Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate Wireless Communication Towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance

with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- (F) **Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure it is maintained in compliance with standards contained in the International Building Code and the National Electric Code, as amended and adopted by the City from time to time.
- (G) **Measurement.** For the purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.
- (H) **AM Array.** For purposes of implementing this Chapter, an AM array, consisting of one or more tower units and a supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
- (I) **Towers Not Considered as Essential Services.** Wireless Communication Towers and antennas shall be regulated and permitted pursuant to this Chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (J) **Signs.** No signs, as defined in Section 11-1-5 of this Code, may be attached to or supported by an antenna or Wireless Communication Tower, except for any sign that is (1) required by law or (2) necessary for safety.
- (K) **Buildings and Support Equipment.** Buildings and support equipment associated with antennas or towers shall comply with the setback requirements of the applicable zone unless the provisions of this Chapter are more restrictive.

(Ord. 191-03-15, 2/17/2015); (Ord. 274-01-22, 1/18/2022).

10-2-5: **PERMITTED USES—T-1 AND T-2 ZONES.**

- (A) **General.** Antennas or towers, including appurtenant additional buildings or other supporting equipment used in connection with said tower and antenna, are permitted uses in the T-1 and T-2 overlay zones.
- (B) **T-1 Overlay Zone.** The purpose of the T-1 Overlay Zone is to permit towers of limited height on publicly-owned property or commercial areas near County roads and existing towers. The height of the towers is limited due to the close proximity of residential structures.
 - (1) **Design Requirements.** Antennas or towers, including the placement of additional buildings or other supporting equipment used in connection with said tower and antenna, shall meet the following requirements:

- (a) The height shall not exceed ninety (90) feet.
 - (b) The tower shall be constructed to permit another carrier to co-locate on the same tower without significant structural modification to the tower.
 - (c) The distance between the base of the tower and the property line of the nearest residence shall not be less than the height of the tower.
 - (d) Towers shall meet the separation distances in Tables 1 and 2, Section 10-2-7.
 - (e) Towers and accessory buildings shall meet the setback requirements of the underlying zone.
 - (f) Noise levels above 45dB, as measured from the nearest property line on which the tower is located, are not permitted.
- (C) **T-2 Overlay Zone.** The purpose of the T-2 Overlay Zone is to permit towers and appurtenant buildings and equipment on commercially or industrially zoned properties near county roads. These zones are buffered from residential areas by natural or man-made features such as rivers, railroads or natural geographical or topological features.
- (1) **Design Requirements.** Antennas or towers, including the placement of additional buildings or other supporting equipment used in connection with said tower and antenna, shall meet the following requirements:
- (a) The height of the tower or antenna shall be no greater than the following:
 - (i) For a single user, up to ninety (90) feet.
 - (ii) For two users, up to one hundred twenty (120) feet; and
 - (iii) For three or more users, up to one hundred (150) feet.
 - (b) **Setbacks.**
 - (i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any public street.
 - (ii) Guys and accessory buildings shall meet the setback requirements of the underlying zone.
 - (c) **Separation.** Towers shall meet the separation requirements of Tables 1 and 2, Section 10-2-7.
 - (d) **Noise levels.** No equipment shelter shall produce noise levels separate or accumulative above 45dB as measured from the nearest property line of the closest residence.

(D) **Existing Structures.** Antennas may be installed after the effective date of this Chapter on existing structures or existing towers as permitted uses in the T-1 and T-2 zones, provided they comply with the terms of subsections (1) and (2) below.

(1) **Antennas on Existing Structures.** Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional building or use or upon a multi-family structure of eight or more dwelling units, provided:

- (a) The antenna does not extend more than thirty (30) feet above the highest point of the structure;
- (b) The antenna complies with all applicable FCC and FAA regulations; and
- (c) The antenna complies with the International Building Code and National Electric Code as amended and adopted by the City from time to time.

(2) **Antennas on or in Conjunction with Existing Towers.** An antenna which is to be attached to an existing tower may be approved by the Zoning Administrator, provided such collocation is accomplished in a manner consistent with the following:

- (a) In order to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers.
- (b) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
- (c) **Height Restrictions.**
 - (i) An existing tower other than one in a T-1 zone may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, in order to accommodate the collocation of an additional antenna. The height change referred to in this subsection may only occur one time per tower.
 - (ii) The additional height referred to in this subsection shall not require an additional distance separation as set forth in Table 1 or 2 of Section 10-2-7 of this Chapter. The tower's pre-modification height shall be used to calculate such distance separations.

(d) **Relocation of Existing Tower.**

- (i) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within fifty (50) feet of its existing location.
- (ii) After the tower is rebuilt to accommodate collocation, the old tower must be removed.
- (iii) A relocated on-site tower shall be measured from the original tower location for purposes of calculating separation distances between towers pursuant Table 2. The relocation of a tower hereunder shall not be deemed as a violation of Table 2.
- (iv) The on-site relocation of a tower shall not come within the separation distances to residential units or residentially zoned lands as established in Table 1.

(Ord. 191-03-15, 2/17/2015).

10-2-6: **APPLICATION.** The application for a permitted tower or antenna shall contain at the minimum the following information:

- (A) Applicant's name, address, and telephone number.
- (B) Name, phone number and principle place of business of the carrier.
- (C) A scaled site plan, construction plans and engineering calculations, elevations, and other data as required by the Zoning Administrator.
- (D) Lighting plans, if any.
- (E) A statement as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (F) The distance separating the proposed tower from other towers on the same site.
- (G) An inventory of existing sites of the carrier within the City in accordance with Section 10-2-4(C) of this Chapter.
- (H) Written proof that all applicable requirements of the FCC and FAA have been satisfied. If such documentation is older than one (1) year, new documentation shall be submitted.
- (I) Certification by a professional engineer licensed in the State of Idaho that the proposed installation complies with the requirements of the International Building Code.
- (J) Color photo simulations showing the proposed tower as it will appear:
 - (1) From the nearest public street.

(2) From the nearest residential property.

(K) A description of compliance with 10-2-4(D), (E), (J) and (K).

(Ord. 191-03-15, 2/17/2015).

10-2-7: **SEPARATION.** The following minimum separation requirements shall apply to all towers in the T-1 and T-2 Overlay Zones:

- (A) **Separation from Off-site Uses/designated Areas.** Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or boundary line of designated areas as specified in Table 1. Towers shall comply with the minimum separation distances established in Table 1 below.

TABLE 1

Off-Site Use/Designated Area	Separation Distance
Residential zones or land shown as residential on the City Zoning Map or Comprehensive Plan	200 feet or 300% height of tower, whichever is greater
Agricultural, commercial or industrial zones or land shown as agricultural, commercial/industrial on the City Zoning Map or Comprehensive Plan	Setback as required for main buildings by applicable zone.

- (B) **Separation Distances Between Towers.** The minimum separation distances (listed in lineal feet) shall be as shown in Table 2. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower.

TABLE 2

	Lattice	Guyed	Monopole 70 feet in Height or greater	Monopole less than 70 feet in Height
Lattice	2,000 feet	2,000 feet	1,000 feet	500 feet
Guyed	2,000 feet	2,000 feet	1,000 feet	500 feet

Monopole 70 feet in Height or greater	1,000 feet	1,000 feet	1,000 feet	500 feet
Monopole less than 70 feet in Height	500 feet	500 feet	500 feet	500 feet

(Ord. 191-03-15, 2/17/2015).

10-2-8: BUILDINGS OR OTHER EQUIPMENT STORAGE.

- (A) **Antennas Mounted on Structures or Roof Tops.** The equipment cabinet or structure used in association with antennas mounted on structures or roof tops shall contain no more than one hundred-twenty (120) square feet of gross floor area or be more than twelve (12) feet in height. Equipment storage buildings or cabinets shall comply with all applicable building codes and the zoning district setback requirements.
- (B) **Antennas Mounted on Utility Poles and Light Standards.** The equipment cabinet or structure used in association with antennas mounted on utility poles or light standards shall not contain more than one hundred-twenty (120) square feet of gross floor area or be more than twelve (12) feet in height. Equipment storage buildings or cabinets shall comply with all applicable building codes and the zoning district setback requirements. If the equipment cabinet/structure is located in a residential zone, it shall be screened by an evergreen hedge with an ultimate height of at least forty-eight (48) inches and a planted height of at least thirty-six (36) inches. The light standard, utility poles or similar existing structure on which the antenna are placed shall not be required to meet the setback requirements of the zone and separation distances in Sections 10-2-5 or 10-2-7.

(Ord. 191-03-15, 2/17/2015).

10-2-9: REMOVAL OF ABANDONED ANTENNAS AND TOWERS. Any antenna or tower that is not used or operated for a continuous period of one hundred eighty (180) days shall be deemed as abandoned, and the Owner of such antenna, tower or property shall remove the same within ninety (90) days of receipt of notice from the City notifying the Owner of such abandonment. Any Owner who fails to remove an abandoned antenna or tower within said time frame shall be guilty of a misdemeanor for each day thereafter that such abandoned tower or antenna is left in place. Such failure shall also be grounds to remove the tower or antenna at the

Owner's expense. If there are two or more users of a single tower, then abandonment shall not be deemed to occur until all users cease using the tower.

(Ord. 191-03-15, 2/17/2015).

10-2-10: NON-CONFORMING USES.

- (A) **No Expansion of Nonconforming Use.** Towers constructed and antennas installed in accordance with the provisions of this Chapter shall not be considered as an expansion of an existing, lawful nonconforming use or structure.
- (B) **Pre-existing Towers.** Pre-existing towers shall be allowed to continue their usage as they presently exist, provided such use is not enlarged, modified, expanded or additional antennas are added. Routine maintenance (including replacement with a tower of like construction and height) shall be permitted on such pre-existing towers. Construction expansion, enlargement or installation of additional equipment, poles, towers or appurtenances, other than routine maintenance on a pre-existing tower shall comply with the requirements of this Chapter.
- (C) **Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.** Notwithstanding Section 10-2-8, bona-fide nonconforming towers or antennas damaged or destroyed by force majeure or accidental events may be rebuilt without having to meet the separation requirements specified in Section 10-2-7. The type, height, and location of the tower shall be of the same as the original facility. Building permits to rebuild the facility shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said building permit expires, the tower or antenna shall be deemed abandoned as specified in Section 10-2-9.

(Ord. 191-03-15, 2/17/2015).

10-2-11: REQUEST FOR TOWER OVERLAY ZONE. When evaluating applications for permits within the T-1 and T-2 overlay zones, the City Council may grant a variance to any condition or requirement under this Chapter, upon a showing of hardship not caused by the applicant, any unusual topographical feature or existing lot configuration or feature or other condition which makes compliance with this Chapter impossible or highly impractical. In considering a request for a variance the Council shall consider the following non-exclusive factors:

- (A) The purposes listed in Section 10-2-1.
- (B) Whether or not alternative technology can accommodate the applicant's proposed antenna, without the need for a variance.
- (C) Whether there are existing towers or structures at other locations without or within the City that meet applicant's engineering requirements in terms of location, height, or structural strength.

- (D) Whether the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or whether the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (E) Whether the fees, costs, or contractual provisions required by an Owner in order to share an existing tower or structure, adapt an existing tower or structure for sharing, or locate a tower or antenna are unreasonable or highly impractical or impossible.
- (F) Whether the applicant demonstrates an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system.

(Ord. 191-03-15, 2/17/2015).

TITLE 11 Zoning

<i>Chapter</i>	<i>Subject</i>
1	Scope, Definitions, and Establishment of Districts
2	Agricultural (A) Zone
3	Residential Agricultural (R-A) Zone
4	Single Family Residential (R-1) Zone
4A	Residential Townhouse (R-T) Zone
5	Residential (R-2) Zone
6	Commercial (C) Zone
7	Industrial (I) Zone
8	Conditional Use Permits
9	Non-Conforming Uses
10	Iona Sign Ordinance
11	Miscellaneous Use Regulations
12	Off-Street Parking and Loading Facilities
13	Comprehensive Plan and Zoning Map
14	Variances
15	Enforcement and Administration

CHAPTER 1 Scope, Definitions, and Establishment of Districts

SECTION:

- 11-1-1: Short Title
- 11-1-2: Authority
- 11-1-3: Purpose
- 11-1-4: Scope
- 11-1-5: Definitions
- 11-1-6: Establishment of Districts
- 11-1-7: Zoning Map and Interpretation of District Boundaries
- 11-1-8: Zoning Map Amendment Procedures
- 11-1-9: Uses Prohibited
- 11-1-10: Zoning and Land Use Change Applications

11-1-1: **SHORT TITLE.** This Title shall be known and may be cited as the “Zoning Ordinance of the City of Iona.”

(Ord. 170-01-13, 1/15/2013).

11-1-2: **AUTHORITY.** This Zoning Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code, and Article 12, Section 2 of the Idaho Constitution.

(Ord. 170-01-13, 1/15/2013).

11-1-3: **PURPOSE.** The purpose of this Title is to promote the public health, safety and welfare, retain and enhance the aesthetics of the community, preserve and enhance land values, separate incompatible uses, promote security within the community, protect the public safety, facilitate adequate fire protection and avoid undue concentration of population.

(Ord. 170-01-13, 1/15/2013).

11-1-4: **SCOPE.** Where this Title imposes greater restrictions upon land, buildings or structures than are imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this Title shall control.

(Ord. 170-01-13, 1/15/2013).

11-1-5: **DEFINITIONS.**

(A) The following definitions shall apply to terms used in this Title (and, when not inconsistent with the context, words used in the present tense include the future tense and words in the plural include the singular and vice versa), unless the context clearly indicates otherwise:

- | | | |
|-----|-----------------------------------|---|
| (1) | ACCESSORY USE OR BUILDING: | A subordinate use or building customarily incident to and located upon the same lot with the primary use or building, which does not duplicate or replace the primary use, but which is normal given such primary use and is merely supportive of the primary use. The definition of accessory building shall include, but not be limited to, any accessory use conducted in one or more shipping containers. |
| (2) | AGRICULTURAL USE: | Any facility for the growing, raising or production of agricultural, horticultural and viticulture crops and vegetable products of the soil, poultry and poultry products, livestock, field grains, seeds, hay, apiary and dairy products and the processing for commercial purposes of livestock or agricultural commodities. |
| (3) | ALTERATIONS: | "Alterations," as applied to a building or structure, is a change or rearrangement in the structural parts or in the exit, facilities, or an enlargement, whether by extending on a side or by increasing in height, or by the moving of any portion of a structure from one location to another. |
| (4) | BLOCK: | The area along one side of a street between the two (2) nearest intersecting streets, or between an intersecting street and a right-of-way, or other similar barrier, whichever is lesser. |

- (5) BUILDING: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no connecting doors, windows or openings, and which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.
- (6) CITY: The City of Iona, Idaho.
- (7) CONDITIONAL USE: A use or occupancy or a structure, or use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.
- (8) DAIRY: The congregation of more than one (1) animal unit per acre on a single parcel of ground for the purpose of production, sale and distribution of milk, butter or cheeses.
- (9) DAY CARE CENTER: A building in which thirteen (13) or more children, not related by blood or marriage to the person or persons operating such center, are regularly received and provided with part-time custodial care in exchange for compensation or remuneration of any kind.
- (10) DETACHED BUILDING: Any building that is used as an ancillary building in addition to the buildings used primarily upon the lot and which is not physically connected to the primary building.
- (11) DOG: Any animal of the canine species which is older than six (6) months.
- (12) FRONTAGE: Any side of a lot which abuts a public street.
- (13) FRONT FACE SETBACK LINE: The line defined by the intersection of the surface of a lot and the plane within which is located the building wall or frame closest

- to the street upon which the primary entrance to the main building faces.
- (14) GREENHOUSE: A permanent or semi-permanent (meaning constructed so as to remain for 60 days or more), enclosed, climate-controlled (by active or passive means) structure that is used for the cultivation and/or protection of plants.
- (15) HOME OCCUPATION: Any business, operation, profession, or craft that: (a) is conducted in a residential zone established under Chapter 3, 4, 4A, or 5 of this Title; (b) is incidental and secondary to the use of the dwelling for dwelling purposes; and (c) which is carried on primarily by the immediate members of the family residing on that lot.
- (16) IBSD: The Iona-Bonneville Sewer District.
- (17) INDUSTRIAL, LIGHT: Warehousing, wholesaling, manufacturing and/or processing of goods and materials which do not emit offensive odor, dust, smoke, glare, gas, light, noise or for which vibration is confined to the site.
- (18) INDUSTRIAL, HEAVY: Any industry that has hazardous or objectionable elements such as noise, odor, dust, smoke, vibration, pollution, particulants or glare and that are operated both within enclosed structures and outside of such structures.
- (19) JUNK YARD: Any business in which used goods are collected and sold for reuse even as a secondary business related to the primary business on site, including any outdoor space where junk, waste, discarded or salvaged material are stored or handled, further including automobile wrecking yards and yards for storage of used building materials, salvaged equipment, automobiles or machinery.

- (20) KENNEL: A facility or property that boards or keeps more than two (2) dogs at any one time for compensation or remuneration of any kind.
- (21) LIVESTOCK CONFINEMENT OPERATION (LCO): Any lot, corral, or facility where more than fifty (50) animal units of livestock, excluding animals six (6) months of age or younger, are confined, stabled or fed, or maintained for a total of two hundred forty (240) days or more in any consecutive twelve (12) month period; and on which crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Livestock means all domesticated animals, poultry, rabbits and fur-bearing animals. Animal units shall be determined as following:
- | | |
|--------------|------------|
| Cow | 1 animal |
| Horse | 1 animal |
| Sheep | 5 animals |
| Poultry/Fowl | 10 animals |
| Others | 10 animals |
- (22) LOT: A unit of land described by metes and bounds or a lot included within a subdivision recorded with the Bonneville County Recorder's office.
- (23) LOT COVERAGE: The area of a lot occupied by the principal building or buildings and accessory buildings.
- (24) LOT LINE: The boundary property line encompassing a lot. The front lot line is the boundary line that abuts a public street. For a corner lot, the owner may select either street line as the front lot line. The rear lot line is the lot line or most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a sideline in common with another lot.

