

CITY OF IDAHO CITY

ANNUAL APPROPRIATION ORDINANCE NO. 162

BE IT ORDAINED BY the Mayor and City Council of the City of Idaho City, Boise County, State of Idaho:

SECTION 1. That there should be and is hereby appropriated the sum of THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED SIXTY-NINE DOLLARS AND NO/100 (\$327,569.00) out of the monies in the Treasury of the City of Idaho City, Boise County, State of Idaho, for the period from October 1, 1980 to September 30, 1981 for the following purposes:

GENERAL FUND:

Administration:

Salaries	\$ 1,200.00
Clerk Salary & extra help	960.00
Personnel Benefits	285.00
Office Supplies	400.00
Professional Services	1,000.00
Printing & binding	100.00
Legal Publishing	1,400.00
Insurance	1,850.00
Travel & meetings	200.00
Dues & subscriptions	150.00
Telephone	490.00
Heat & lights	2,000.00
Local transportation	120.00
Miscellaneous	180.00
Capital Outlay	5,600.00
Elections	200.00
Legal Atty Fees	4,800.00
Building & structures	400.00
Dog Control	380.00
Planning & Zoning	250.00
Emergency Reserve Account	7,000.00
	<u>\$ 28,965.00</u>

Law Enforcement:

Salaries-Chief of Police	\$10,800.00
Deputy	2,400.00
Personnel Benefits	1,541.00
Office Supplies	225.00
Operation & Special Supplies	600.00
Motor Fuels	1,900.00
Insurance	1,150.00
Telephone & Communications	1,130.00
Repair & Maintenance Auto	1,000.00
Miscellaneous	150.00
Capital Outlay	700.00
	<u>\$ 21,596.00</u>

Fire Department

Salaries	\$ 660.00
Personnel Benefits	100.00
Operation & Special Supplies	250.00
Motor Fuels	150.00
Insurance	320.00
Repair & Maintenance Equipment	500.00
Miscellaneous	100.00
Capital Outlay	1,500.00
	<u>\$ 3,580.00</u>

Non-Property Tax Fund

Law Enforcement-Salaries	\$ 6,000.00
Insurance	750.00
Administration	450.00
	<u>\$ 7,200.00</u>

Land Fund

Clerk Salary	\$ 1,320.00
Professional Services	2,500.00
Insurance	480.00
Miscellaneous	1,000.00
Capital Outlay	4,000.00
Emergency Reserve Account	7,000.00
	<u>\$ 16,300.00</u>

GENERAL FUND CON'T

Water Department:

Watermaster Salary	\$ 2,980.00
Clerk Salary	1,980.00
Personnel Benefits	200.00
Office Supplies	150.00
Local Transportation	300.00
Miscellaneous	100.00
Pumping	2,410.00
Treatment	1,500.00
Transmission/Distribution	5,000.00
Customer Accounts	100.00
Capital Outlay	2,000.00
Water Bond Payment	7,000.00
Emergency Reserve Account	7,000.00
	<u>\$ 30,720.00</u>

TOTAL BUDGET GENERAL FUND

\$108,361.00

STREET FUND:

Motor Fuels	\$ 1,000.00
Insurance	800.00
Equipment Rental Operator	100.00
Equipment Maintenance	2,000.00
Miscellaneous	350.00
Street Maintenance	773.00
Snow & Ice Control	2,500.00
Street Lighting	2,500.00
Street Cleaning	850.00
Street Construction	250.00
Capital Outlay	700.00
Emergency Reserve Account	9,500.00

TOTAL BUDGET STREET FUND

\$ 21,323.00

REVENUE SHARING TRUST FUND:

Legal Publishing	\$ 495.50
Health & Public Safety	1,676.50
Police & Corrections	938.00
Fire Protection	1,000.00
General Public Buildings	742.00

TOTAL BUDGET REVENUE SHARING TRUST FUND

\$ 4,852.00

SEWER FUND

Salaries-Deputy Clerk	\$ 5,160.00
Personnel Benefits	344.00
Professional Services	1,400.00
Insurance	800.00
Office Supplies	200.00
Customer Accounts	150.00
Repair & Maintenance	3,000.00
Operation & Special Supplies	1,000.00
Improvement Project	13,700.00
Sewer Bond Payment	5,582.00
Grants: State & Federal	137,000.00
Emergency Reserve Account	35,951.00

TOTAL BUDGET SEWER FUND

\$193,033.00

TOTAL 1980/81 BUDGET

\$327,569.00

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

PASSED by the City Council this 3rd day of September 1980.