- (25) MAIN BUILDING: The building within which activities are conducted which are most fundamental to the intended use of the lot.
- (26) MANUFACTURED HOME: A structure, constructed according the HUD/FHA mobile home construction and safety standards, newer than July 1, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et. seq.
- (27) MOBILE HOME: A structure similar to a manufactured home, but built to a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code), and which was built prior to July 1, 1976.
- (28) NON-CONFORMING USE: A use of premises which does not conform to the regulations of this Title, but which was in existence and in conformity with existing regulations at the effective date of this Title.
- (29) NON-CONFORMING BUILDING: A building, structure, or portion thereof which does not conform to the regulations of this Title applicable to the zone or

district in which such building is situated, but which existed prior to and was in compliance with existing regulations as of the effective date of this Title.

- (30) NUISANCE: Anything offensive or obnoxious to the health and welfare of the inhabitants of the City or any act or thing repugnant to, or creating a hazard to, or having a significantly detrimental effect upon the property of another person or to the community.
- (31) PARKING SPACE: Usable space within a public or private parking area or building, not less than one hundred eighty (180) square feet in gross area, exclusive of access drives, aisles or ramps for the storage of one (1) passenger automobile or commercial vehicle.
- (32) SETBACK AREA: The space on a lot required to be left open and unoccupied by ceilings or structures, either by the front, side or rear yard requirements of this Title, or by delineation on a recorded subdivision map. The setback does not include cornices, canopies, eaves or other projections which do not increase the column of space enclosed by the building; provided, however, that none of these shall project into any required yard more than two (2) feet. The setback shall be measured as the shortest distance between the property line and any portion of the foundation wall or frame of any building.
- (33) SIGN: An entire or any part of a structure, natural object (such as tree, rock, bush or the ground itself), or man-made object that is displayed to the public to (a) communicate any message; (b) attract attention to any object, product, place, activity, person, institution, organization, or business, and/or (c) include any letter, word, image,

symbol, banner, insignia, device, or representation.

- (34) STREET: A public right-of-way that provides vehicular and pedestrian access to adjacent properties, acceptance or grant of which has been officially approved by the City. The term, street, includes also the terms highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place and other such terms.
- (35) VARIANCE: An action by the City allowing modification of the requirements of this Title as to lot size, lot coverage, width, depth, front yard, side yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.
- (36) YARD: An open space on the same lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Title and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the lot is located.
- (37) YARD, FRONT: A yard lying between the front lot line and the nearest foundation line of the main building and extending across the full width of the lot.
- (38) YARD, REAR: A yard lying between the rear lot line and the nearest foundation line of the main building and extending across the full width of the lot. In the case of corner lot where the building fronts on a side street, the rear yard may be established from the rear of the house to the side property line.
- (39) YARD, REQUIRED: The open space around building as required by the Zoning Ordinance.

(40) YARD, SIDE: An open space between the side of the main building and the side line of the lot and extending from the front yard to the rear yard.

(41) ZONING MAP: The map incorporated into this Title designating the use for district zones.

(Ord. 128, 1/15/2008); (Ord. 145-03-09, 9/8/2009); (Ord. 170-01-13, 1/15/2013); (Ord. 232-08-19, 8/20/2019); (Ord. 272-10-21, 10/19/2021); (Ord. 274-01-22, 1/18/2022); (Ord. 296-10-23, 10/17/2023); (Ord. 312-01-25, 1/21/2025).

11-1-6: **ESTABLISHMENT OF DISTRICTS.**

(A) **Use Districts Established.** For the purposes of this Title the following Use Districts are hereby established:

- (1) Agricultural (A) District
- (2) Residential-Agricultural (RA) District
- (3) Residential (R-1) District
- (4) Residential (R-2) District
- (5) Residential Townhouse (R-T) District
- (6) Commercial (C) District
- (7) Industrial (I) District

(Ord. 170-01-13, 1/15/2013).

11-1-7: **ZONING MAP AND INTERPRETATION OF DISTRICT BOUNDARIES.**

- (A) The boundaries of the Use Districts shall be determined and defined by the adoption of a zoning map on which are shown the boundaries of the Use Districts, which map is adopted as part of this Title. The City Clerk shall at all times maintain an accurate and current zoning map in his or her office at the Iona City Hall.
- (B) As much as possible zoning district boundaries shall fall at the back property line so that like uses will be facing each other.
- (C) Where any such boundary line is indicated as following a street, alley or public right of way, it shall be construed as following the centerline thereof.

- (D) Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be such boundary line.
- (E) If a lot which was platted or recorded prior to the adoption of this Title, is split by two (2) different zones, the lot shall be considered, in whole, zoned to that use in which a majority of the lot is zoned.

(Ord. 170-01-13, 1/15/2013).

11-1-8: **ZONING MAP AMENDMENT PROCEDURES.**

- (A) All amendments of the official zoning map shall follow the procedure set forth in Title 67, Chapter 65 of the Idaho Code. In conformance with notice and hearing procedures established by law, the Iona City Council shall make the final decision of approval, conditional approval or disapproval of all applications for initial zoning or rezoning of property within the City.

(Ord. 170-01-13, 1/15/2013).

11-1-9: **USES PROHIBITED.** It shall be unlawful to use, occupy, inhabit or construct any structure, building, or other construction within the City of Iona, unless such use is expressly permitted by the provisions of this Chapter and in compliance with all requirements of this Code (including, but not limited to, the Iona Subdivision Ordinance).

(Ord. 145-03-09, 9/8/2009); (Ord. 170-01-13, 1/15/2013); (Ord. 308-09-24, 9/24/2024).

11-1-10: **ZONING AND LAND USE CHANGE APPLICATIONS.** All applications for zoning and/or land use changes (*e.g.*, original zoning, rezoning, conditional use permits, and variances) shall

- (A) be submitted in writing, by fully completing the applicable form adopted by the City Clerk,
- (B) contain or incorporate all such information required by this Zoning Ordinance or otherwise necessary to enable the City Council to determine whether the proposed change or use will comply with the provisions of this Zoning Ordinance; and
- (C) accompanied by the applicable filing fee adopted by resolution of the City Council.

(Ord. 274-01-22, 1/18/2022).

CHAPTER 2 Agricultural (A) Zone

SECTION:

- 11-2-1: Purpose
- 11-2-2: Permitted Uses
- 11-2-3: Conditional Uses
- 11-2-4: Height Regulations
- 11-2-5: Setback and Site Requirements
- 11-2-6: Area Requirements

11-2-1: **PURPOSE.** The purpose of the agricultural zone is to provide areas characterized by agricultural uses and rural lifestyles. All other uses will be considered secondary and not allowed if they pose any interference or negative impacts upon the agricultural uses on the land. The minimum lot size and building locations in this zone shall be of a size to allow for economically viable agricultural uses without affecting surrounding properties adversely.

(Ord. 170-01-13, 1/15/2013).

11-2-2: **PERMITTED USES.** The following uses are allowed in the A zone.

- (A) Agriculture uses, excluding livestock confinement operations (LCO's).
- (B) Single-family dwelling, conforming to regulations in the R-1 zone, with the exception that the minimum lot size for such use shall be one (1) acre.
- (C) Accessory uses, subject to the restrictions in Section 11-11-6 of this Code.
- (D) Greenhouses, subject to the requirements and restrictions of section 11-11-27 of this Code.
- (E) Any agricultural building under one hundred twenty (120) square feet in area and corrals, pens, loafing sheds, grain bins under twenty (20) feet in height.
- (F) Other similar uses that are determined by the City Council to be compatible with the purpose and intent of this zone.

(Ord. 170-01-13, 1/15/2013); (Ord. 312-01-25, 1/21/2025).

11-2-3: **CONDITIONAL USES.**

- (A) The City may, after notice and public hearing pursuant to Chapter 8 of this Title, permit the uses specified below, where such uses are deemed essential or desirable to the public convenience or welfare. On all conditional use permit applications, the City shall have the discretion to require an impact statement to assess the impact of the proposed conditional use upon surrounding properties and upon city services and infrastructure. The City may impose such conditions and safeguards, as it deems necessary to protect the best interests of the surrounding property or neighborhood and city services or infrastructure from damage, hazard, nuisance or other detriment.
- (B) The following conditional uses are permitted in the Agricultural Zone.
 - (1) Airports
 - (2) Cemeteries
 - (3) Commercial kennels, veterinary hospitals and animal clinics
 - (4) Broadcasting towers for radio or television
 - (5) Mining, dredging, and excavation of sand, dirt, gravel or other aggregate
 - (6) Home occupations, subject to the provisions of §§ 11-11-12 and 11-11-13 of this Code
 - (7) Public buildings, schools, hospitals or churches
 - (8) Riding stables and schools
 - (9) Bicycle ways
 - (10) Day care facilities
 - (11) Religious facilities
 - (12) Automotive, truck and tractor repair
 - (13) Secondary dwellings for farm-related purposes
 - (14) Temporary buildings for construction purposes for a period not to exceed one (1) year
 - (15) Public utility facilities
 - (16) Livestock Confinement Operations (LCO's)

(Ord. 170-01-13, 1/15/2013).

11-2-4: **HEIGHT REGULATIONS.** No building or structure shall exceed three and one-half (3½) stories or thirty-five (35) feet in height, whichever is greater. Roofs above the square of

the building and building features not used for human occupancy, such as chimneys, flag poles, television antennas, ornamental architectural design appurtenances or other similar building features, shall not be considered in determining such height. This height restriction shall not apply to storage facilities for agricultural produce products.

(Ord. 170-01-13, 1/15/2013).

11-2-5: SETBACK AND SITE REQUIREMENTS.

- (A) **Front Yard.** No building or structure shall be erected nearer than 45 feet from the right-of-way line of the street (or private access road constructed pursuant to the requirements of this Code, including Section 11-11-26) that such building or structure faces.
- (B) **Side Yard.** No building shall be erected closer than 15 feet to any side property line, except corner lots, which shall not construct any building or structure closer than 30 feet from the right-of-way line of any street (or private access road constructed pursuant to the requirements of this Code, including Section 11-11-26) that is not faced by the primary building on the lot.
- (C) **Rear Yard.** No building or structure, other than an accessory building, may be constructed closer than 25 feet from the rear property line.
- (D) **Utilities.** All water, sewer, storm drainage, and irrigation systems shall be approved by the appropriate regulatory authority.
- (E) **Site Improvements.** All site improvements shall meet the City development requirements.
- (F) **Agriculture Buildings Excepted.** Corrals, pens, loafing sheds and grain bins may be constructed in this zone, without the issuance of a building or zoning permit.
- (G) **Protection of Water Ways.** Any development adjoining or adjacent to any irrigation canal or ditch shall protect the canal or ditch right-of-way from encroachment and meet all standards required by the owner of the canal.

(Ord. 170-01-13, 1/15/2013); (Ord. 279-07-22, 7/19/2022); (Ord. 315-01-25, 1/21/2025).

11-2-6: AREA REQUIREMENTS. Lots within this zone shall be not less than one (1) acre in total area and shall be of a width of not less than one hundred fifty feet (150') measured at the front setback line.

(Ord. 170-01-13, 1/15/2013).

CHAPTER 3 Residential Agricultural (R-A) Zone

SECTION:

- 11-3-1: Purpose
- 11-3-2: Permitted Uses
- 11-3-3: Conditional Uses
- 11-3-4: Height Regulations
- 11-3-5: Setback and Site Requirements
- 11-3-6: Area Requirements
- 11-3-7: Water and Sewer Services
- 11-3-8: Off-Street Parking Requirements
- 11-3-9: Farm Building Setbacks

11-3-1: **PURPOSE.** The purpose of the residential agricultural zone is to provide for and protect residential lands, conveniently located, in relation to urban centers, of substantial size for families who desire a single-family residential environment in an area transitioning from agricultural uses and to provide for gardening and family recreation opportunities and the keeping of a limited number of livestock and similar endeavors. Lots must be large enough to offer a country lifestyle without imposing upon neighboring properties. The minimum lot size and building locations in this zone must be such that water and sewer facilities and other utilities can be easily provided on an individual basis on each lot, without adversely affecting surrounding properties.

(Ord. 170-01-13, 1/15/2013).

11-3-2: **PERMITTED USES.** The following uses are allowed in the R-A zone.

- (A) Agriculture uses, excluding livestock confinement operations (LCO's). Livestock shall be allowed on all properties exceeding one (1) acre in size following the guideline of one (1) animal unit per half ($\frac{1}{2}$) acre. For the purposes of this zone, one (1) animal unit shall be equal to:
 - (1) One (1) cow
 - (2) One (1) horse

- (3) Five (5) sheep

For all other animals not listed, the City Council may set compatible standards. Pigs or swine shall not be allowed under any circumstances.

- (B) Golf courses.
- (C) Single-family dwellings as allowed in the R-1 zone with the exception that the minimum lot size for such use shall be twenty-one thousand seven hundred eighty (21,780) square feet (one-half acre).
- (D) Garden or plant nurseries, selling only produce or plants, the major portion of which is raised on the premises, and excluding any use injurious, noxious or offensive to the neighborhood.
- (E) Accessory uses, subject to the restrictions in section 11-11-6 of this Code.
- (F) Greenhouses, subject to the requirements and restrictions of section 11-11-27 of this Code.
- (G) Clerical Home Occupations, Small Service Home Occupations, and Small Merchandising Home Occupations as defined in this Title and subject to the restrictions of Chapter 11 of this Title.
- (H) Other similar uses that are determined by the City Council to be compatible with the purpose and intent of this zone.

(Ord. 170-01-13, 1/15/2013); (Ord. 232-08-19, 8/20/2019); (Ord. 312-01-25, 1/21/2025).

11-3-3: **CONDITIONAL USES.**

- (A) The City may, after notice and public hearing pursuant to Chapter 8 of this Title, permit the uses specified below, where such uses are deemed essential or desirable to the public convenience or welfare. On all conditional use permit applications, the City shall have the discretion to require an impact statement to assess the impact of the proposed conditional use upon surrounding properties and upon city services and infrastructure. The City may impose such conditions and safeguards, as it deems necessary to protect the best interests of the surrounding property or neighborhood and city services or infrastructure from damage, hazard, nuisance or other detriment.
- (B) The following conditional uses are permitted in the R-A zone:
 - (1) Commercial kennel, small animal hospital.
 - (2) Public utility installations.
 - (3) Public buildings, hospital or churches.
 - (4) Private, commercial, and public schools.

- (5) Automotive, truck, tractor, and home and farm utility vehicle and equipment repair.
- (6) Riding stables and schools.
- (7) Home occupations, subject to the provisions of 11-11-12 and 11-11-13 of this Title.
- (8) Day Care facilities.
- (9) Temporary buildings as uses necessary for construction purposes for a period not to exceed one (1) year.
- (10) Buildings allowed as unconditional uses under section 11-3-2(B) through (F) inclusive, and which exceed twenty-five feet (25') in height.
- (11) Service Home Occupations and Merchandising Home Occupations, each as defined in this Title and subject to the restrictions of Chapter 11 of this Title.

(Ord. 170-01-13, 1/15/2013); (Ord. 232-08-19, 8/20/2019).

11-3-4: **HEIGHT REGULATIONS.** Any building or structure or portion thereof which is not used for agricultural purposes, shall not exceed twenty-five (25) feet in height unless a greater height is approved by conditional use permit. Roofs above the square of the building and building features not used for human occupancy, such as chimneys, flag poles, television antennas, ornamental architectural design appurtenances or other similar building features, shall not be considered in determining such height.

(Ord. 170-01-13, 1/15/2013).

11-3-5: **SETBACK AND SITE REQUIREMENTS.** The following are the setback requirements for all buildings or structures other than accessory buildings, for the R-A zone. Setback requirements for accessory buildings shall comply with section 11-11-6 of this Code.

- (A) **Front Yard.** No building or structure shall be erected nearer than 35 feet from the front property line of the street (or private access road constructed pursuant to the requirements of this Code, including Section 11-11-26) that such building or structure faces.
- (B) **Side Yard.** No building shall be erected closer than 10 feet from any side property line, except corner lots, which shall not construct any building or structure closer than 30 feet from the right-of-way line of any street (or private access road constructed pursuant to the requirements of this Code, including Section 11-11-26) that is not faced by the primary building on the lot.
- (C) **Rear Yard.** No main building shall be constructed closer than twenty-five (25) feet to the rear property line.

- (D) **Corner Clearance.** Within the area formed by the lines of intersecting streets or roadways and a line joining points on such lines 30 feet distant from their point of intersection, or in the case of a rounded corner, the point of intersection of their tangents, no structure and no foliage shall be maintained between a height of 3 feet and a height of 8 feet above the plane through their curb, street or roadway grades whichever is the highest.
- (E) **Projections.** Nothing herein shall prevent the projection of steps, eaves, cornices, masonry fireplaces, window sills or belt courses into any required yard.
- (F) **Protection of Water Ways.** Any development adjoining or adjacent to any irrigation canal or ditch shall protect the canal or ditch right-of-way from encroachment and meet all standards required by the owner of the canal.

(Ord. 170-01-13, 1/15/2013); (Ord. 279-07-22, 7/19/2022); (Ord. 315-01-25, 1/21/2025).

11-3-6: **AREA REQUIREMENTS.** Lots within this zone shall be not less than twenty-one thousand seven hundred eighty (21,780) square feet (one-half acre) in total area and the lot width measured at the front setback shall be not less than eighty-five (85) feet.

(Ord. 170-01-13, 1/15/2013).

11-3-7: **WATER AND SEWER SERVICES.**

- (A) **Sewer.** All residential structures within this zone shall be connected to a public sewer facility, if located within three hundred (300) feet of the terminus of any existing sewer line. If such sewer facilities are not available, then the use shall meet the requirements of the District Seven Health Department.
- (B) **Water.** All domestic uses shall be connected to the domestic water system of the City.

(Ord. 138-12-08; 8/19/2008); (Ord. 170-01-13, 1/15/2013).

11-3-8: **OFF-STREET PARKING REQUIREMENTS.** Off-street parking requirements for the R-A zone as set forth in Chapter 12 of this Title.

(Ord. 170-01-13, 1/15/2013).

11-3-9: **FARM BUILDING SETBACKS.** All buildings, shelters, or enclosures for farm animals shall be located no closer than fifty (50) feet from any property line.

(Ord. 170-01-13, 1/15/2013).

CHAPTER 4 Single Family Residential (R-1) Zone

SECTION:

- 11-4-1: Purpose
- 11-4-2: Permitted Uses
- 11-4-3: Conditional Uses
- 11-4-4: Height Regulations
- 11-4-5: Setback and Site Requirements
- 11-4-6: Area Requirements
- 11-4-7: Water and Sewer Services
- 11-4-8: Off-Street Parking Requirements
- 11-4-9: Keeping of Domestic Hens

11-4-1: **PURPOSE.** The purpose of the R-1 residential zone is to preserve residential neighborhoods, prevent over-crowding of the land and encourage the development of low density areas which are best suited for residential purposes.

(Ord. 170-01-13, 1/15/2013).

11-4-2: **PERMITTED USES.** The following uses are allowed in the R-1 zone.

- (A) Single family dwellings; including manufactured homes as defined in Idaho Code § 39-4105(8), that meet the additional standards for manufactured homes set forth in section 11-11-21 of this Code.
- (B) The keeping of domestic farm animals under the following restrictions:
 - (1) No livestock or domestic farm animals may be kept on lots of less than one (1) acre in total area.
 - (2) Only one (1) animal unit per one-half (½) acre or greater shall be allowed. One (1) animal unit shall represent:
 - (a) Cow - 1
 - (b) Horse - 1

(c) Sheep - 5

For all other animals not listed the City Council may set compatible standards.

- (3) All buildings, shelters, or enclosures for farm animals shall be located no closer than fifty (50) feet from any property line.
- (4) Pigs, swine, poultry, or fowl shall not be allowed in the R-1 zone, except for domestic hens as otherwise allowed under section 11-4-12 of this Chapter.
- (C) Home gardening and other horticultural uses not operated as a commercial enterprise, including greenhouses, subject to the requirements and restrictions in section 11-11-27 of this Code.
- (D) Accessory buildings and uses, subject to the restrictions in section 11-11-6 of this Code.
- (E) Clerical Home Occupations, Small Service Home Occupations, and Small Merchandising Home Occupations as defined in this Title and subject to the restrictions of Chapter 11 of this Title.
- (F) Construction and maintenance of a private emergency well, subject to the restrictions and requirements of Section 8-2-4(B) of this Code.
- (G) Other similar uses that are determined by the City Council to be compatible with the purpose and intent of this zone.

(Ord. 96, 5/24/2005); (Ord. 144-02-09, 9/8/2009); (Ord. 148-01-10, 4/27/2010); (Ord. 170-01-13, 1/15/2013); (Ord. 221-06-18, 6/26/2018); (Ord. 232-08-19, 8/20/2019); (Ord. 253-03-21, 3/16/2021); (Ord. 274-01-22, 1/18/2022); (Ord. 312-01-25, 1/21/2025).

11-4-3: CONDITIONAL USES.

- (A) The City may, after notice and public hearing pursuant to Chapter 8 of this Title, permit the uses specified below, where such uses are deemed essential or desirable to the public convenience or welfare. On all conditional use permit applications, the City shall have the discretion to require an impact statement to assess the impact of the proposed conditional use upon surrounding properties and upon city services and infrastructure. The City may impose such conditions and safeguards, as it deems necessary to protect the best interests of the surrounding property or neighborhood and city services or infrastructure from damage, hazard, nuisance or other detriment.
- (B) The following conditional uses are permitted in the R-1 zone:
 - (1) Churches.
 - (2) Public facilities such as schools, parks and playgrounds, utility facilities and other municipal uses.

- (3) Temporary buildings for construction purposes for a period not to exceed one (1) year.
- (4) Nursery school or Day Care facilities.
- (5) Cemeteries.
- (6) Residential occupancies located only in the basement of an existing residential structure, and not in any accessory structure or other location on a property, provided the following conditions are met:
 - (a) The owner of the property (or, in the case of an entity owning the property, an owner of the entity; or, in the case of a trust, an individual who is a beneficiary of the trust) must actually reside in the residential structure on the property.
 - (b) The basement occupancy has a kitchen, bathroom and bathing and sleeping facilities separate from the main floor occupancy.
 - (c) The basement occupancy has no more than two bedrooms.
 - (d) The residential lot has off-street vehicular parking facilities for at least 3 motor vehicles, all of which are actually usable and available for vehicles to park in (and maintained as available throughout the conditional use as a basement residential occupancy) and at least 1 of which is actually usable and available for the basement residential occupants to use throughout the conditional use as a basement residential occupancy.
 - (e) The basement dwelling is fully compliant with the International Building Code for residential occupancies, as the same currently exists or as may be amended hereafter.
 - (f) No home occupation is conducted within the main floor or basement dwelling.
 - (g) The basement occupancy either (i) has a water service line separate and independent from the water service line for the main floor occupancy that can be billed separately, or (ii) is added onto the water service account for the main floor occupancy as an additional EDU pursuant to Title 8, Chapter 2 of this Code and other applicable law.
- (7) Service Home Occupations and Merchandising Home Occupations, each as defined in this Title and subject to the restrictions of Chapter 11 of this Title.

(Ord. 96, 5/24/2005); (Ord. 170-01-13, 1/15/2013); (Ord. 179-02-14, 4/15/2014); (Ord. 221-06-18, 6/26/2018); (Ord. 232-08-19, 8/20/2019); (Ord. 268-08-21, 8/17/2021); (Ord. 270-09-21, 9/28/2021); (Ord. 312-01-25, 1/21/2025).

11-4-4: **HEIGHT REGULATIONS.** No building or structure shall exceed two and one-half (2½) stories or twenty-five (25) feet in height, whichever is greater. Roofs above the square of the building and building features not used for human occupancy, such as chimneys, flag poles, television antennas, ornamental architectural design appurtenances or other similar building features, shall not be considered in determining such height.

(Ord. 170-01-13, 1/15/2013).

11-4-5: **SETBACK AND SITE REQUIREMENTS.** The following setback requirements for all buildings or structures, other than accessory buildings, shall be observed in the R-1 zone. Setback requirements for accessory buildings shall comply with section 11-11-6 of this Code.

- (A) **Front Yard.** No building or structure shall be erected in the R-1 zone nearer than 35 feet from the right-of-way line of the street (or private access road constructed pursuant to the requirements of this Code, including Section 11-11-26) that such building or structure faces.
- (B) **Side Yard.** No building shall be closer than 10 feet from any side property line, except corner lots, which shall not construct any building or structure closer than 30 feet from the right-of-way line of any street (or private access road constructed pursuant to the requirements of this Code, including Section 11-11-26) that is not faced by the primary building on the lot.
- (C) **Rear Yard.** No building shall be constructed closer than 25 feet to the rear property line.
- (D) **Clear view of intersecting streets and ways.** For the purpose of ensuring reasonable visibility and safety in the residential districts and in the business districts which require buildings to be set back from the right-of-way line, the triangle of land formed on any corner lot by drawing a line between the points on the two lot lines, which points are each 30 feet from the intersection of said lot lines, shall be free from structure or other obstructions, except as otherwise permitted in this section.

Any triangle of land formed along any street by drawing a line between a point on the lot line parallel to the street (which point is 15 feet from an alley or driveway which abuts the street) and a point on the near side of the alley or driveway (which point is 15 feet from the lot line) shall be free from structures or other obstructions, except as otherwise permitted in this section.

Trees are allowed in such triangles provided they are trimmed from the ground level to at least 7 feet above the curb. Shrubs, fences and walls are likewise allowed in such triangles provided they do not exceed 3 feet in height.

- (E) **Protection of Waterways.** Any development near any irrigation canal or ditch shall protect the canal or ditch right-of-way from encroachment and meet all standards required by the owner of the canal.

(Ord. 170-01-13, 1/15/2013); (Ord. 279-07-22, 7/19/2022); (Ord. 315-01-25, 1/21/2025).

11-4-6: **AREA REQUIREMENTS.** The following area requirements shall apply in the R-1 zone:

- (A) Lots within this zone shall be not less than fourteen thousand five hundred twenty (14,520) square feet in total area and shall be of a width at the front lot line of not less than eighty-five (85) feet.
- (B) **Lot coverage.** No more than fifty percent (50%) of the lot area may be covered by buildings or structures.

(Ord. 170-01-13, 1/15/2013).

11-4-7: **WATER AND SEWER SERVICES.**

- (A) **Sewer.** All residential structures within this zone shall be connected to a public sewer facility, if located within three hundred (300) feet of the terminus of any existing sewer line. If such sewer facilities are not available, then the use shall meet the requirements of the District Seven Health Department.
- (B) **Water.** All domestic uses shall be connected to the domestic water system of the City.

(Ord. 170-01-13, 1/15/2013).

11-4-8: **OFF-STREET PARKING REQUIREMENTS.** The following off-street parking requirements shall apply in the R-1 zone.

- (A) For each single-family residence, two (2) off-street parking spaces.
- (B) All residential structures within this zone shall have a garage or carport constructed of like materials.
- (C) All other uses shall comply with the provisions of Chapter 12 of this Title.

(Ord. 170-01-13, 1/15/2013); (Ord. 221-06-18, 6/26/2018).

11-4-9: **KEEPING OF DOMESTIC HENS.**

- (A) The keeping of domestic hens is hereby permitted within the R-1 zone subject to the provisions of this section. For the purposes of this section, the term “domestic hen” shall mean a common domestic hen (*domesticus gallus gallus*) for the purpose of domestic egg production or as a domestic pet.

- (B) Only one (1) animal unit per one-third (1/3) acre shall be allowed. One (1) animal unit shall represent ten (10) domestic hens.
- (C) All buildings, shelters or enclosures used for the purpose of housing or sheltering domestic hens shall be located no less than twenty feet (20') from the primary residence located upon the lot or parcel for such uses permitted and no closer than fifty feet (50') from the foundation wall of any building or structure used for human occupation and located upon any adjoining lot or lots. In no event shall domestic hens be kept within a front yard or a side yard, as defined by section 11-1-5 of this Title.
- (D) Domestic hens shall at all times be kept within a secure enclosure having a total area of not less than two (2) square feet per domestic hen. Domestic hens shall not be kept within any building or structure designed for human occupancy.
- (E) The area within which domestic hens are kept shall be cleaned and maintained in a manner that does not unreasonably attract flies, emit foul or objectionable odors or create a public health hazard nor shall the keeping of domestic hens disturb the peace of the adjoining properties or otherwise constitute a public nuisance.

(Ord. 96, 5/24/2005); (Ord. 138-12-08; 8/19/2008); (Ord. 144-02-09, 9/8/2009); (Ord. 148-01-10, 4/27/2010); (Ord. 170-01-13, 1/15/2013).

CHAPTER 4A Residential Townhouse (R-T) Zone

SECTION:

- 11-4A-1: Purpose
- 11-4A-2: Permitted Uses
- 11-4A-3: Conditional Uses
- 11-4A-4: Prohibited Uses
- 11-4A-5: Height Regulations
- 11-4A-6: Setback and Site Requirements
- 11-4A-7: Area Requirements
- 11-4A-8: Water and Sewer Services
- 11-4A-9: Off-Street Parking Requirements
- 11-4A-10: Special Provisions Regarding Single Family Attached Dwellings
- 11-4A-11: Patio Homes

11-4A-1: **PURPOSE.** The purpose of the R-T residential townhouse zone is to provide a residential environment for patio homes and single family attached dwellings, commonly known as townhouses. The zone is characterized by a slightly denser residential environment than is characteristic of the R-1 resident zone with smaller yards and greater lot coverage. Accessory uses are permitted provided they are consistent with a residential environment.

(Ord. 97, 5/24/2005); (Ord. 170-01-13, 1/15/2013); (Ord. 209-01-17, 01/17/2017).

11-4A-2: **PERMITTED USES.** The following uses are allowed in the R-T zone.

- (A) Single family dwellings, subject to the setback and side yard requirements, area requirements, parking and utility service requirements as set forth in sections 11-4-5 through 11-4-8 of this Code.
- (B) Single family attached dwellings with no more than two (2) single family units in any one structure and no more than one (1) structure for human habitation upon a lot.
- (C) Attached garages.

- (D) Home gardening and other horticultural uses not operated as commercial enterprises, including greenhouses, subject to the requirements and restrictions in section 11-11-27 of this Code.
- (E) Accessory buildings and uses, subject to the restrictions in section 11-11-6 of this Code.
- (F) Clerical Home Occupations, Small Service Home Occupations, and Small Merchandising Home Occupations as defined in this Title and subject to the restrictions of Chapter 11 of this Title.
- (G) Other similar uses that are determined by the City Council to be compatible with the purpose and intent of this zone.

(Ord. 97, 5/24/2005); (Ord. 160-09-11, 6/28/2011); (Ord. 161-10-11, 8/16/2011); (Ord. 170-01-13, 1/15/2013); (Ord. 195-07-15, 7/21/2015); (Ord. 232-08-19, 8/20/2019); (Ord. 274-01-22, 1/18/2022); (Ord. 312-01-25, 1/21/2025).

11-4A-3: CONDITIONAL USES.

- (A) The City may, after notice and public hearing pursuant to Chapter 8 of this Title, permit the uses specified below, where such uses are deemed essential or desirable to the public convenience or welfare. On all conditional use permit applications, the City shall have the discretion to require an impact statement to assess the impact of the proposed conditional use upon surrounding properties and upon city services and infrastructure. The City may impose such conditions and safeguards, as it deems necessary to protect the best interests of the surrounding property or neighborhood and city services or infrastructure from damage, hazard, nuisance or other detriment.
- (B) The following conditional uses are permitted in the R-T zone:
 - (1) Manufactured homes as defined in Idaho Code § 39-4105(8), meeting the placement standards set forth in section 11-11-21 of this Code.
 - (2) Public facilities such as schools, parks and playgrounds, utility facilities and other municipal uses.
 - (3) Churches.
 - (4) Temporary buildings for construction purposes for a period not to exceed one (1) year.
 - (5) Service Home Occupations and Merchandising Home Occupations, each as defined in this Title and subject to the restrictions of Chapter 11 of this Title.
 - (6) Patio homes, subject to the requirements set forth in section 11-4A-11 of this Chapter.

(Ord. 97, 5/24/2005); (Ord. 170-01-13, 1/15/2013); (Ord. 232-08-19, 8/20/2019).

11-4A-4: **PROHIBITED USES.** The following uses are prohibited in the residential-townhouse (R-T) zone:

- (A) Livestock, horses, cows, poultry, swine, or other similar animals used for husbandry purposes. Common household pets are however permitted.
- (B) Parking and storage of recreational vehicles, except recreational vehicles may be parked upon the front driveway of the primary residence for a period of not more than three (3) hours per day while such vehicle is being loaded or unloaded or used for loading or unloading of passengers.
 - (1) For the purposes of this section, the term “recreational vehicle” shall have the following meaning: A motor home, travel trailer, fifth wheel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. Such term shall include school buses or van-type vehicles which have been converted into temporary living quarters for recreational use. The term does not include pick-up hoods, shells or canopies designed, created or modified for occupational usage.
- (C) Daycare facilities.

(Ord. 97, 5/24/2005); (Ord. 160-09-11, 6/28/2011); (Ord. 170-01-13, 1/15/2013); (Ord. 209-01-17, 01/17/2017).

11-4A-5: **HEIGHT REGULATIONS.** No building or structure shall exceed two (2) stories or twenty (20) feet in height, whichever is greater. Roofs above the square of the building and building architectural design features not used for human occupancy, such as chimneys, flag poles, television antennas, ornamental architectural design appurtenances or other similar building features, shall not be considered in determining such height.

(Ord. 97, 5/24/2005); (Ord. 170-01-13, 1/15/2013).

11-4A-6: **SETBACK AND SITE REQUIREMENTS.** The following setback requirements for main buildings shall be observed in the R-T zone:

- (A) **Front Yard.** No building or structure shall be erected in the R-T zone nearer than thirty (30) feet from the right-of-way line of the street (or private access road constructed pursuant to the requirements of this Code, including Section 11-11-26) that such building or structure faces.
- (B) **Side Yard.** No building shall be closer than 10 feet from any side property line, except corner lots, which shall not construct any building or structure closer than 30 feet from the right-of-way line of any street (or private access road constructed pursuant to the

requirements of this Code, including Section 11-11-26) that is not faced by the primary building on the lot. There should be no side yard set back requirement for the property line between single family units sharing a common party wall or walls. Notwithstanding the foregoing, patio homes may be constructed no closer than 8 feet from any side yard property line.

- (C) **Rear Yard.** No main building shall be constructed closer than 25 feet to the rear property line.
- (D) **Clear view of intersecting streets and ways.** For the purpose of ensuring reasonable visibility and safety in the residential districts and in the business districts which require buildings to be set back from the right-of-way line, the triangle of land formed on any corner lot by drawing a line between the points on the two lot lines, which points are each 30 feet from the intersection of said lot lines, shall be free from structure or other obstructions, except as otherwise permitted in this section.

Any triangle of land formed along any street by drawing a line between a point on the lot line parallel to the street (which point is 15 feet from an alley or driveway which abuts the street) and a point on the near side of the alley or driveway (which point is 15 feet from the lot line) shall be free from structures or other obstructions, except as otherwise permitted in this section.

Trees are allowed in such triangles provided they are trimmed from the ground level to at least 7 feet above the curb. Shrubs, fences and walls are likewise allowed in such triangles provided they do not exceed 3 feet in height.

- (E) **Protection of Waterways.** Any development near any irrigation canal or ditch shall protect the canal or ditch right-of-way from encroachment and meet all standards required by the owner of the canal.