APPROVED by the Mayor this 3rd day of September 1980.

Attest:

Approved:

John D. Bryan

ESTIMATED REVENUES FY 1980/81

GENERAL FUND:

Real, Personal Prop. Taxes	\$ 10,860.00
Payroll Taxes Withheld	6,200.00
State Sales Tax	2,241.00
Amusement Licenses	400.00
Beer License	350.00
Liquor License	675.00
Wine License	350.00
Animal License	535.00
State Liquor Fund-State	650.00
-County	1,200.00
Court Revenue	3,000.00
Interest Earnings	10,000.00
Other	100.00
Water Fund-Revenues	14,400.00
Hook-up & turn-on	1,900.00
Bond	7,000.00
Land Fund-payments	16,300.00
Non-Property Tax Fund-Revenues	7,200.00
Cash on Hand	<u>34,000.00</u>

TOTAL GENERAL FUND REVENUE\$108,361.00STREET FUND:

Highway Users	\$ 3,300.00
Interest Earnings	523.00
Transfer from Land Fund	2,500.00
Transfer from Non-Property Tax Fund	2,400.00
Cash on Hand	<u>12,600.00</u>

TOTAL STREET FUND REVENUE\$ 21,323.00SEWER FUND:

Revenues	\$ 13,300.00
Hook-up Fees	1,200.00
Grants: State & Federal	137,000.00
Bond	5,582.00
Cash on Hand	<u>35,951.00</u>

TOTAL SEWER FUND\$193,033.00REVENUE SHARING TRUST FUND

Regular Funds	\$ 2,630.00
Cash on Hand	<u>2,222.00</u>

TOTAL REVENUE SHARING TRUST FUND\$ 4,852.00TOTAL ESTIMATED FY 1980/81 REVENUE\$327,569.00

AN ORDINANCE ESTABLISHING MEETINGS OF THE CITY COUNCIL OF THE CITY OF IDAHO CITY: ESTABLISHING THE NUMBER, PLACE, TIME AND PURPOSE OF MEETINGS AND PROVIDING GUIDELINES FOR SPECIAL AND EXECUTIVE SESSIONS.

BE IT ORDAINED By the Mayor and Council of the City of Idaho City, State of Idaho:

WHEREAS, the City of Idaho City, having been established and its government composed in accordance with Title 50, Idaho Code, it is hereby ordained that the Mayor and City Council of Idaho City, Idaho, shall meet at the time and places set out below to conduct the business of the City:

SECTION I

REGULAR MEETINGS. The Mayor and Council shall meet in regular session at the City Hall in Idaho City on the second and fourth Tuesdays of each month, said meetings to commence at the hour of 7:00 o'clock P.M. Mountain Standard Time (at 8:00 P.M. Mountain Daylight Time during months when Daylights Savings Time is in effect). During such regular sessions, the Mayor and Council may consider any and all business of the City of Idaho City, whether regularly agended or entertained from the floor.

SECTION II

SPECIAL MEETINGS. The Mayor and Council may meet from time to time in special session, as provided by law. The time and place for such meetings shall be as designated in the notice for such meetings, and all notices shall be as provided by law.

SECTION III.

EXECUTIVE SESSION. The Mayor and Council may meet in executive session, only for the purposes expressly allowed by law and only at the times, and in the manner and after notice required by law.

The Mayor and Council may meet separately or as a group with legal counsel to discuss legal issues, request legal advice or receive legal opinions, without prior public notice and such conferences shall not constitute a meeting of the Board. The contents of such meeting shall enjoy the normal privileges of an attorney/client relationship.

SECTION IV

SEVERABILITY. Should any section, sub-section, paragraph, sentence, clause, or phrase of this ordinance, or any particular application thereof, be declared unconstitutional or invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION V

1. This ordinance is hereby declared to be in full force and effect thirty (30) days from the date of passage.
2. Regularly passed and adopted by the City Council of the City of Idaho City, State of Idaho, this 11th day of March, 1980.


John Brogan, Mayor

ATTEST:


Rora Phillips, City Clerk

ORDINANCE NO. 160

AN ORDINANCE REPEALING ORDINANCES NUMBER 1-29, 120, 125, 127, 135, 137, and 151; PROVIDING FOR RATES, CHARGES AND FEES FOR SERVICE PROVIDED BY THE MUNICIPAL WATER SYSTEM; REGULATIONS CONCERNING CONNECTIONS; BILLING, TERMINATION AND LIEN PROCEDURES; PROVIDING PROHIBITED ACTS AND PENALTIES THEREFORE; PROVIDING FOR EMERGENCY PROCEDURES, SERVICE AND RATES THEREFORE; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE FOR THIS ORDINANCE.

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

Section 1. Idaho City Ordinances Numbers 1-29, 120, 125, 127, 135, 137, and 151 are hereby repealed.

Section 2. It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety and welfare of the inhabitants and the public of Idaho City, and for the purpose of providing an equitable distribution of the costs and expenses of maintenance, operation, upkeep and repair of the municipal water system of Idaho City, that the system of monthly service charges, rates and fees be established for the use of and services rendered by said water system and facilities.

Therefore, in addition to being a personal obligation, the rates, charges, fees and penalties provided by this Ordinance are hereby levied and assessed against each lot, parcel of land, building or the property (including trailer houses) connected to, or using, the municipal water system of Idaho City.

Section 3. The following monthly water rates, charge or fee is hereby established in the amount of not less than \$ 7.00 per month for any single dwelling residence; churches and lodges, \$ 7.00 per month; restaurant or bar \$ 10.50 per month; restaurant and bar combination \$ 17.50 per month; with a minimum rate for vacant residences and buildings of \$ 2.50 per month; laundromats \$ 3.50 per washer in each such laundromat per month; motel, hotel and boarding houses \$ 3.50 per unit without kitchen units; vacant trailer spaces, no charge, overnight trailer space \$ 3.50 per unit per month if occupied at all; school house \$ 32.00 per month; forest service \$ 118.90 per month, it being understood that other business and associations will have to be appraised by the

City Council to establish applicable rates and said Council shall meet with the business or agency being rated, charged with said water rate or fee to approve the appraisalment and assessment and establish the rate; charge or fee, levied and assessed against such property. The rates for businesses outside the City will be 20% above corporate rates for those inside the City provided that the hookup is allowed by the City Council.

Section 4. All applications for new water service connections must be made in writing by the owner or occupant of the premises to be served, on a form provided by the City for that purpose. Where the City has in place water distribution mains of sufficient size and adjacent to the applicant's premises to furnish the service desired, the City shall install at the applicant's expense, together with a connection fee of \$300.00 and thereafter maintain at City expense, a service connection of proper size to the applicant. The property owner or occupant shall pay one-half of the excavation costs and shut-off valves to be placed on the City property.

Section 5. Except as otherwise provided by these rules and regulations and rates, the City will refuse (a) to install a service connection of a larger size that in its opinion is adequate to properly serve the premises; (b) to install a service connection which, in its opinion, will work an undue hardship on the City or its existing consumers; (c) to connect a service connection to a customer's plumbing where the depth of his service line is less than necessary to prevent freezing under normal conditions; (d) to connect to any service, main or other appurtenance that in its opinion does not conform to good engineering design, or meet the standard specifications of the City; (e) to accept an application for a service connection if it requires an extension of the City's mains, unless said mains can be to the City's specifications with the owner or occupant paying the cost of installation plus the cost of one inch line. ~~Any larger line than a one-inch main will be paid for by the City;~~ (f) no service from the municipal water system will be rendered to any applicant outside the corporate limits of said City of

Idaho City until, in the judgement of the City Council, those requiring service within the corporate limits have been properly served and there is available water supply for outside users, and then only under the following conditions: The applicant must submit his application for service to the City Council of Idaho City and secure its approval and then the applicant himself must install, or pay the cost of installing, the service connection in compliance with the rules and regulations and under the supervision of a City engineer, and title to the right of way, pipeline, and other connections must be properly conveyed to the City all under such special rate for service and maintenance charge and possible ultimate refund because of other services rendered through the same line, or for the same reason as may be mutually agreed upon between such outside water user and the City Council prior to the rendering of such service.