(Ord. 97, 5/24/2005); (Ord. 161-10-11, 8/16/2011); (Ord. 170-01-13, 1/15/2013); (Ord. 279-07-22, 7/19/2022); (Ord. 315-01-25, 1/21/2025).

11-4A-7: **AREA REQUIREMENTS.** The following area requirements shall apply in the R-T zone:

- (A) Lots within this zone shall be not less than twelve thousand (12,000) square feet in total area and shall be of a width at the front lot line of not less than one hundred (100) feet, measured at the front building set back line.
- (B) The floor area of the first story above grade of any single family structure, excluding garage space and open porches, shall not be less than one thousand two hundred (1,200) square feet.
- (C) No more than fifty percent (50%) of the lot area may be covered by buildings or structures.

(Ord. 97, 5/24/2005); (Ord. 170-01-13, 1/15/2013); (Ord. 221-06-18, 6/26/2018).

11-4A-8: WATER AND SEWER SERVICES.

- (A) **Sewer.** All residential structures within this zone shall be connected to a public sewer facility, if located within three hundred (300) feet of the terminus of any existing sewer line. If such sewer facilities are not available, then the use shall meet the requirements of the District Seven Health Department.
 - (B) **Water.** All domestic uses shall be connected to the domestic water system of the City.
- (Ord. 97, 5/24/2005); (Ord. 170-01-13, 1/15/2013).

11-4A-9: OFF-STREET PARKING REQUIREMENTS. The following off-street parking requirements shall apply in the R-T zone.

- (A) Each single family dwelling unit shall have two (2) off-street parking spaces.
 - (B) All residential structures within this zone shall have a garage or carport constructed of like materials.
 - (C) All other uses shall comply with the provisions of Chapter 12 of this Title.
- (Ord. 97, 5/24/2005); (Ord. 170-01-13, 1/15/2013); (Ord. 221-06-18, 6/26/2018).

11-4A-10: SPECIAL PROVISIONS REGARDING SINGLE FAMILY ATTACHED DWELLINGS.

- (A) No single family attached dwelling shall be located above another dwelling unit, either in whole or in part.
- (B) Each single family attached dwelling shall have at least one direct pedestrian access from the interior of the dwelling to the exterior boundaries of the lot and no pedestrian access may be held in common with another single family dwelling unit.
- (C) Except as noted below, single family dwelling shall have no facilities or property in common with another single family attached dwelling and all dwellings shall be structurally and functionally independent from each other. All single family attached dwellings shall have separate electrical service, water service lines, and sanitary sewer service lines. Common facilities or property are allowed for the following:
 - (1) Common party walls constructed in accordance with the International Building Code.
 - (2) Foundations supporting attached or party walls.
 - (3) Flashing at the termination of the roof covering over any attached walls.

- (4) Roofs.
- (5) Vehicular access to a dedicated street for off street parking facilities.
- (D) No building permit shall be issued for the construction of a single family attached dwelling unless a common facility or party wall agreement or Declaration of Condominium has been filed with the Bonneville County Recorder's Office for each such dwelling unit which shares common facilities with another unit. Such agreement shall include a legal description of the lots sharing common facilities and shall allocate responsibility as and between the owners of such lots for the use, maintenance, and ownership of all common facilities.

(Ord. 97, 5/24/2005); (Ord. 170-01-13, 1/15/2013).

11-4A-11: **PATIO HOMES.**

- (A) For the purposes of this section, a "patio home" shall mean a residential structure which occupies a substantially greater portion of the lot in comparison to other residential structures allowed within the zone. The use is characterized by small yards, modest landscaping, and no gardens or accessory buildings. A minimum structure size is also established in order to ensure such use is not characterized by entry level homes.
- (B) Patio Homes shall be permitted within the R-T Zone subject to the following restrictions:
 - (1) The minimum lot area shall be not less than six thousand five hundred square feet (6,500).
 - (2) The minimum building size, excluding basements, open patio areas, attached garages and carports shall be not less than one thousand two hundred square feet (1,200).
 - (3) No building or structure shall be erected nearer than thirty feet (30) from the front property line adjacent to the street.
 - (4) Accessory uses and structures are allowed provided such uses and structures comply with the following restrictions in addition to the restrictions set forth in § 11-11-6 of this Code:
 - (a) All structures shall have no more than two hundred (200) square feet of floor space.
 - (b) All structures shall be constructed with durable, low maintenance exterior materials that complement the color and construction of the associated primary residence.
 - (c) The combined floor space area of the primary residence, garage, car port, covered patio area and accessory structures does not exceed fifty percent (50%) of the total surface area of the lot.

(5) Each patio home shall have a basement.

(Ord. 97, 5/24/2005); (Ord. 170-01-13, 1/15/2013); (Ord. 200-11-15, 11/17/2015); (Ord. 209-01-17, 01/17/2017).

CHAPTER 5 Residential (R-2) Zone

SECTION:

- 11-5-1: Purpose
- 11-5-2: Permitted Uses
- 11-5-3: Conditional Uses
- 11-5-4: Prohibited Uses
- 11-5-5: Height Regulations
- 11-5-6: Setback Requirements
- 11-5-7: Area Requirements
- 11-5-8: Water and Sewer Service Requirements
- 11-5-9: Off-Street Parking Requirements

11-5-1: **PURPOSE.** The purpose of the R-2 residential zone is to provide an area for multi-family residential dwellings with a greater density of population than the R-1 zone. Uses in this zone shall include single and multi-family dwellings and other public facilities which are necessary to promote and maintain stable residential areas.

(Ord. 170-01-13, 1/15/2013).

11-5-2: **PERMITTED USES.** The following uses are allowed in the R-2 zone.

- (A) All uses permitted in the R-1 and R-T zones.
- (B) Multi-family dwellings.
- (C) Boarding and rooming houses.
- (D) Clerical Home Occupations, Small Service Home Occupations, and Small Merchandising Home Occupations as defined in this Title and subject to the restrictions of Chapter 11 of this Title.

- (E) Other similar uses that are determined by the City Council to be compatible with the purpose and intent of this zone.

(Ord. 170-01-13, 1/15/2013); (Ord. 232-08-19, 8/20/2019); (Ord. 274-01-22, 1/18/2022).

11-5-3: **CONDITIONAL USES.**

- (A) The City may, after notice and public hearing pursuant to Chapter 8 of this Title, permit the uses specified below, where such uses are deemed essential or desirable to the public convenience or welfare. On all conditional use permit applications, the City shall have the discretion to require an impact statement to assess the impact of the proposed conditional use upon surrounding properties and upon city services and infrastructure. The City may impose such conditions and safeguards, as it deems necessary to protect the best interests of the surrounding property or neighborhood and city services or infrastructure from damage, hazard, nuisance or other detriment.
- (B) The following conditional uses are permitted in the R-2 Zone.
 - (1) All conditional uses permitted in the R-1 and R-T zones, not otherwise permitted as an unconditional use in this zone.
 - (2) Service Home Occupations and Merchandising Home Occupations, each as defined in this Title and subject to the restrictions of Chapter 11 of this Title.

(Ord. 170-01-13, 1/15/2013); (Ord. 232-08-19, 8/20/2019).

11-5-4: **PROHIBITED USES.** The following uses are prohibited in the Multi-Family R-2 zone:

- (A) **Storage of Recreational Vehicles.** Recreational vehicles shall not be stored within the area located between the front face set back line and nearest edge of the public street upon which the lot fronts, provided however recreational vehicles may be parked upon the front driveway for a cumulative period not to exceed twenty-four (24) hours within any period of seven (7) consecutive days.
- (B) Livestock, horses, cows, poultry, swine or other similar animals used for husbandry purposes. Common household pets are permitted.

(Ord. 170-01-13, 1/15/2013).

11-5-5: **HEIGHT REGULATIONS.** No building or structure shall exceed two and one-half (2½) stories or twenty-five (25) feet in height, whichever is greater. Roofs above the square of the building and building architectural design features not used for human occupancy, such as

chimneys, flag poles, television antennas, ornamental architectural design appurtenances or other similar building features, shall not be considered in determining such height.

(Ord. 170-01-13, 1/15/2013).

11-5-6: **SETBACK REQUIREMENTS.** The following setback requirements for main buildings shall be observed in the R-2 zone:

- (A) **Front Yard.** No building or structure shall be erected in the R-2 zone nearer than thirty (30) feet from the right-of-way line of the street (or private access road constructed pursuant to the requirements of this Code, including Section 11-11-26) that such building or structure faces.
- (B) **Side Yard.** No main building shall be closer than 10 feet from any side property line, except corner lots, which shall not construct any building or structure closer than 30 feet from the right-of-way line of any street (or private access road constructed pursuant to the requirements of this Code, including Section 11-11-26) that is not faced by the primary building on the lot. There are no side yard setback requirement for the property line between single family units sharing a common party wall or walls. Notwithstanding the foregoing, patio homes may be constructed no closer than 8 feet from any side property line.
- (C) **Rear Yard.** No main building shall be constructed closer than 25 feet to the rear property Line.
- (D) **Clear view of intersecting streets and ways.** For the purpose of ensuring reasonable visibility and safety in the residential districts and in the business districts which require buildings to be set back from the right-of-way line, the triangle of land formed on any corner lot by drawing a line between the points on the two lot lines, which points are each 30 feet from the intersection of said lot lines, shall be free from structure or other obstructions, except as otherwise permitted in this section.

Any triangle of land formed along any street by drawing a line between a point on the lot line parallel to the street (which point is 15 feet from an alley or driveway which abuts the street) and a point on the near side of the alley or driveway (which point is 15 feet from the lot line) shall be free from structures or other obstructions, except as otherwise permitted in this section.

Trees are allowed in such triangles provided they are trimmed from the ground level to at least 7 feet above the curb. Shrubs, fences and walls are likewise allowed in such triangles provided they do not exceed 3 feet in height.

- (E) **Protection of Waterways.** Any development near any irrigation canal or ditch shall protect the canal or ditch right-of-way from encroachment and meet all standards required by the owner of the canal.

(Ord. 122, 11/20/2007); (Ord. 170-01-13, 1/15/2013); (Ord. 279-07-22, 7/19/2022); (Ord. 315-01-25, 1/21/2025).

11-5-7: **AREA REQUIREMENTS.** The following area requirements shall apply in the R-2 zone.

(A) **Minimum lot area and building line width requirements.**

- (1) Lots occupied by single family dwellings shall be not less than fourteen thousand five hundred twenty (14,520) square feet (1/3 acre) in total area and shall have a lot width at the front lot line of not less than seventy-five (75) feet measured at the front setback line.
- (2) Each additional dwelling unit shall have additional one thousand (1,000) square feet of yard space per unit. Any multi-family dwelling shall have a minimum lot width at the front lot line of not less than eighty-five (85) feet.

(B) **Lot coverage.** No more than sixty percent (60%) of the lot area may be covered by buildings or structures.

(Ord. 170-01-13, 1/15/2013).

11-5-8: **WATER AND SEWER SERVICE REQUIREMENTS.**

(A) **Sewer.** All residential structures within this zone shall be connected to a public sewer facility, if located within three hundred feet (300') of the terminus of any existing sewer line. If such sewer facilities are not available, then the use shall meet the requirements of the District Seven Health Department.

(B) **Water.** All domestic uses shall be connected to the domestic water system of the City.

(Ord. 138-12-08; 8/19/2008); (Ord. 170-01-13, 1/15/2013).

11-5-9: **OFF-STREET PARKING REQUIREMENTS.** The following off-street parking requirements shall apply in the R-2 zone.

- (A) For each single-family residence, two off-street parking spaces. Two additional spaces are required for each additional unit on any lot.
- (B) All single-family residential structures within this zone shall have a garage or carport constructed of like materials.
- (C) All other uses shall comply with the provisions of Chapter 12 of this Title.

(Ord. 170-01-13, 1/15/2013); (Ord. 289-07-23, 7/18/2023).

CHAPTER 6 Commercial (C) Zone

SECTION:

- 11-6-1: Purpose
- 11-6-2: Permitted Uses
- 11-6-3: Conditional Uses
- 11-6-4: Height Regulations
- 11-6-5: Setback and Site Requirements
- 11-6-6: Area Requirements
- 11-6-7: Water and Sewer Service
- 11-6-8: Off-Street Parking Requirements
- 11-6-9: Landscaping/Buffering Required

11-6-1: **PURPOSE.** The purpose of this zone is to regulate general retail uses, professional offices and travel or highway related service requirements within the City.

(Ord. 170-01-13, 1/15/2013).

11-6-2: **PERMITTED USES.** The following uses are allowed in the Commercial (C) zone.

- (A) All commercial uses that are retail in nature or provide a service not involving manufacturing on the premises, except products the major portion of which are to be sold at retail by the manufacturer to the consumer.
- (B) Public utilities and facilities such as schools, city infrastructure, parks and playgrounds, churches and other similar facilities of a non-industrial nature.
- (C) Residential use directly related to the commercial use on the property.
- (D) Accessory buildings subject to the restrictions in section 11-11-6 of this Code, provided such buildings do not exceed two (2) stories in height.
- (E) Automobile and trailer sales, service and rental.

- (F) Other similar uses that are determined by the City Council to be compatible with the purpose and intent of this zone.

(Ord. 170-01-13, 1/15/2013).

11-6-3: CONDITIONAL USES.

- (A) The City may, after notice and public hearing pursuant to Chapter 8 of this Title, permit the uses specified below, where such uses are deemed essential or desirable to the public convenience or welfare. On all conditional use permit applications, the City shall have the discretion to require an impact statement to assess the impact of the proposed conditional use upon surrounding properties and upon city services and infrastructure. The City may impose such conditions and safeguards, as it deems necessary to protect the best interests of the surrounding property or neighborhood and city services or infrastructure from damage, hazard, nuisance or other detriment.
- (B) The following conditional uses are permitted in the Commercial Zone:
- (1) Wholesale operations.
 - (2) Junk or salvage yards/Second hand sales.
 - (3) Adult book stores or adult businesses.
 - (4) Welding or machine shops, motor vehicle and agricultural vehicle repair shops or garages.
 - (5) Commercial storage buildings.
 - (6) Manufactured home or recreational vehicle sales or parks.
 - (7) Government protective facilities.
 - (8) Temporary buildings as uses necessary for construction purposes for a period not to exceed one (1) year.
 - (9) Any business requiring bulk storage for resale of any flammable liquid to be stored above or below ground.
 - (10) Any business for which a beer, wine or liquor license is required under the provisions of Chapters 2, 3 and 4, of Title 4 of this Code, whether for consumption on or off premises.
 - (11) Wireless communication towers and associated operational facilities, buildings, and equipment, provided such facilities are located within a T-1 or T-2 Overlay zone and are compliant with the provisions set forth in Chapter 2, Title 10 of this City Code.

- (12) All buildings used in conjunction with unconditional uses otherwise allowed in this zone, where such buildings exceed thirty-five (35) feet in height.

(Ord. 143-01-09, 3/17/2009); (Ord. 170-01-13, 1/15/2013); (Ord. 190-02-15, 2/17/2015).

11-6-4: **HEIGHT REGULATIONS.** No building, structure or any portion thereof shall exceed thirty-five (35) feet in height, unless approved by conditional use permit. Roofs above the square of the building and building architectural design features not used for human occupancy, such as chimneys, flag poles, television antennas, ornamental architectural design appurtenances or other similar building features, shall not be considered in determining such height.

(Ord. 170-01-13, 1/15/2013).

11-6-5: **SETBACK AND SITE REQUIREMENTS.**

- (A) No front or side yard shall be required, except when a building or group of buildings abuts upon a residential use; any required side yard shall be provided on the side of the lot abutting the residential use having a width of not less than 10 feet.
- (B) Rear yards shall have a depth of not less than 25 feet when abutting upon a residential use. The rear yard may be used for off-street parking and loading.
- (C) Corner lots must meet the visibility setback requirements as imposed by the City, county, or state.
- (D) **Protection of Waterways.** Any development near any irrigation canal or ditch shall protect the canal or ditch right-of-way from encroachment and meet all standards required by the owner of the canal.

(Ord. 170-01-13, 1/15/2013); (Ord. 238-07-20, 7/21/2020); (Ord. 279-07-22, 7/19/2022).

11-6-6: **AREA REQUIREMENTS.** There shall be no minimum lot size or setbacks, unless the commercial use is contiguous to a residential zone. The side and rear yard setbacks as required by that residential zone shall be observed on all sides of the commercial property contiguous with the residential zone.

(Ord. 170-01-13, 1/15/2013).

11-6-7: **WATER AND SEWER SERVICE.**

- (A) **Sewer.** All commercial structures within the zone shall be connected to a public sewer facility, if located within three hundred (300) feet of the terminus of any existing sewer

line. If such sewer facilities are not available, then the use shall meet the requirements of the Idaho District Seven Health Department.

(B) **Water.** All commercial uses shall be connected to the domestic water system of the City.
(Ord. 170-01-13, 1/15/2013).

11-6-8: **OFF-STREET PARKING REQUIREMENTS.** Off-street parking shall comply with the provisions of Chapter 12 of this Title.

(Ord. 170-01-13, 1/15/2013).

11-6-9: **LANDSCAPING/BUFFERING REQUIRED.** Landscaping shall cover at least five percent (5%) of the parking lot areas of any commercial development. Landscaping will be placed in such a manner as to buffer adjacent incompatible uses. This requirement shall apply to all new commercial developments commenced after the effective date of the original Ordinance adopting this section, and to any remodel of a commercial facility should it be determined that more than fifty percent (50%) of the facility is being remodeled or expanded. If the commercial development abuts a residential area, a buffer of landscaping or fencing shall divide the commercial development from the residential area. No buffer shall exceed 6 feet in height, provided however that the Council may approve certain landscaping or trees that exceed 6 feet in height. The Council shall review and approve all landscaping plans.

(Ord. 170-01-13, 1/15/2013); (Ord. 238-07-20, 7/21/2020).

CHAPTER 7 Industrial (I) Zone

SECTION:

- 11-7-1: Purpose
- 11-7-2: Permitted Uses
- 11-7-3: Conditional Uses
- 11-7-4: Height Regulations
- 11-7-5: Setback and Site Requirements
- 11-7-6: Area Requirements
- 11-7-7: Water and Sewer Services
- 11-7-8: Off-Street Parking Requirements
- 11-7-9: Landscaping/Buffering Required

11-7-1: **PURPOSE.** The Industrial zone is established to provide for and encourage the grouping together of industrial uses capable of being operated under such standards as to location and appearance of buildings and the treatment of the land about them, that they will be unobtrusive and not detrimental to surrounding commercial or residential uses.

(Ord. 170-01-13, 1/15/2013).

11-7-2: **PERMITTED USES.** The following uses are permitted in the Industrial zone:

- (A) All light industrial uses including manufacturing plants, processing plants and related uses, provided such uses shall not cause:
 - (1) Dust, smoke, gas, fumes, noise, vibrations, or odors beyond the boundaries of the site on which such use is conducted, that are unduly hazardous or injurious to other properties in the vicinity or to the general public.
 - (2) Hazard of fire, explosion, or other physical damage to any adjacent building or plant growth.
- (B) Construction equipment, maintenance or operating equipment of public agencies or public utilities or materials and equipment or a similar nature including lumber, coal, sand and gravel yards.

- (C) Food processing.
- (D) Laundry and dry-cleaning establishments of an industrial character.
- (E) Accessory buildings, subject to the restrictions in section 11-11-6 of this Code.
- (F) Other similar uses that are determined by the City Council to be compatible with the purpose and intent of this zone.

(Ord. 170-01-13, 1/15/2013).

11-7-3: **CONDITIONAL USES.**

- (A) The City may, after notice and public hearing pursuant to Chapter 8 of this Title, permit the uses specified below, where such uses are deemed essential or desirable to the public convenience or welfare. On all conditional use permit applications, the City shall have the discretion to require an impact statement to assess the impact of the proposed conditional use upon surrounding properties and upon city services and infrastructure. The City may impose such conditions and safeguards, as it deems necessary to protect the best interests of the surrounding property or neighborhood and city services or infrastructure from damage, hazard, nuisance or other detriment.
- (B) The following conditional uses are permitted in the Industrial zone:
 - (1) All heavy industrial uses.
 - (2) Temporary buildings used necessary for construction purposes for a period not to exceed one (1) year.
 - (3) Broadcasting towers for radio or television.
 - (4) Wireless communication towers and associated operational facilities, buildings, and equipment, provided such facilities are located within a T-1 or T-2 Overlay zone and are compliant with the provisions set forth in Chapter 2, Title 10 of this City Code.
 - (5) Storage, for wholesale or for distribution in bulk, of any flammable liquid above or below ground.
 - (6) Sewage treatment plants and similar facilities.
 - (7) Railroad box cars, motor vehicle cargo containers or other containers normally used for the shipment of freight, cargo or other items, by rail, ship or motor vehicular transportation, where the owner uses such containers for storage purposes.
 - (8) Recycling collection centers.
 - (9) Any lawful use not otherwise permitted in any other zone established under this Title.

- (10) Buildings or structures exceeding five (5) stories or forty-five (45) feet in height, whichever is greater, but in no event exceeding one hundred fifty (150) feet in height.

(Ord. 170-01-13, 1/15/2013); (Ord. 190-02-15, 2/17/2015).

11-7-4: **HEIGHT REGULATIONS.** No building or structure shall exceed five (5) stories or forty-five (45) feet in height, whichever is greater, unless approved as a conditional use under section 11-7-3(A) of this Chapter. Roofs above the square of the building and building architectural design features not used for human occupancy, such as chimneys, flag poles, television antennas, ornamental architectural design appurtenances or other similar building features, shall not be considered in determining such height.

(Ord. 170-01-13, 1/15/2013).

11-7-5: **SETBACK AND SITE REQUIREMENTS.** The following setback requirements shall apply for the Industrial (I) zone.

- (A) **Front Yard.** The front yard setback shall be a minimum of 25 feet when a lot abuts, touches, or adjoins, or is across the street from a residential district, otherwise no front yard setback is required.
- (B) **Side Yard.** The side yard setback shall be a minimum of 20 feet when a lot abuts, touches, or adjoins a residential district, otherwise no side yard setback is required.
- (C) **Rear Yard.** The rear yard shall be a minimum of 20 feet when a lot abuts, touches, or adjoins a residential district, otherwise no rear yard setback is required.
- (D) **Visibility Requirements.** Any corner lot must meet the visibility setback requirements as imposed by the City, county or state.
- (E) **Protection of Waterways.** Any development near any irrigation canal or ditch shall protect the canal or ditch right-of-way from encroachment and meet all standards required by the owner of the canal.

(Ord. 170-01-13, 1/15/2013); (Ord. 279-07-22, 7/19/2022).

11-7-6: **AREA REQUIREMENTS.** There shall be no minimum lot size.

(Ord. 170-01-13, 1/15/2013).

11-7-7: **WATER AND SEWER SERVICES.** Industrial activities shall secure an adequate water supply and shall provide for the proper treatment of discharge water in a manner to eliminate adverse effects upon the IBSD sewer system and the environment.

(Ord. 170-01-13, 1/15/2013).

11-7-8: **OFF-STREET PARKING REQUIREMENTS.** Off-street parking shall comply with Chapter 12 of this Title.

(Ord. 170-01-13, 1/15/2013).

11-7-9: **LANDSCAPING/BUFFERING REQUIRED.** Landscaping shall cover at least five percent (5%) of the parking lot areas of any industrial development. Landscaping shall be placed in a manner to buffer adjacent incompatible uses. This requirement shall apply to all new industrial development for which a permit is issued after the date of the ordinance adopting this Title, and to any remodel of an industrial facility should it be determined that more than fifty percent (50%) of the facility is being remodeled or expanded. If the industrial development abuts a residential area, a buffer of landscaping or fencing shall divide the industrial development from the residential area. No buffer shall exceed six (6) feet in height. The City Council shall review and approve all landscaping plans.

(Ord. 170-01-13, 1/15/2013).

CHAPTER 8 Conditional Use Permits

SECTION:

- 11-8-1: Application—Filing—Content
- 11-8-2: General Standards Applicable to Conditional Uses
- 11-8-3: Supplementary Conditions and Safeguards May Be Required
- 11-8-4: Consideration and Notice of Application for Conditional Use Permit
- 11-8-5: Council Action
- 11-8-6: Applicant Notification
- 11-8-7: Expiration
- 11-8-8: Violation of Conditions

11-8-1: APPLICATION—FILING—CONTENT.

- (A) An application for conditional use permit shall be filed with the City Clerk and shall be signed by all owners of the subject property for which such conditional use is proposed. The application shall contain the following information:
- (1) Name, address and phone number of applicant.
 - (2) Legal description of property (with street address, if possible).
 - (3) Description of existing use.
 - (4) Present zoning of the property.
 - (5) A detailed description of the proposed conditional use.
 - (6) A plan of the proposed site for the conditional use showing the proposed or current location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the City may require to determine if the proposed conditional use meets the intent and requirements of this title.
 - (7) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibrations on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.

- (8) Any other information required by the City.
- (B) Each applicant, owner or developer proposing a conditional use may be required to prepare an impact study which shall show the potential effects of the proposed development upon the City both in terms of economics and environment.

The application must show that the proposed development is not harmful to the environment, that adequate transportation, fire and police protection, pollution control, and other factors which may be of concern to the City and its residents are considered. If in the judgement of the City the proposal would have little or no impact upon such factors the City may waive the requirement of an impact study.

The impact study may be required to include but not be limited to a study of the potential impact upon:

- (1) Drainage and grading of slopes.
- (2) Utilities, water sources, sewerage facilities, and solid waste.
- (3) Vegetation impact and influence.
- (4) Public and wildlife easements.
- (5) Air and water quality.
- (6) Geological impact.
- (7) Transportation and fire and police protection.
- (8) Schools, public and recreation facilities.
- (9) Aesthetic value.

When the applicant owns or controls more contiguous or adjacent land that is not included in the proposal, the City may require the applicant to submit an overall plan for development of the entire tract, which plan shall show the manner in which the entire tract of property is to be developed. If no further land is owned, nor any further plan of development, a written statement to that effect shall be required.

The City may require the applicant to supply additional information on any of the factors or criteria of the study.

11-8-2: GENERAL STANDARDS APPLICABLE TO CONDITIONAL USES. The City Council and/or Zoning Commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- (A) Will, in fact, constitute a conditional use as established in this Title for the zoning district involved, in that it is not already defined as a permitted use in the zoning ordinance.

- (B) Will be harmonious with and in accordance with the general objectives of the zoning district involved and with all specific objectives of the comprehensive plan.
- (C) Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- (D) Will not be hazardous or disturbing to existing or future neighboring uses.
- (E) Will be served adequately by essential public facilities and services such highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- (F) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (G) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- (H) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- (I) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

11-8-3: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS MAY BE REQUIRED. In granting any conditional use, the City may prescribe appropriate conditions, bonds and safeguards in conformity with this Title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Title.

11-8-4: CONSIDERATION AND NOTICE OF APPLICATION FOR CONDITIONAL USE PERMIT.

- (A) **Process of Consideration.** Prior to granting a conditional use permit, the application shall be considered by the Planning and Zoning Commission and at least one public hearing in which interested persons shall have an opportunity to be heard shall be held before the City Council.
- (B) **Planning and Zoning Commission Consideration.** At the meeting at which the Planning and Zoning Commission considers the application for conditional use permit, the Planning and Zoning Commission shall review the application to determine its compliance with the Zoning Map; the Comprehensive Plan of the City; this Chapter 11 of the Iona City Code;

and all applicable federal, state, or local laws. The person submitting the application may (but is not required to) address the Planning and Zoning Commission to present additional evidence, answer questions from the Planning and Zoning Commission members, or make any other statement relevant to the application under consideration. The Planning and Zoning Commission may (but is not required to) allow interested persons to address the Planning and Zoning Commission in relation to the application under consideration. The Commission shall prepare a written recommendation on such application and cause its written recommendation to be forwarded to the City Council before the meeting at which the City Council considers the application.

- (C) **Notice of Public Hearing.** At least 15 days prior to the hearing, notice of the time and place and a summary of the proposal shall be published by the City in the official newspaper or paper of general circulation within the jurisdiction or in any other manner as allowed by state statute. Notice may also be made available to other newspapers, radio or television stations serving in the jurisdiction for use as a public service announcement utility. Notice of such application shall also be sent to all utilities providing utility services, which notice shall be mailed at least 15 days prior to the public hearing. Notice of the hearing shall also be provided by the applicant by regular mail to property owners and residents within the land being considered, and within 300 feet of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed conditional use as determined by the Council. When notice is required to 200 or more property owners or residents, in lieu of the mailing notification, 3 notices in the newspaper or paper of general circulation is sufficient; provided, the third notice is published at least 10 days prior the public hearing. The applicant shall certify to the City that this notice has been given in the manner required by the City and applicable law.
- (D) **City Council Consideration.** The City Council shall conduct a public hearing in which interested persons shall have an opportunity to be heard in relation to the application for conditional use permit. At the meeting at which the City Council considers such application, the City Council shall consider the Planning and Zoning Commission's written recommendation and review the application to determine its compliance with the Zoning Map; the Comprehensive Plan of the City; this Chapter 11 of the Iona City Code; and all applicable federal, state, or local laws.

(Ord. 248-12-20; 12/15/2020).

11-8-5: **COUNCIL ACTION.**

- (A) Within forty-five (45) days after the public hearing, the City Council shall recommend approval, or disapproval of the application for conditional use permit as presented, unless a time extension is agreed upon. If the application is to be approved, the City shall list the specific conditions for approval.

- (B) Upon granting of a conditional use permit, conditions may be attached to a conditional use permit including, but not limited to, those:
- (1) Minimizing adverse impact on other developments.
 - (2) Controlling the sequence and timing of development.
 - (3) Controlling the duration of development.
 - (4) Assuring that development is maintained properly.
 - (5) Designating the exact location and nature of development.
 - (6) Requiring the provisions for on-site or off-site public facilities or services.
 - (7) Requiring more restrictive standards than those generally required in an ordinance.
- (C) Prior to granting a conditional use permit, the Council may request studies from the applicant or public agencies concerning social, economic, fiscal and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another.
- (D) The Council shall ensure that any approvals for conditional use permits are in accordance with the comprehensive plan.

11-8-6: **APPLICANT NOTIFICATION.** Within ten (10) days after a decision has been rendered, the City Clerk shall provide the applicant with written notice of the action on the request.

11-8-7: **EXPIRATION.** If the conditional use is not implemented within ninety (90) days of final approval, such approval shall, unless prior to such expiration an extension is granted by the City Council. Any conditional use that is not substantially used for a period of six (6) consecutive months shall be deemed to be waived.

11-8-8: **VIOLATION OF CONDITIONS.** If conditions are not met as approved, the City may rescind approval of the conditional use and cause such use to cease.

CHAPTER 9 Non-Conforming Uses

SECTION:

11-9-1: Conditions of Non-Conforming Uses

11-9-1: CONDITIONS OF NON-CONFORMING USES.

- (A) Any use lawfully occupying a building or land at the effective date of the Title or of subsequent amendments thereto, which does not conform to the regulations for the zone in which it is located shall be deemed to be a non-conforming use and may be continued, subject to the provisions of this Chapter. Maintenance and minor repairs necessary to keep a non-conforming use in sound condition during such continuance shall be permitted.
- (B) A non-conforming building may be enlarged or extended only if the non-conforming use is totally discontinued and a permitted use is made for the structure.
- (C) No building partially occupied by a non-conforming use shall be altered in such a way to permit the enlargement or expansion of the space occupied by such non-conforming use.
- (D) No non-conforming use may be enlarged or extended in such a way as to occupy any required open space, or any land beyond the boundaries of the lot on which it existed at the effective date of the ordinance codified in this Title, nor may any such non-conforming use displace any conforming use in the same building or on the same parcel.
- (E) Any non-conforming building destroyed by fire or other calamity to an extent of sixty percent (60%) or more of the floor space area of the structure may not be restored unless such restoration shall make the building a conforming use; provided, however, that nothing in this Title shall be construed to prevent the restoration and the resumption of former lawful use of any building that is damaged or partially destroyed by fire, or other calamity, to the extent of less than sixty percent (60%); provided, that such restoration is started within one (1) calendar year and diligently prosecuted to completion.
- (F) Whenever a non-conforming use of land or building has been discontinued for a period of one (1) year, with the exception of non-conforming agricultural uses which must be discontinued for a period of three (3) years, or whenever there is evidence of a clear intent to abandon a non-conforming use, such use shall not thereafter be reestablished, and the uses of the premises thereafter shall be in conformity with the regulations of the zone in which the use is located.
- (G) Regardless of the provisions of subsections 11-9-1(A) through (E) of this chapter, and those uses allowed under other provisions of the Iona Municipal Code, where there are agricultural grain storage sheds or bins used exclusively for the storage of grain or grass

seed located on property within the City for private and non-commercial storage of grain, or construct new sheds or bins for the same purpose within the use district in which said property and prior existing facilities are located so long as the same is located upon the same parcel of property as the prior existing facilities, and subject to owner obtaining and the City approving a conditional use permit for same.

CHAPTER 10 Iona Sign Ordinance

SECTION:

- 11-10-1: Title and Purpose
- 11-10-2: Scope
- 11-10-3: Traffic and Private Access Road Signs
- 11-10-4: Only City Signs Allowed on Public Property
- 11-10-5: Enforcement

11-10-1: **TITLE AND PURPOSE.** This chapter shall be known as the Iona Sign Ordinance. The Council finds and declares that this Iona Sign Ordinance is necessary to regulate the construction, erection, and maintenance of signs on public property within the City to protect the health, safety, property, and welfare of the public; improve the neat, clean, orderly, and attractive appearance of the City; and provide for sign needs of special or noteworthy areas, facilities, and events.

(Ord. 274-01-22, 1/18/2022).

(Ord. 274-01-22, 1/18/2022).

11-10-2: **SCOPE.** This Iona Sign Ordinance applies to all Signs on public property within the City. For purposes of this Iona Sign Ordinance, “public property” refers to real property that is owned by or has been dedicated to (and accepted by) the City or another governmental entity, including all roadways and rights-of-way for public access; it does not include any utility or other easement interest that does not provide public access.

11-10-3: **TRAFFIC AND PRIVATE ACCESS ROAD SIGNS.** Notwithstanding any provision of this Chapter to the contrary:

- (A) Any Sign for the purpose of controlling or regulating traffic is allowed only upon strict compliance with the provisions of Chapter 2, Title 9 of this Code (regarding Traffic Control Signs and Signals), as the same currently exists or is hereafter amended.
- (B) Any sign required in relation to any private access road by Section 11-11-26 of this Code or other applicable law is hereby allowed separate from and independent of any other

restrictions of this Chapter, subject only to the requirements of Section 11-11-26 of this Code or other applicable law.

(Ord. 274-01-22, 1/18/2022).

11-10-4: **ONLY CITY SIGNS ALLOWED ON PUBLIC PROPERTY.** Regardless of any underlying zoning, only the City; the City's authorized employees, agents, and contractors; or another person authorized by the City Council may place any Sign within any part or portion of public property.

(Ord. 274-01-22, 1/18/2022).

11-10-5: **ENFORCEMENT.** The City may remove and dispose of any sign placed on any public property in violation of this chapter. Any person who knowingly and willfully violates the provisions of this chapter shall be guilty of an infraction.

(Ord. 274-01-22, 1/18/2022).