Section 6. A bill for water service to any premises shall become delinquent if not paid by the 20th day of the month in which such bill is rendered and water service shall not be restored until a fee of \$25.00 therefore and all delinquent bills and charges have been satisfied.

Section 7. For non-payment of water bills, water service to any premise shall not be discontinued until the following procedure has been followed:

(a) After a water bill becomes delinquent as provided by Section 6 of this ordinance, the City Clerk shall notify the owner of the premises to which such water service was furnished and the tenant thereof, if any, in writing of such delinquency and if such water bill is not paid in full within twenty (20) days thereafter such water service shall be discontinued unless such owner or tenant requests a pre-termination of service hearing, in writing.

(b) In the event a pre-termination hearing is requested such hearing shall be held before the City Council after timely notice to such owner and tenant, if any, who shall have the right to be represented by counsel and present witnesses in his behalf;

a written record of such hearing shall be kept by the City and a written decision stating the reasons therefore shall be rendered by the Council within a reasonable time. All hearings shall be informal in nature and the formal rules of procedure and evidence used by the District Courts of Idaho, shall not comply.

(c) Water service shall not be discontinued pending such hearing but in the event of a decision requiring payment of such bill or any portion thereof, the same must be paid within ten (10) days after service or mailing of such decision to the owner or tenant, if any, or water service shall be discontinued.

(d) All notices required hereunder shall be in writing and shall be mailed by U.S. certified mail, return receipt requested, with postage prepaid thereon or personally served upon the owner of such premises and tenant, if any. Service shall be deemed complete upon date of service or mailing.

(e) The owner or tenant of the premises involved shall have the right of appeal to the District Court from any adverse decision of the City Council, any such appeal must be filed within 30 days of the Council's decision.

(f) A copy of this ordinance shall accompany each notice of delinquency in payment for water service given under the provision of this section.

Section 8. When water has been shut off from any premises, either upon the application of the owner thereof, or for non-payment, of water charges, or for any other cause, it shall be a misdemeanor for any person to again connect such premises with the City water supply system except when specifically authorized to do so by the City Clerk.

Section 9. It shall be unlawful for any person not authorized by the City to tamper with, alter or injure any part of the City water works or water supply system or any water meter.

Section 10. Charges for water shall be a lien upon the premises, as provided by statute or ordinance. Whenever a bill for water services remains unpaid for 60 days after it has been rendered the Clerk may file with the Recorder of Boise County, a statement of

lien claim. This statement shall contain the legal description of the premises charged, the amount of the unpaid bill, and a notice that the City claims a lien for this amount as well as for all charges for water served subsequent to the period covered by the bill.

Section 11. Property subject to a lien for unpaid water charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the City.

Section 12. The City Attorney is hereby authorized and directed to institute such proceedings in the name of the City in any Court having jurisdiction over such matter, against any property for which a water bill has remained unpaid 60 days after it has been rendered.

Section 13. The termination of service provisions of Section 7 are independent of the lien provisions of Sections 10, 11, and 12 and the City may avail itself either remedy or both or any others available at law or in equity.

Section 14. When premises are to be vacated, and without human occupancy, temporarily or permanently, the owner may request that service be terminated. Such requests must be in writing and delivered to the City Clerk on or before the 10th day of the month. Persons requesting termination after the 10th day of the month shall be charged for that entire month.

Section 15. All termination requests by owner and subsequent applications for renewal of service shall be accompanied by a fee of \$ 5.00 .

Section 16. Whenever water service to an individual premises is interrupted due to leaks, weather hazards (e.g. freeze-ups), or the like; the owner and/or occupant shall notify the City Clerk of such condition within 48 hours of its discovery.

(a) Upon such notification the City shall determine where

the problem (leak, freeze, etc.) is in relation to the meter. All problems on the property owner's side of the meter shall be the owner's responsibility to rectify. All problems at the meter or on the City's side of the meter shall be the City's responsibility to rectify.

(b) Should repairs be impossible due to weather conditions, lack of parts or the like; and should the City or owner be unable to provide any type of running water service within 48 hours of receipt of notification of an interruption; then there shall be no charge for water service during any calendar month in which said non-service shall exist.