CHAPTER 11 Miscellaneous Use Regulations

SECTION:

- 11-11-1: Miscellaneous Use Regulations
- 11-11-2: Conversion of Dwelling to More Units
- 11-11-3: Temporary Buildings
- 11-11-4: [Repealed]
- 11-11-5: Dangerous, Hazardous or Highly Objectionable Uses
- 11-11-6: Accessory Buildings
- 11-11-7: Animal Clinics, Animal Hospitals, Veterinary Offices and Commercial Kennels
- 11-11-8: Bulk Storage of Flammable Liquids and Gases, Above or Below Ground and for Resale
- 11-11-9: Hazardous Uses
- 11-11-10: Contractors Yards
- 11-11-11: Drive-In Restaurants
- 11-11-12: Home Occupations
- 11-11-13: Restrictions upon Home Occupations
- 11-11-14: Riding Stables and Schools
- 11-11-15: Rifle and Pistol Ranges
- 11-11-16: Wrecking Yards and Junk Yards
- 11-11-17: Landfills, Recycling Centers, Incinerators, Compost Operators, and other Solid Waste Disposal Facilities
- 11-11-18: [Repealed]
- 11-11-19: Fences
- 11-11-20: Developments near Canals
- 11-11-21: Manufactured Home Placement
- 11-11-22: Manufactured/Mobile Home Parks
- 11-11-23: Street Access

- 11-11-24: Extended Use of Recreational Vehicles for Human Habitation Prohibited in Residential Zones
- 11-11-25: Parking of Inoperative or Unregistered Motor Vehicles Prohibited in Front and Side Yard of Residential Lots
- 11-11-26: Private Access Roads
- 11-11-27: Greenhouses

11-11-1: **MISCELLANEOUS USE REGULATIONS.** The purpose of these miscellaneous use regulations is to set specific conditions for various uses, and classification of uses in areas where problems are frequently encountered. In addition to all other regulations specified in this Title, the following provisions in this Chapter shall be adhered to.

11-11-2: **CONVERSION OF DWELLING TO MORE UNITS.** A residential structure may not be converted to accommodate an increased number of dwelling units unless:

- (A) The front, side and rear yard dimensions will meet the yard dimensions required by the zoning regulations for new structures in that zone.
- (B) The lot area per family or dwelling unit equals the lot area requirements for new structures in that zone.
- (C) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that zone; and
- (D) The conversion is in compliance with all other applicable zoning, building, health, and safety codes and ordinances.

(Ord. 272-10-21, 10/19/2021).

11-11-3: **TEMPORARY BUILDINGS.** Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may only be permitted on the site by conditional use permit in any zone during the period construction work is in progress, but not to exceed one (1) year, and such temporary facilities shall be forthwith removed upon completion of the construction work.

11-11-4: [Repealed]. (Ord. 152-05-10, 9/21/2010).

11-11-5: **DANGEROUS, HAZARDOUS OR HIGHLY OBJECTIONABLE USES.** No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise highly objectionable conditions which adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Title may be undertaken and maintained if the following performance requirements are observed:

- (A) **Fire Hazards.** Any activity involving the use or storage of flammable or explosive materials, including hazardous materials shall be protected by adequate fire fighting and fire protection equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept and maintained in compliance with the Uniform Fire Code.
- (B) **Radioactivity or Electrical Disturbance.** No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
- (C) **Noise.** Objectionable noise due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement, as are noises attendant to ordinary agricultural operations.
- (D) **Vibration.** No vibration shall be permitted which is readily discernable upon any adjoining lot or property.
- (E) **Air Pollution.** Air pollution shall be subject to the requirements and regulations established by the District Seven Health Department or the State of Idaho.
- (F) **Glare.** No direct or reflected glare shall be permitted which is visible from any property adjacent to an industrial-commercial zone which is visible from any street.
- (G) **Erosion.** No erosion, caused by human instrumentalities, shall be permitted which will carry hazardous, noxious or foul-smelling substances onto neighboring properties.
- (H) **Enforcement Provisions.** Prior to the issuance of a Building Permit, the City Council may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

11-11-6: **ACCESSORY BUILDINGS.**

- (A) Accessory buildings shall not be located in any required front yard area or closer to the street than the front face setback line.
- (B) Accessory buildings greater than 200 square feet in total area shall not be located closer than 5 feet from any side or rear property line. Accessory buildings 200 square feet in total area of less shall not be located closer than 3 feet from any side or rear property line.

- (C) Accessory buildings greater than 200 square feet in total area shall not be installed or constructed unless a building permit is obtained, provided however accessory structures in the Agriculture (A) zone may be constructed without a building permit regardless of size.
- (D) In any residential zone (*i.e.*, the Residential Agricultural (R-A) Zone, the Single Family Residential (R-1) Zone, the Residential Townhouse (R-T) Zone, and/or the Residential (R-2) Zone), no accessory building may be a dwelling, residence, habitation, apartment, or house.
- (E) Accessory buildings may not be any closer than 12 feet from the main building on the lot. This setback requirement shall be the distance measured from (1) the foundation of the main building nearest the accessory building to (2) the building wall or frame of the accessory building nearest the main building.

(Ord. 129,1/15/2008); (Ord. 170-01-13, 1/15/2013); (Ord. 210-02-17, 3/21/2017); (Ord. 272-10-21, 10/19/2021); (Ord. 286-04-23, 4/18/2023); (Ord. 316-02-25, 2/25/2025).

11-11-7: ANIMAL CLINICS, ANIMAL HOSPITALS, VETERINARY OFFICES AND COMMERCIAL KENNELS. Animal clinics, animal hospitals, veterinary offices and kennels shall be located at least three hundred (300) feet from any residence use, motel or hotel, except for an owner's residence. The City may modify these requirements if the animals are housed in sound-proof structures that also screens them from view of the abutting residential property.

11-11-8: BULK STORAGE OF FLAMMABLE LIQUIDS AND GASES, ABOVE OR BELOW GROUND AND FOR RESALE.

- (A) Bulk storage of flammable liquids and gases, above or below ground and for resale shall be located at least three hundred (300) feet from a residence, motel, or hotel, except for an owner's residence.
- (B) Bulk storage of flammable liquids and gases, above or below ground and for resale shall be erected only with the written approval of the City.
- (C) Bulk storage of flammable liquids and gases, above or below ground and for resale shall have suitable loading and unloading spaces and off-street parking facilities in conformity with Chapter 12 of this Title and the Uniform Fire Code.

11-11-9: HAZARDOUS USES. All chemicals, pesticide and fertilizer storage and manufacturing shall have adequate fire protection, storage area, handling and disposal in accordance with the Uniform Fire Code.

11-11-10: CONTRACTORS YARDS.

- (A) All contractors yards shall be located a minimum distance of the three hundred (300) feet from any residence except for the owner's residence.
- (B) All contractors yards shall have a vision screening fence around areas utilized for storage equipment and demolition material.

11-11-11: DRIVE-IN RESTAURANTS.

- (A) All drive-in restaurants shall be enclosed by landscaping or fencing, except for ingress and egress roads or pedestrian entrances, in such a manner as to prevent trash from moving onto other properties.
- (B) All drive-in restaurants shall have a six (6) foot high-sight obscuring fence along the property lines that adjoin a residence.
- (C) All drive-in restaurants shall provide for adequate trash receptacles; and
- (D) All drive-in restaurants shall avoid the direction of night lighting upon adjoining residential uses.

11-11-12: HOME OCCUPATION CLASSIFICATIONS. Every Home Occupation, as defined in this Title, shall be classified into one of the following classifications:

- (A) **Clerical Home Occupations.** A “Clerical Home Occupation” is a Home Occupation that, regardless of the nature of the underlying business conducted, only uses one building for office, clerical, planning, file storage, or similar uses.
- (B) **Service Home Occupations.** A “Service Home Occupation” is a Home Occupation that provides services, documents, or intangible products. Examples include: professional skills, expertise, advice, salons, repair shops, schools, banks.
- (C) **Small Service Home Occupations.** A “Small Service Home Occupation” is a Service Home Occupation that is physically visited at the lot by fewer than ten individuals (regardless of whether such individuals are employees, vendors, customers, clients, or otherwise) per calendar month.
- (D) **Merchandising Home Occupations.** A “Merchandising Home Occupation” is a Home Occupation that buys and sells products without changing the form of the products. Examples include: retail merchants, distributors, and resellers.
- (E) **Small Merchandising Home Occupations.** A “Small Merchandising Home Occupation” is a Merchandising Home Occupation that is physically visited at the lot by fewer than ten individuals (regardless of whether such individuals are employees, vendors, customers, clients, or otherwise) per calendar month.

- (F) **Manufacturing Home Occupations.** A “Manufacturing Home Occupation” is a Home Occupation that consists only of one or more uses that are light industrial (as defined in this Title).
- (G) **Industrial Home Occupations.** An “Industrial Home Occupation” is a Home Occupation that includes a use that is heavy industrial (as defined in this Title).

(Ord. 232-08-19, 8/20/2019).

11-11-13: **RESTRICTIONS UPON HOME OCCUPATIONS.** It shall be an infraction if any person fails to comply with the restrictions upon any Home Occupation contained in this Section or to fail to obtain a conditional use permit if one is necessary for the operation of a Home Occupation. Notwithstanding any other provision of this Code, no more than two Home Occupations shall be permitted on the same lot and each Home Occupation (as defined in this Title) is subject to the following restrictions, based on the classifications described and defined in this Chapter.

- (A) **Clerical Home Occupations.** A Clerical Home Occupation is a permitted use within any residential zone (*i.e.*, R-A, R-1, R-T, and R-2 zones, as established in this Title), subject to the following provisions:
 - (1) The outside appearance of the lot shall not be altered in any way to attract customers or signify the undertaking of the Clerical Home Occupation and there shall be no visible evidence of the conduct of such Clerical Home Occupation.
 - (2) No significant traffic shall be generated by such Clerical Home Occupation and the dwelling shall only rarely, if ever, be visited by any customer.
 - (3) No equipment or process shall be used in such Clerical Home Occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses at any point outside the lot on which the dwelling is located.
 - (4) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the lot on which the dwelling is located, or which causes fluctuations in line voltage off the premises.
 - (5) The business shall not create a nuisance to the surrounding neighborhood in the form of noise, odors, traffic generated, or in any other manner.
- (B) **Small Home Occupations.** A Small Service Home Occupation or a Small Merchandising Home Occupation (together referred to in this Section as “Small Home Occupations”) is a permitted use within any residential zone (*i.e.*, R-A, R-1, R-T, and R-2 zones, as established in this Title), subject to the following provisions:
 - (1) The outside appearance of the lot shall not be altered in any way to attract customers or signify the undertaking of the Small Home Occupations and there shall be no visible evidence of the conduct of such Small Home Occupations.

- (2) The business shall continually satisfy the limitation of being visited by no more than ten individuals per calendar month, as specified in the definition of the Small Home Occupations in Section 11-11-12.
 - (3) No equipment or process shall be used in such Small Home Occupations that create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses at any point outside the lot on which the dwelling is located.
 - (4) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the lot on which the dwelling is located, or which causes fluctuations in line voltage off the premises.
 - (5) The business shall not create a nuisance to the surrounding neighborhood in the form of noise, odors, traffic generated, or in any other manner.
- (C) **Service Home Occupations.** A Service Home Occupation is a conditional use within any residential zone (i.e., R-A, R-1, R-T, and R-2 zones, as established in this Title), subject to the following provisions and any other conditions imposed by the Council:
- (1) The use of any building on the lot for the Service Home Occupation shall be clearly incidental and subordinate to their use for residential purposes by the occupants. Not more than 20% of the total square footage in the buildings shall be used in the conducting of the Service Home Occupation, and no portion of the Service Home Occupation shall occur on the lot outside the building in which the Service Home Occupation is located.
 - (2) The outside appearance of the lot shall not be altered in any way to attract customers or signify the undertaking of the Service Home Occupation and there shall be no visible evidence of the conduct of such Service Home Occupation other than one sign, not exceeding two square feet in area, indirectly illuminated and mounted flat against the wall of the building in which the Service Home Occupation is located.
 - (3) No significant traffic shall be generated by such Service Home Occupation and any need for parking generated by the conduct of such Service Home Occupation shall meet the off-street parking requirements as specified in this Title and shall not be located in a required front yard.
 - (4) No equipment or process shall be used in such Service Home Occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses at any point outside the lot on which the dwelling is located.
 - (5) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the lot on which the dwelling is located, or which causes fluctuations in line voltage off the premises.
 - (6) The business shall not create a nuisance to the surrounding neighborhood in the form of noise, odors, traffic generated, or in any other manner.

- (D) **Merchandising Home Occupations.** A Merchandising Home Occupation is a conditional use within any residential zone (i.e., R-A, R-1, R-T, and R-2 zones, as established in this Title), subject to the following provisions and any other conditions imposed by the Council:
- (1) The use of any building on the lot for the Merchandising Home Occupation shall be clearly incidental and subordinate to their use for residential purposes by the occupants and not more than 20% of the total square footage in the buildings or 10% of the area of the lot on which the Merchandising Home Occupation is located (whichever is less) shall be used in conducting of the Merchandising Home Occupation.
 - (2) The outside appearance of the lot shall not be altered in any way to attract customers or signify the undertaking of the Merchandising Home Occupation and there shall be no visible evidence of the conduct of such Merchandising Home Occupation other than one sign, not exceeding two square feet in area, indirectly illuminated and mounted flat against the wall of the building in which the Merchandising Home Occupation is located.
 - (3) No significant traffic shall be generated by such Merchandising Home Occupation and any need for parking generated by the conduct of such Merchandising Home Occupation shall meet the off-street parking requirements as specified in this Title and shall not be located in a required front yard.
 - (4) No equipment or process shall be used in such Merchandising Home Occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses at any point outside the lot on which the dwelling is located.
 - (5) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the lot on which the dwelling is located, or which causes fluctuations in line voltage off the premises.
 - (6) The business shall not create a nuisance to the surrounding neighborhood in the form of noise, odors, traffic generated, or in any other manner.
- (E) **Manufacturing Home Occupations.** A Manufacturing Home Occupation is not allowed within any residential zone (i.e., R-A, R-1, R-T, and R-2 zones, as established in this Title).
- (F) **Industrial Home Occupations.** An Industrial Home Occupation is not allowed within any residential zone (i.e., R-A, R-1, R-T, and R-2 zones, as established in this Title).

(Ord. 232-08-19, 8/20/2019).

11-11-14: RIDING STABLES AND SCHOOLS.

- (A) All stables or loafing sheds shall be located not less three hundred (300) feet from any residence, except for owner's residence. All such facilities shall be set back a distance of thirty (30) feet from any property line.
- (B) All riding stables and schools shall be conducted in a manner that avoids excessive noise and obnoxious odors. No riding stable or school shall be conducted in a manner which creates a nuisance.

11-11-15: RIFLE AND PISTOL RANGES.

- (A) All rifle and pistol ranges shall be constructed and operated at all times with an adequate and safe backstop.
- (B) All rifle and pistol ranges shall be designed to avoid a line of fire that is directed towards any residence or business within one (1) mile.
- (C) All rifle and pistol ranges shall incorporate landscaping that is compatible with the surrounding landscaping.
- (D) All rifle and pistol ranges shall provide supervision and security measures during all periods of use.

11-11-16: WRECKING YARDS AND JUNK YARDS.

- (A) No wrecking yards or junk yards shall be operated unless the owner or operator thereof constructs and maintains a site-obscuring fence located parallel to and ten (10) feet back of the right-of-way line of any public street or highway for any auto wrecking yard and salvage yard. Said fence shall be constructed around the entire premises devoted to such auto wrecking or salvage yard. Any person operating a wrecking yard or junk yard on the effective date of this Title shall construct such fence within one (1) year from such effective date.
- (B) Materials used for the construction of such fence and details of construction must be approved by the City. The decision of the City shall be guided by the need to preserve and protect the scenic and aesthetic values of the surrounding area, and to protect property value.
- (C) No person operating a wrecking yard or junk yard shall store automobile, junk or salvage material that is visible from any other property.
- (D) No person operating a wrecking yard or junk yard shall store automobiles or junk in a manner that exceeds the height of fence.

11-11-17: **LANDFILLS, RECYCLING CENTERS, INCINERATORS, COMPOST OPERATORS, AND OTHER SOLID WASTE DISPOSAL FACILITIES.** The City Council may grant a conditional use permit for the construction of a landfill, recycling center, incinerator, commercial composting operation, liquid waste land farm or any other type of solid waste disposal or recycling operation subject to the following conditions:

- (A) No such permit shall be granted to allow operation of such use in any residential zone.
- (B) The applicant shall establish to the City Council's satisfaction that he intends to and is financially capable of complying with all State, Federal, and local laws, ordinances, and regulations governing the conduct of such operations.
- (C) Such operation shall be required to plan for, install and maintain such safeguards and measures as the Council shall require to ensure that ground water quality and air quality, are preserved and environmental hazards and nuisance and unsightly areas are not created by the operation.

11-11-18: [Repealed]. (Ord. 192-04-15, 2/17/2015).

11-11-19: **FENCES.** Fences shall not exceed six feet in height when located behind the front setback line of the building within the zone in which the fence is placed. Fences shall not exceed three feet in height if located within the front yard (in front of the front setback line) unless such fence is constructed of material that allows clear vision for sight distance through the fence. If the fence is constructed of such material, it may be constructed to four feet in height in the front yard area. All fences constructed must be permitted in accordance with the following provisions:

- (A) **Permit Required.** No person shall construct or substantially reconstruct any fence or other appurtenance performing a similar function without first obtaining a Fence Permit from the City.
- (B) **Application for Permit.** The application for permit must be accompanied by an application fee of \$50.00, and shall provide the following information:
 - (1) The applicant's name and address;
 - (2) The landowner's name (if different);
 - (3) The address at which the fence is being constructed or substantially reconstructed;
 - (4) The legal description of the real property at which the fence is being constructed or substantially reconstructed; and
 - (5) An affirmation that the boundaries of the real property (including any easements near to or affecting the construction of the fence) have been accurately marked by survey or otherwise, including the date on which the locations were marked.

- (C) **Site Inspection.** Upon receipt of the completed application and application fee, the applicant shall schedule an appointment with the Division of Public Works, or other authorized agent on behalf of the City, to inspect the proposed location of the fence together with the marked boundaries of the real property to ensure compliance with this Section, any other applicable provisions of the City Code and Idaho law, as well as the limitations of property boundaries, easements, and any other property interest. After conducting the site inspection, the Division of Public Works (or other authorized agent) may either approve the application or refer the application to the Council for consideration.

(Ord. 239-07-20, 8/18/2020).

11-11-20: **DEVELOPMENTS NEAR CANALS.** No building or structure shall be constructed within thirty (30) feet from the high water mark of any canal.

11-11-21: **MANUFACTURED HOME PLACEMENT.** Manufactured homes meeting the following standards may be sited on single family lots not located in any historic district within the City limits. The term “manufactured home” shall have the same meaning ascribed in Section 39-4105(8), Idaho Code. Any manufactured home on a lot located outside a mobile home park shall meet the following standards:

- (A) The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.
- (B) The manufactured home shall be placed on an excavated and back-filled, permanent, foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade, except when placed on a basement foundation.
- (C) The manufactured home shall have a pitched roof, and shall have a slope of at least three (3) feet in height for each twelve (12) feet in width.
- (D) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the City or which is comparable to the predominant materials used on surrounding dwellings as determined by the City Council.
- (E) The manufactured home shall have a garage or carport constructed of like materials. If the predominant construction in the area is attached or detached garages then the same can be required.
- (F) Additions to a manufactured home shall be of compatible construction using like materials.
- (G) The manufactured home, at the time of placement, must meet all City, state, and county building codes and must satisfy all other requirements, including, but not limited to, minimum size requirements, applicable to the zone in which the manufactured home is located.

- (H) Only one (1) manufactured home may be placed on any single lot.
(Ord. 170-01-13, 1/15/2013); (Ord. 221-06-18, 6/26/2018).

11-11-22: MANUFACTURED/MOBILE HOME PARKS.

- (A) Mobile home parks may be constructed or operated in R-2 and C zones by conditional use permit, but only when such parks are constructed and maintained in accordance with the following standards and conditions. The park shall be in one (1) ownership and shall remain in one (1) ownership and the same shall not be subdivided.
- (B) The park must be approved by the City prior to the issuance of a permit therefor. The application for said permit shall be accompanied by twelve (12) copies of the plot plan of the proposed park. The plot plan shall contain all of the following information.
- (1) The name and address of the applicant(s), as well as the name and address of the individual or company by whom the plan was prepared.
 - (2) Location and legal description of the tract of land certified by an Idaho Registered Land Surveyor.
 - (3) Name of the manufactured home park.
 - (4) Vicinity map, showing the relationship of the manufactured home park to adjacent properties.
 - (5) Location and width of access way.
 - (6) Street layout, including location, width and proposed names.
 - (7) Location and width of walkways, alleys, crosswalks, and easements.
 - (8) Proposed and existing facilities in the park for water supply, sewage, garbage and waste disposal, and fire protection.
 - (9) Building plans and specifications for existing buildings and facilities shall be included in the plot plan.
 - (10) Location and type of landscaping plantings, fences, walls or other forms of landscaping.
 - (11) Enlarged plot plan of typical manufactured home space, showing location of the land, patio, storage space, parking, sidewalk, utility connections and landscaping.
 - (12) All sites shall be properly indicated by location and size and numbered on the plot.
 - (13) Complete information regarding storm sewers and plans to handle storm water.
 - (14) Grades of driveways; and,

- (15) Such other information as required by the City.
- (C) The park shall contain at least two (2) acres, and at least one (1) side of the park shall abut upon a public street.
- (D) The park must be connected to the water system of the City and shall be served by a sewage disposal system operated by the I.B.S.D. or any other sewer utility licensed by the State of Idaho and approved by the City.
- (E) Spaces in a park shall be not less than ten thousand eight hundred ninety (10,890) square feet in area. Such minimum area shall include off-street parking areas for the spaces as required by this Title.
- (F) The minimum lot width shall be seventy-five (75) feet.
- (G) Yard areas shall be required in accordance with the following:
- (1) Each home or accessory building shall be located as to provide a minimum side yard setback of ten (10) feet, except the side where the primary entrance is located shall be a minimum of twenty (20) feet.
 - (2) Each home or accessory building shall be set back at least twenty-five (25) feet from the front property line or road right-of-way.
 - (3) A minimum rear yard setback of ten (10) feet shall be required. A minimum setback of twenty (20) feet shall be required for each space adjacent to any exterior boundary of the trailer park.
- (H) The boundaries of each space shall be clearly, distinctly and permanently outlined.
- (I) In no event shall the occupied area of a space exceed fifty percent (50%) of the total space. The area shall be deemed to be occupied when covered, or occupied by a manufactured home or any other stored vehicle or structure, or combination thereof.
- (J) The park shall be completely surrounded by a fence, not less than six (6) feet in height, or a twenty (20) foot wide landscaped lawn area and shrubs shall be installed with the following exceptions:
- (1) Points of ingress and egress from dedicated public streets.
 - (2) A fifty (50) foot yard shall be provided, landscaped and maintained between the public street and the park.
 - (3) If the park adjoins a similar land use the City may modify the setback requirement along the common boundary.
- (K) Trees, shrubs, grass, or other forms of landscaping shall be provided in sufficient quantities to ensure a residential appearance.

- (L) Off-street parking shall be provided in accordance with the terms of this Title. All driveways and off-street parking spaces shall be paved.
 - (M) The layout of the park shall be so designed that it can be coordinated with a residential neighborhood street system in the event such park is discontinued.
 - (N) Roads that are three hundred (300) feet or longer are to be stubbed to the perimeter of all sides of the park. The maximum distance between streets to the perimeter are not to exceed one thousand (1,000) feet. At least two (2) access roads shall be provided to and from each trailer park.
 - (O) Road rights-of-way shall be constructed with a minimum width of at least sixty (60) feet wide with a five (5) foot wide sidewalk and a five (5) foot wide landscape strip on each side thereof. All driveways and sidewalks shall be hard-surfaced and driveways shall be lighted at night with electric lamps of not less than twenty-five (25) lumens, or some equal light, spaced at intervals of not more than one hundred (100) feet on the roadway.
 - (P) An electrical outlet supply of at least one hundred-ten (110) volts shall be provided for each trailer space.
 - (Q) The owner or operator of a park shall maintain the entire park in a neat and orderly manner. All common areas and facilities required by this Title shall be maintained in a good state of repair.
 - (R) Points of ingress and egress shall be located and designed so as to provide safe and convenient access to and from the park and to eliminate congestion in the streets.
 - (S) No more than one manufactured home or mobile home may be placed on a lot.
- (Ord. 81, 2/16/2000).

11-11-23: **STREET ACCESS.** No building permit shall be issued for the construction of any building or structure upon any lot which does not have frontage upon and access to a dedicated public street. At least one side of each lot used as a dwelling site shall abut upon a street which has been deeded or dedicated to the public for street purposes, and the length of such abutting side shall be at least as great as the width required for dwelling sites in the zone in which such building site is located.

11-11-24: **EXTENDED USE OF RECREATIONAL VEHICLES FOR HUMAN HABITATION PROHIBITED IN RESIDENTIAL ZONES.**

- (A) For the purposes of this section, a “Recreational Vehicle” shall mean a vehicle primarily designed for use as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Such

vehicles include, but are not limited to travel trailers, camping trailers, truck campers, fifth-wheel trailers and motor homes.

- (1) “Camping trailer” means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
 - (2) “Fifth-wheel trailer” means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
 - (3) “Motor home” means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.
 - (4) “Travel trailer” means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet.
 - (5) “Truck camper” means a portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
- (B) It shall be unlawful for any person to use, occupy or permit the use of any Recreational Vehicle for the purposes of human habitation upon any lot located within the City for more than thirty (30) days within any period of six (6) consecutive months.
- (C) Notwithstanding the foregoing, upon request by the owner of any lot located within a residential zone, the City Council may grant or authorize a permit for any person to undertake such use or occupation for a period of time greater than allowed by subsection (B) hereof, provided the applicant can demonstrate exceptional hardship not caused or created by the applicant or a member of his or her household. Such permit shall be for a finite period of time or until such hardship ceases to exist, whichever is shorter. The Council may also impose reasonable conditions upon such permit in order to minimize impact of the permit upon adjoining property owners.

(Ord. 174-05-13, 8/20/2013); (Ord. 310-10-24, 10/22/2024).

11-11-25: **PARKING OF INOPERATIVE OR UNREGISTERED MOTOR VEHICLES PROHIBITED IN FRONT AND SIDE YARD RESIDENTIAL LOTS.**

(A) **Definitions.** For the purposes of this Section, the following terms shall be defined as follows:

DRIVEWAY:	A regularly traveled way used for parking and movement of motor vehicles between a public street and an attached or unattached garage or carport serving a main building located upon a Lot, or if there is no garage or car port, then a paved, concrete or gravel surface upon a Lot, which surface is regularly used for parking of motor vehicles owned or operated by the occupants of the residence.
INOPERATIVE VEHICLE:	Any Motor Vehicle, which in its current state is not capable of being used as a means of transportation, whether due to broken, defective or missing parts, including missing or flat tires, missing doors, missing or badly damaged windshields or broken or defective parts essential for movement.
LOT:	A platted or unplatted parcel of real property located within a residential zone within the City.
MOTOR VEHICLE:	Every self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a highway. The term "Motor Vehicle" does not include Recreational Vehicles, riding lawn mowers, garden tractors or vehicles moved solely by human power, electrical personal assistive mobility devices and motorized wheel chairs or other such vehicles that are specifically exempt from titling or registration requirements under Title 49, Idaho Code.
OPEN SPACE:	Any area on a Lot which is vacant or not occupied by a residential building or accessory building.

RECREATIONAL
VEHICLE:

Such term shall have the same meaning as ascribed in section 11-11-24(A) of this Title.

UNREGISTERED
VEHICLE:

Any Motor Vehicle which is not currently registered under Title 49, Chapter 4, Idaho Code or any Motor Vehicle which does not bear current license plates or decals issued by the State of Idaho or any other State or is not currently registered in such other State.

YARD:

An open space on a Lot upon which there is a principal building or group or buildings, which space is unoccupied by a building or structure used for human habitation or accessory use.

YARD, FRONT:

A Yard lying between the front Lot line and the nearest foundation line of the main building and extending across the full width of the Lot.

YARD, REAR:

A Yard lying between the rear Lot line and the nearest foundation line of the main building and extending across the full width of the Lot. In the case of a corner Lot where the building fronts on a side street, the Rear Yard may be established from the rear of the house to the side property line.

YARD, SIDE:

A Yard lying between the sides of the main building and the side line of the Lot and located between the Front Yard and the Rear Yard of the Lot.

- (B) **Storage of Inoperative or Unregistered Motor Vehicles in Front or Side Yards.** Except as set forth below, it shall be unlawful for any person to park, store or allow the parking or storage of any Inoperative or Unregistered Motor Vehicle i) within the Front Yard of any Lot, or ii) within any Side Yard facing a public street, unless such vehicle is parked upon a Driveway.

- (C) It shall also be unlawful for any person to park, store or allow the parking or storage of more than one (1) Inoperative or Unregistered Motor Vehicle within or upon the Driveway of any Lot within the City.

(Ord. 178-01-14, 1/21/2014).

11-11-26: PRIVATE ACCESS ROADS.

- (A) Notwithstanding the provisions of section 10-1-16(B) of this Code, lots located within any residential zone may derive access to a public street through a private access road, commonly referred to as a flag lot, provided it is constructed in accordance with the provisions of this Section.
- (B) All private access roads must comply with the following requirements:
- (1) Such access shall not be less than 20 feet in width.
 - (2) The surface of the access road shall not be less than 20 feet in width throughout the entire length of such road and shall be comprised of a graveled surface containing not less than 4 inches of crushed $\frac{3}{4}$ -inch aggregate gravel or a paved surface comprised of not less than 2 inches of asphalt over 4 inches of $\frac{3}{4}$ -inch crushed gravel.
 - (3) The landowner shall construct and post at the entrance of such private access road to a public street a clearly visible sign containing letters not less than 2 inches in height, reflecting the street address of the residence accessed by the private access road. Such sign shall also contain the words "Parking on Private Roadway Not Allowed." The landowner shall also keep such sign in a good state of repair.
 - (4) Private gates shall not be permitted or constructed across such private access road at any time.
 - (5) The location and distance of the lot served by such private access road shall comply with all fire codes and public safety codes, relative to the nearest distance to a fire hydrant.
- (C) The landowner shall at all times keep and maintain the surface of such private access road in good and passable condition, including keeping the roadway plowed and free of obstruction from snow and ice. Failure to maintain the road or sign in such condition or failure to fully comply with the terms and conditions of such permit, shall be deemed an infraction under this Code.

(Ord. 182-05-14, 8/19/2014); (Ord. 245-09-2020, 9/15/2020).

11-11-27: **GREENHOUSES.**

- (A) Greenhouses shall not be located in any required front yard area or closer to the street than the front face setback line.
- (B) No person shall install, construct, or connect any Greenhouse without first obtaining a permit therefor from the City Clerk. Such person shall pay a permit fee in the amount specified by resolution, shall complete an application for such installation, and shall submit to an inspection of the Greenhouse to ensure compliance with the requirements of this Code, including the mitigation of any risk of a Cross-Connection (as defined in Title 8, Chapter 2 of this Code).
- (C) Greenhouses greater than 200 square feet in total area shall not be located closer than 5 feet from any side or rear property line. Greenhouses 200 square feet or less in total area shall not be located closer than 3 feet from any side or rear property line.
- (D) Greenhouses greater than 200 square feet in total area shall not be installed or constructed unless a building permit is obtained, provided however greenhouses in the Agriculture (A) zone may be constructed without a building permit regardless of size.
- (E) In any residential zone (*i.e.*, the Residential Agricultural (R-A) Zone, the Single Family Residential (R-1) Zone, the Residential Townhouse (R-T) Zone, and/or the Residential (R-2) Zone), no Greenhouse may be a dwelling, residence, habitation, apartment, or house.
- (F) Greenhouses may not be any closer than 12 feet from the main building on the lot. This setback requirement shall be the distance measured from (1) the foundation of the main building nearest the greenhouse to (2) the building wall or frame of the greenhouse nearest the main building.
- (G) Every Greenhouse shall at all times be subject to all of the other requirements of this Code, including but not limited to those pertaining to Water Service, in Title 8, Chapter 2 of this Code.

(Ord. 312-01-25, 1/21/2025).

CHAPTER 12 Off-Street Parking and Loading Facilities

SECTION:

- 11-12-1: General Requirements
- 11-12-2: Standards
- 11-12-3: Off-Street Parking Design and Dimensional Tables
- 11-12-4: Parking Space Requirements

11-12-1: **GENERAL REQUIREMENTS.**

- (A) No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Title.
- (B) The provisions of this Chapter shall not apply to any existing building or structure unless and until there is a change of use, substantial alteration or addition, or an enlargement of a current use.
- (C) Whenever a building or structure constructed after the effective date of this Title is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Title is enlarged to the extent of 50% or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

(Ord. 246-09-20, 9/15/2020).

11-12-2: **STANDARDS.**

- (A) **Location of Parking Spaces.** Unless otherwise allowed by the City, the following regulations shall govern the location of off-street parking spaces and areas:
 - (1) Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
 - (2) Parking spaces for commercial, industrial or institutional use shall be located not more than 500 feet from the principal use.

- (3) Parking spaces for apartments, dormitories or similar residential uses shall be located not more than 300 feet from the principal use.
- (B) **Loading Space Requirements and Dimensions.** Off-street loading spaces for commercial uses shall be provided as set forth in Section 11-12-4 of this Chapter.
- (C) **Maintenance.** The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of dust, trash and other debris.
- (D) **Surface.** The required number of parking and loading spaces as set forth in section 11-12-4 below, together with driveways, aisles and other traffic circulation areas, and shall be improved to a standard equal to or better than the surface of the public street it adjoins, unless otherwise approved by the City.
- (E) **Drainage.** All parking and loading areas shall provide for proper on-site drainage of surface water as approved by the City.
- (F) **Lighting.** Any parking area, either located in a commercial zone or used in a commercial manner, that is intended to be used during night-time hours shall be properly directed to avoid glare into on-coming vehicular traffic. Any lights used to illuminate a parking lot shall be so arranged as to reflect light away from the adjoining property.
- (G) **Access.** Any commercial or industrial parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall travel in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.
- (H) **Striping and Paving.** All parking areas, either located in a commercial zone or used in a commercial manner, with a capacity over 20 vehicles shall be paved and striped between parking stalls to facilitate the movement into and out of the parking stalls.
- (I) **Screening and/or Landscaping.** Whenever a parking area is screened on any side that adjoins or faces other properties, the screen shall be maintained in good condition and shall be not less than four feet nor more than six feet in height, unless the screen is made up of trees in accordance with Chapter 4 of Title 8 of this Code, provided that in no event shall any screening obstruct the view around corners of any road, street, alley, or ingress/egress to a parking area. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition.
- (J) **Wheel Blocks.** Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.
- (K) **Minimum Distance Setbacks.** No part of any parking area, either located in a commercial zone or used in a commercial manner, for more than ten vehicles shall be closer than twenty

feet to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot, unless such parking area is separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four feet to any established street or alley right-of-way.

(L) **Vehicles.**

- (1) No person shall park or allow to be parked any inoperable motor vehicle or vehicle not having a current registration upon a public street for a period of more than 72 consecutive hours at the same location.
- (2) For the purposes of this subsection, the following terms shall have the meanings ascribed below.
 - (a) The term “motor vehicle” shall mean every vehicle which is self-propelled and is or may be operated upon a public highway. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under title 49, Idaho Code.
 - (b) The term “vehicle” shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(M) **Joint Use.** Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided a written agreement provided for such joint use, is filed with the application for a building permit.

(Ord. 152-05-10, 9/21/2010); (Ord. 246-09-20, 9/15/2020).