(c) Should alternative running water be provided to any premises, whether obtained by the City, the owner, the occupant or from an adjacent City subscriber; e.g. garden hose service or the like, then the monthly water rate shall be one-half of that provided in Section 3 above for the affected premises during any calendar month such service is necessary, due to an interruption of normal service.

Section 17. In the event any portion of this ordinance or part thereof shall be determined by any Court, of competent jurisdiction, to be invalid, void or otherwise unenforceable, the remaining provisions hereunder or parts thereof, shall remain in full force and effect, and shall in no way be affected, impaired or invalidated thereby.

Section 18. Any violation of this ordinance shall be deemed a misdemeanor and shall be punishable, upon conviction, by a fine of up to \$300.00 or by incarceration in the Boise County Jail for up to six (6) months or by both such fine and incarceration.

Section 19. This ordinance shall be in full force and effect on the ^{15th} ~~20th~~ day of November, 1979.

Passed by the Council of the City of Idaho City, Idaho this 9th day of October, 1979.

Approved by the Mayor of the City of Idaho City, Idaho this 9th day of October, 1979.

Approved

John D. Gray

ATTEST:

Dora C. Phillips
City Clerk

CITY OF IDAHO CITY

ANNUAL APPROPRIATION ORDINANCE NO. 159

BE IT ORDAINED BY the Mayor and City Council of the City of Idaho City, Boise County, State of Idaho:

SECTION 1. That there should be and is hereby appropriated the sum of TWO HUNDRED TWELVE THOUSAND EIGHT HUNDRED SIXTY-NINE AND 64/100 (\$212,869.64) DOLLARS, out of the monies in the Treasury of the City of Idaho City, Boise County, State of Idaho, for the period from October 1, 1979 to September 30, 1980 for the following purposes:

GENERAL FUND:

Administration:

Salaries	\$ 1,200.00
Clerk Salary & extra help	960.00
Personnel Benefits	98.00
Supplies	300.00
Professional Services	1,500.00
Printing & Binding	100.00
Ad & Legal Publications	1,400.00
Insurance	977.00
Travel & Meetings	100.00
Dues & Subscriptions	100.00
Telephone & Communications	520.00
Heat, Lights, & Utilities	1,400.00
Local Transportation	120.00
Miscellaneous	180.00
Capital Outlay	500.00
Elections	400.00
Legal Atty Fees	4,800.00
Buildings & Structures	400.00
Dog Control	200.00
Emergency Reserve Account	<u>13,525.00</u>
	\$28,780.00

Law Enforcement:

Salaries: Chief of Police	\$10,800.00
Deputies	1,800.00
Personnel Benefits	1,495.00
Office Supplies	200.00
Operation & Special Supplies	598.00
Motor Fuels & Lubs	1,600.00
Insurance	610.00
Telephone & Communications	550.00
Repair & Maint. Auto	500.00
Miscellaneous	100.00
Capital Outlay	<u>500.00</u>
	\$18,753.00

Fire Department:

Salaries	\$ 600.00
Personnel Benefits	128.00
Operating & Special Supplies	160.00
Motor Fuels & Lubs	150.00
Insurance	226.00
Repair & Maint. Equipment	500.00
Miscellaneous	100.00
Capital Outlay	<u>1,500.00</u>
	\$ 3,364.00

Non-Property Tax Fund:

Law Enforcement: Salaries	\$ 4,200.00
Insurance	750.00
Administration	<u>1,500.00</u>
	\$ 6,450.00

GENERAL FUND

Land Fund:

Salaries Clerk	\$ 1,200.00	
Personnel Benefits	246.00	
Professional Services	2,500.00	
Miscellaneous	1,000.00	
Capital Outlay	4,000.00	
Emergency Reserve Account	<u>7,836.00</u>	
		\$16,782.00

Water Department:

Salaries: Watermaster & extra labor	\$ 2,800.00	
Clerk	1,580.00	
Personnel Benefits	258.00	
Office Supplies	150.00	
Local Transportation	265.00	
Miscellaneous	100.00	
Pumping	2,295.00	
Treatment	2,000.00	
Transmission/Distribution	5,000.00	
Customer Accounts	100.00	
Water Bonds	7,000.00	
Emergency Reserve Account	<u>8,500.00</u>	
		\$30,448.00

TOTAL BUDGET GENERAL FUND

\$104,577.00

STREET FUND:

Motor Fuels & Lub.	\$ 812.64	
Insurance	800.00	
Equip. Rental Operator	100.00	
Equipment Maintenance	2,000.00	
Miscellaneous	350.00	
Street Maintenance	750.00	
Snow & Ice Control	2,550.00	
Street Lighting	1,750.00	
Street Cleaning	850.00	
Street Construction	250.00	
Capital Outlay	420.00	
Emergency Reserve Account	<u>9,500.00</u>	

TOTAL BUDGET STREET FUND

\$ 20,132.64

REVENUE SHARING TRUST FUND:

Legal Publishing	\$ 500.00	
Health & Public Safety	2,000.00	
Police & Corrections	800.00	
Fire Protection	500.00	
General Public Buildings	<u>1,514.00</u>	

TOTAL BUDGET REVENUE SHARING TRUST FUND

\$ 5,314.00

SEWER FUND:

Professional Services	\$ 1,300.00	
Insurance	700.00	
Salaries Deputy Clerk	1,980.00	
Personnel Benefits	520.00	
Office Supplies	200.00	
Repair & Maintenance	3,000.00	
Operation & Special Supplies	1,000.00	
Improvement Project	3,726.00	
Sewer Bonds	5,582.00	
Grants: State & Federal	33,528.00	
Emergency Reserve Account	<u>31,310.00</u>	

TOTAL BUDGET SEWER FUND

\$ 82,846.00

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

PASSED by the City Council this 5th day of September 1979.

APPROVED by the Mayor this 5th day of September 1979.

Approved:


John B. Brogan, Mayor

Attest:


Rosa A. Phillips, City Clerk

ESTIMATED REVENUES FY 1979/80

GENERAL FUND:

Taxes-Real, Personal Property	\$ 9,225.00	
State Sales Tax	380.00	
Amusement & Recreation	300.00	
Licenses- Beer, Wine, Liquor, Anim.	1,750.00	
State Liquor Fund-State	700.00	
County	1,495.00	
Court Revenue	1,500.00	
Interest Earnings	1,595.00	
Cash on Hand	<u>28,000.00</u>	
		\$44,945.00
Water Revenue-Revenue	\$13,000.00	
Hook-Up Fees	1,400.00	
Bonds	7,000.00	
Cash on Hand	<u>15,000.00</u>	
		\$36,400.00
Land Fund		
Payments	<u>\$16,782.00</u>	
		\$16,782.00
Non-Property Tax Fund		
Payments	<u>\$ 6,450.00</u>	
		\$ 6,450.00

TOTAL GENERAL FUND REVENUE

\$104,577.00

STREET FUND:

Highway Users	\$ 3,560.00
Interest Earnings	522.64
Land Fund	2,000.00
Non-Property Tax Fund	1,550.00
Cash on Hand	<u>12,500.00</u>

TOTAL STREET FUND

\$ 20,132.64

REVENUE SHARING TRUST FUND:

Regular Funds	\$ 2,630.00
Cash on Hand	<u>2,684.00</u>

TOTAL REVENUE SHARING TRUST FUND

\$ 5,314.00

SEWER FUND:

Bonds	\$ 5,582.00
Revenues	12,968.00
Hook-up Fees	1,400.00
Grants-State & Federal	33,528.00
Cash on Hand	<u>29,368.00</u>

TOTAL SEWER FUND

\$ 82,846.00

TOTAL ALL ESTIMATED REVENUES

\$212,869.64

AN ORDINANCE DEFINING AND CREATING A PLANNING AND ZONING COMMISSION; PROVIDING FOR QUALIFICATIONS OF SAID COMMISSION; PROVIDING FOR THE TERM OF OFFICE, RULES AND ORGANIZATION; PRESCRIBING THE DUTIES OF SAID COMMISSION; PROVIDING FOR MAPS, PLATS AND REPLATS FOR EMPLOYEES AND EXPENDITURES; SEVERABILITY AND AN EFFECTIVE DATE. PURSUANT TO CHAPTER 65, TITLE 67, IDAHO CODE.

BE IT ORDAINED by the City Council of the City of Idaho City, Idaho:

SECTION I

Definitions

As used in this Ordinance -

"Commission" means the Planning and Zoning Commission created by this Ordinance.