11-12-3: **OFF-STREET PARKING DESIGN AND DIMENSIONAL TABLES.** All parking spaces shall comply with the following dimensions:

		45°	60°	90°	Parallel
A	Width of Parking Space	13’	10’	9’	9’
B	Length of Parking Space	15’	18’	19’	23’
C	Width of Driveway Aisle	13’	17’	25’	12’

11-12-4: **PARKING SPACE REQUIREMENTS.** For the purposes of this Chapter the following parking space requirements shall apply:

TYPE OF USE	PARKING SPACES REQUIRED
Residential	
1. Single family or two (2) family dwelling	Two (2) for each unit
2. Apartments, or multi-family dwelling	Two (2) for each unit
3. Boarding houses and rooming houses	One (1) for each sleeping room and one(1) for each permanent occupant
4. Manufactured home park	Two (2) for each unit
Commercial	
1. Automobile service garages which also provide repair	One (1) for each two (2) gasoline pumps and two (2) for each service bay
2. Hotels, motels	One (1) for each sleeping room and one (1) for each two (2) employees
3. Funeral parlors, mortuaries and similar uses	One (1) for each four (4) person capacity in the viewing and chapel areas
4. Dining rooms, restaurants, taverns, night clubs, etc.	One (1) for each two hundred (200) sq. ft. of floor area
5. Bowling alleys	Four (4) for each alley or for each one hundred (100) sq. ft. of the area used for restaurant, cocktail lounge or similar use
6. Dance floors, skating rinks	One (1) for each one hundred (100) sq. ft. of floor area used for the activity

TYPE OF USE	PARKING SPACES REQUIRED
7. Outdoor swimming pools, public or community or club	One (1) for each five (5) persons capacity plus one (1) for each four (4) seats or one (1) for each thirty (30) sq. ft. floor area used for seating purposes, whichever is greater
8. Auditoriums, sports arenas, theaters and similar uses	One (1) for each four (4) seats
9. Retail stores	One (1) for each two hundred and fifty (250) sq. ft. floor area
10. Banks, financial institutions	One (1) for each two hundred (200) sq. ft. similar uses of floor area
11. Offices, public or professional administration service building	One (1) for each four hundred (400) sq. ft. of floor area
12. All other types of business or commercial uses permitted in any business district	One (1) for each three hundred (300) sq. ft. of floor area

Institutional

- | | |
|--|--|
| 1. Churches or other places of religious assembly | One (1) for each five (5) seats |
| 2. Hospitals | One (1) for each bed |
| 3. Sanitariums, homes for the aged, nursing homes, children homes, asylums and similar | One (1) for each two (2) beds |
| 4. Medical and dental clinics uses room office and waiting rooms | One (1) for every two hundred (200) sq. ft. floor area |
| 5. Libraries, museums and art galleries | One (1) for each four hundred (400) sq. ft. floor area |

Schools (Public, Parochial or Private)

TYPE OF USE	PARKING SPACES REQUIRED
1. Elementary and Junior High schools	Two (2) for each classroom and one (1) for every eight (8) seats in auditorium or assembly halls
2. High Schools	One (1) for every ten (10) students and one (1) for each teacher and employee
3. Business, technical and trade schools	One (1) for each two (2) students
4. College, universities	One (1) for each four (4) students
5. Kindergartens, child care center	Two (2) for each classroom, but not less nursery schools and similar use than six (6) for the building
Manufacturing	
1. All types of manufacturing storage	One (1) for every two (2) employees (except, parcel delivery and freight for which the building is terminal designed) plus one (1) for each motor vehicle used in the business
Other Uses	As required by the City Council

CHAPTER 13 Comprehensive Plan and Zoning Map

SECTION:

11-13-1: Comprehensive Plan and Zoning Ordinance Changes

11-13-2: Official Zoning Map

11-13-1: **COMPREHENSIVE PLAN AND ZONING ORDINANCE CHANGES.** Prior to annexation of an unincorporated area, the City Council shall amend the Comprehensive Plan and Zoning Map for the unincorporated area. The Council shall follow the notice and hearing procedures provided in section 67-6509, Idaho Code.

11-13-2: **OFFICIAL ZONING MAP.** The Zoning Map on file in the office of the City Clerk is hereby adopted as the official Zoning Map of the City of Iona. The City Clerk shall ensure the map accurately reflects all zone boundaries within the City at all times.

CHAPTER 14 Variances

SECTION:

- 11-14-1: Administrative Procedures
- 11-14-2: Applications for Variances
- 11-14-3: Consideration by the Planning and Zoning Commission
- 11-14-4: Hearing Before City Council

11-14-1: **ADMINISTRATIVE PROCEDURES.** Upon receipt of an application for a variance, the City Clerk shall forward the application to the Planning and Zoning Commission and the City Council; cause the consideration of such application to be placed on the agenda of the Planning and Zoning Commission's next meeting that is at least twenty-five days after the date of submission, unless otherwise requested by the applicant; cause the consideration of and public hearing regarding such application to be placed on the agenda of the City Council's next meeting after the meeting at which the Planning and Zoning Commission will consider such application; cause arrangements to be made to provide notice, in the manner required by law, of the meeting relating to the consideration of such application before the Planning and Zoning Commission; and cause arrangements to be made to provide notice, in the manner required by law, of the public hearing relating to the consideration of such application before the City Council. All applications must be signed by all property owners in question. All applications for a variance shall include therein the names and mailing address of all property owners located within 300 feet of the property for which the variance is requested.

(Ord. 119, 3/27/2007); (Ord. 248-12-20; 12/15/2020).

11-14-2: **APPLICATIONS FOR VARIANCES.**

- (A) Applications for variances to this Title may be granted when they are not contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Title will result in an unnecessary hardship because of the physical characteristics of the site. A variance is a modification of the requirements of this Title such as minimum lot size, width, depth, setbacks affecting the size or shape of the structure or the placement of the structure upon lots, or the size of the lots. A variance shall not be considered a right or privilege and will only be granted to the applicant if hardship or other sufficient basis is proven by an applicant and it is not in conflict with the public interest (including, but not limited to, neighborhood appearance and aesthetic considerations).

- (B) The applicant shall provide proof of the following in his or her application:
- (1) A description of the physical characteristics of the site that (a) causes a hardship or (b) provides another sufficient basis for a variance, which requires a showing of the benefit or improvement to the City, local community, and/or neighbors.
 - (2) A description of the hardship or other sufficient reason (a) why application of the provisions of this zoning ordinance imposes undue burdens upon the property owner or (b) why the proposed variance would satisfy the purposes of this zoning ordinance by either matching or exceeding the functionality of the Code's requirements.
 - (3) Evidence that the hardship or difficulty necessitating a variance was not caused by the owner, or previous owners, through their own volitional actions.

(Ord. 119, 3/27/2007); (Ord. 292-08-23, 8/15/2023).

11-14-3: CONSIDERATION BY THE PLANNING AND ZONING COMMISSION.

At the meeting at which the Planning and Zoning Commission considers the application for a variance, the Planning and Zoning Commission shall review the application to determine its compliance with the Zoning Map; the Comprehensive Plan of the City; this Chapter 11 of the Iona City Code; and all applicable federal, state, or local laws. The person submitting the application may (but is not required to) address the Planning and Zoning Commission to present additional evidence, answer questions from the Planning and Zoning Commission members, or make any other statement relevant to the application under consideration. The Planning and Zoning Commission may (but is not required to) allow interested persons to address the Planning and Zoning Commission in relation to the application under consideration. The Commission shall prepare a written recommendation on such application and cause its written recommendation to be forwarded to the City Council before the meeting at which the City Council considers the application. If the Commission recommends denial of the variance, the Commission shall specify in writing the reasons why the variance was recommended for denial.

(Ord. 119, 3/27/2007); (Ord. 248-12-20; 12/15/2020).

11-14-4: HEARING BEFORE CITY COUNCIL. Upon receipt of the written recommendation from the Planning and Zoning Commission, the City Clerk shall notify the Mayor of such recommendation and shall schedule a public hearing before the City Council for consideration of the variance application. The City Clerk shall also cause a notification to be published in the official newspaper in accordance with the provisions set forth in Title 67 of the Idaho Code. The City Clerk shall also cause a written notice to be mailed to all property owners located within three hundred (300) feet of the boundaries of the property for which the application for a variance is requested. At the public hearing, the City Council shall afford the applicant an opportunity to present testimony and evidence of the reasons why the application should be granted and shall afford all other interested persons an opportunity to present testimony and evidence at

the hearing regarding the variance. At the conclusion of the hearing, the City Council shall grant or deny the variance or take the matter under consideration for determination at a later date. At the time the Council grants or denies the variance it shall set forth its decision in writing, setting forth the facts upon which it bases its decision and the reasons why the variance is granted or denied.

(Ord. 119, 3/27/2007).

CHAPTER 15 Enforcement and Administration

SECTION:

- 11-15-1: Office of Zoning Administrator and Building Official
- 11-15-2: Application and Plans Required
- 11-15-3: Building Permits Required
- 11-15-4: Powers and Duties of the Enforcing Officers
- 11-15-5: Permits to Comply with Ordinance
- 11-15-6: Certificate of Occupancy
- 11-15-7: Construction and Use to be Stated in Applications, Plans, Permits and Certificates of Occupancy
- 11-15-8: Establishment of Planning and Zoning Commission
- 11-15-9: Organization of Planning and Zoning Commission
- 11-15-10: Rules, Records and Meetings
- 11-15-11: Expenditures
- 11-15-12: Duties of Planning and Zoning Commission
- 11-15-13: Conflict of Interests

11-15-1: **OFFICE OF ZONING ADMINISTRATOR AND BUILDING OFFICIAL.** The Mayor may, with the advice and consent of the City Council, one or more Building Officials. The Building Official(s) shall report to and be supervised by the Mayor and shall be charged with the administration and enforcement of this Zoning Ordinance, the Subdivision Ordinance, and with the administration and enforcement of the Building Codes. Unless otherwise specified, the Mayor may, with the advice and consent of the City Council, also entrust the administration and enforcement of this Zoning Ordinance and the Subdivision Ordinance, in whole or in part, to any other officer of the City, including a law enforcement agency contracted to provide police services to the City.

(Ord. 118, 2/20/2007); (Ord. 326-04-26, 4/28/2026).

11-15-2: **APPLICATION AND PLANS REQUIRED.** Any person, firm or corporation desiring to construct a building in the City, shall first apply for a permit by making application

therefor to the Building Official. All applications for building permits shall be accompanied by a plot plan showing the size and location of the existing buildings and parking, landscaping, vehicular access, buildings to be erected and such other items as may be required by the City Code. The plot plan shall also show the zone in which a lot or parcel of land is located.

(Ord. 118, 2/2/2007); (Ord. 326-04-26, 4/28/2026).

11-15-3: **BUILDING PERMITS REQUIRED.** It shall be unlawful to erect, construct, move or structurally alter any building or structure, or any part thereof, until after a written permit to do so has been issued by the Building Official.

(Ord. 118, 2/2/2007).

11-15-4: **POWERS AND DUTIES OF THE ENFORCING OFFICERS.** It shall be the duty of the Building Official and/or other designated officer to inspect or cause to be inspected all buildings in the course of construction or repair as required under City Code. Such person shall enforce all provisions of this Ordinance and shall refer all violations to the City Prosecutor, entering actions in the courts when necessary, but any failure to do so shall not legalize any violation of such provisions, nor shall the failure of the City Prosecutor to enter actions in the courts shall not legalize any violation of such provisions.

(Ord. 118, 2/2/2007); (Ord. 326-04-26, 4/28/2026).

11-15-5: **PERMITS TO COMPLY WITH ORDINANCE.** From and after the effective date of this Ordinance, the Building Official shall not grant a permit for the construction of any building or structure, or for the moving of a building or structure onto a lot, or for the change in any use of land, building structure if such construction, alteration, moving or change in use would be in violation of any of the provisions of this Title (or any other provision of City Code), nor shall any other officer of the City grant any permit or license for the use of any building or land if such would be in violation of this Code.

(Ord. 118, 2/2/2007); (Ord. 326-04-26, 4/28/2026).

11-15-6: **CERTIFICATE OF OCCUPANCY.** It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, erected, altered, changed, or converted wholly or partly in its use or structure until a Certificate of Occupancy to the effect that the building or premises or the part thereof so created, erected, altered, changed or converted and the proposed use thereof conforms to the provisions of this Code shall have been issued by the Building Official.

It shall be the duty of the Building Official to issue a Certificate of Occupancy within ten (10) days after a request for same shall have been filed in his office by any owner of a building or premises

affected by this Title, provided said building or premises or the part thereof so created, erected, altered, changed or converted and the proposed use thereof conform with all the requirements herein set forth.

(Ord. 118, 2/2/2007).

11-15-7: CONSTRUCTION AND USE TO BE STATED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES OF OCCUPANCY. Building permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Building Official authorizes only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangements, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter, and punishable as provided herein.

(Ord. 118, 2/2/2007).

11-15-8: ESTABLISHMENT OF PLANNING AND ZONING COMMISSION. The Iona Planning and Zoning Commission is hereby established and shall be comprised of five (5) voting members, at least one of whom resides within the Area of Impact. All members of the Commission shall be appointed by the Mayor and confirmed by majority of the City Council. Each member of the Commission must have resided in Bonneville County for a period of at least two (2) years prior to the date of his or her appointment and must remain a resident of either the City or the Area of Impact throughout his or her service on the Commission. The term of office for the members of the Commission shall be for a period of three (3) years, provided that the initial appointment of one of the members shall be for a period of one (1) year and two (2) of the members shall be for a period of two (2) years. No person shall serve on the Commission for more than two (2) full consecutive terms without specific concurrence by a vote of at least three (3) members of the City Council, which votes shall be recorded in the minutes. Vacancies in the term of any member shall be filled in the same manner as the original appointment. Members of the Commission may be removed for cause by a majority vote of the City Council. Members of the Commission shall be selected without respect to political affiliation. In appointing such members, the Mayor and City Council shall consider the various areas and interests within the City and ensure that the same are broadly represented on the Commission.

(Ord. 118, 2/2/2007); (Ord. 199-10-15, 10/20/2015); (Ord. 218-03-18, 3/20/2018).

11-15-9: ORGANIZATION OF PLANNING AND ZONING COMMISSION. By appointment by the Mayor and City Council, the Commission shall elect a chairperson and a secretary. The Commission may also establish subcommittees, advisory committees, or

neighborhood groups to assist and advise in carrying out its responsibilities under this chapter. The Commission may also appoint non-voting ex officio advisors as deemed necessary.

(Ord. 118, 2/2/2007).

11-15-10: **RULES, RECORDS AND MEETINGS.** The Planning and Zoning Commission shall adopt written bylaws consistent with the provisions of this chapter and the Idaho Local Land Use Planning Act. The Commission shall provide for the taking of minutes of all meetings, hearings and for the maintaining of a record of all the resolutions, studies, findings, permits and actions taken by the Commission. All meetings and records shall be open to the public. The Commission shall conduct at least one (1) meeting per month for not less than nine (9) months in a calendar year. A majority of the voting members of the Commission shall constitute a quorum.

(Ord. 118, 2/2/2007).

11-15-11: **EXPENDITURES.** Subject to the budgetary process adopted and approved by the Mayor and City Council, the Planning and Zoning Commission may expend funds and purchase goods and services and contract for professional services, all as necessary to undertake and fulfill its purposes and duties under the provisions of this chapter. Without limiting the foregoing, the Commission may hire or contract for the services of professional planners, engineers, architects or legal assistance.

(Ord. 118, 2/2/2007).

11-15-12: **DUTIES OF THE PLANNING AND ZONING COMMISSION.** The Planning and Zoning Commission shall have the following duties:

- (A) To hear and consider and make recommendations to the City Council regarding applications for variances, conditional use permits, zoning requests, PUD's or other permits as expressly allowed under the provisions of this chapter.
- (B) To advise and make recommendations to the City Council with respect to the adoption of a comprehensive plan, zoning ordinance, area of impact and amendments thereto, all in accordance with the notice and hearing procedures set forth in the Idaho Local Land Use Planning Act.
- (C) To consider and make recommendations to the City Council regarding the annexation of property into the City and to further make recommendations concerning the zoning and rezoning thereof.
- (D) To consider and make recommendations to the City Council regarding amendments to the subdivision ordinance, and to conduct hearings when expressly required by the subdivision ordinance.

- (E) To undertake and perform such other duties as may be expressly set forth in other provisions of this chapter.
- (F) Make recommendations to the City Council concerning the comprehensive plan, planning process or implementation of the comprehensive plan.
- (G) Conduct citizen hearings, meetings, surveys or obtain advice regarding the comprehensive planning process, comprehensive plan and its implementation. The Commission may also conduct informational meetings and consult with public officials and agencies, public utilities and civic, educational, professional or other organizations.
- (H) The Planning and Zoning Commission shall have the duty of conducting a comprehensive planning process designed to prepare, implement and review and update the Comprehensive Plan, all as provided in accordance with Idaho Code § 67-6508. The adoption, amendment and/or repeal of the plan shall be consistent with the provisions of Idaho Code § 67-6509.
- (I) Appoint a hearing examiner, including a professionally trained or licensed planner, engineer or architect for the purpose of conducting hearing applications for subdivision, special use and variance permits and requests for zoning district boundary changes, all as provided under Idaho Code § 67-6520.

(Ord. 118, 2/2/2007).

11-15-13: **CONFLICT OF INTERESTS.** No member of the Commission shall participate in any proceeding or action when he or she or his or her employer, business partner, business associate or any person related to him or her by affinity or consanguinity within the second degree has an economic interest in the proceeding or proposed action. Any actual or potential interest in said proceeding shall be disclosed at or before the meeting in which the action is being heard or considered. No member of the Commission shall participate in any deliberation or in any aspect of the decision-making process if he or she has a conflict of interest as provided under Idaho Code § 67-6506.

(Ord. 118, 2/2/2007).