"Appointive Members" means all members of the Commission.

"Governing Board" means the City Council of the City of Idaho City, Idaho.

SECTION II

Creation of the Commission

The commission shall consist of five (5) members. They shall be appointed by the City Mayor and confirmed by the City Council. All members must have been residents of this county five (5) years prior to their election and must remain residents of this county while serving on the commission. The terms of office for the appointive members shall be three (3) years. All vacancies shall be filled in the same manner as original appointments. Members may be removed after public hearing by a majority vote of the governing body. Members shall be selected without respect to political affiliations, and shall serve without compensation, but may be reimbursed for mileage at the rate of fifteen cents per mile and per diem at the rate of Five dollars per day, up to the amount appropriated by the governing board for such purposes.

SECTION III

Rules-Organization and Meetings

The commission shall elect its own chairman and create and fill such offices as it may determine necessary for the proper conduct of the affairs and business of the commission. Meetings of the commission shall be held when duly called by the chairman by written or oral notice. At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year. A majority of voting members of the commission shall constitute a quorum. All meetings shall be open to the public. Written rules consistent with this Ordinance and the laws of the State of Idaho for the transaction of business of the commission shall be adopted. Written records of meetings, hearings, resolutions, findings, studies, permits and actions shall be maintained and open to the public.

SECTION IV

Duties

It shall be the duty of the Planning and Zoning Commission to:

1. Conduct a planning process designed to prepare, implement, review and update a comprehensive plan that includes all lands within the governing boards jurisdiction;
2. Hold public hearings prior to recommending the comprehensive plan, changes to the plan and ordinances.
3. Provide ways and means to obtain citizen participation in the planning process;
4. Recommend subdivision and zoning ordinances;
5. Recommend changes to a comprehensive plan and zoning ordinance prior to annexation of an unincorporated area; and,

6. Recommend a map, a governing plan and ordinances for an area of city impact that is within the unincorporated area of a county.
7. Provide ways and means to obtain citizen participation in the administration of ordinances;
8. Prepare a procedure for processing zoning permits namely: Special use permits, rezone applications, planned unit development proposals and variance applications;
9. Hear all requests for amendment to the zoning ordinance, hold at least one (1) public hearing and make its recommendation to the governing board; and
10. Recommend changes to the zoning ordinance (if needed) to the governing board.

SECTION V

Expenditures and Staff

With the approval of the governing board, the commission may receive and expend funds, goods, and services from the Federal Government or agencies and instrumentalities of State or local governments or from civic and private sources and may contract these entities and provide information and reports as necessary to secure aid. Expenditures by the commission shall be within the amounts appropriated by the governing board. Within such limits, any commission is authorized to hire employees and technical advisors, including but not limited to: planners, engineers, architects and legal assistance.

SECTION VI

Maps-Plats and Replats

Any and all maps, plats and replats of land which require the approval of the governing board or of an officer or employee shall first be submitted to the commission for its suggestions, prior to submission to said governing board, official or employee.

SECTION VII

Severability

The provisions of this ordinance are hereby declared to be severable and if any provisions of this ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not effect the validity of the remaining portions of this ordinance.

SECTION VIII

Effective Date

This ordinance shall be in full force and effect on the 14th day of August, 1979.

Adopted and approved this 14 day of August, 1979, and signed by the Mayor of the City of Idaho City as authorized by the Council.

John B. Boyer
Mayor

ATTEST

Rosa A. Phillips
City Clerk



ORDINANCE No. 157A

AN ORDINANCE ADDING SECTION 6 TO ORDINANCE 157; AN ORDINANCE PROVIDING FOR DIRECT LEGISLATION THROUGH INITIATIVE AND REFERENDUM.

Be It Ordained By The Mayor And City of Idaho City, Idaho.

SECTION 1. The Creation of Section 6 to Ordinance #157. This ordinance shall be in full force and effect upon the signing, approval, and publication of the same. Thus being April 10, 1979.

SECTION 2. This Ordinance shall be in full force and effect upon the signing, approval and publication of the same.

PASSED by the Council of the City of Idaho City, Idaho, this 1 day of May, 1979.

APPROVED by the Mayor of the City of Idaho City, Idaho, this 1 day of May, 1979.

APPROVED:

John B. Brogan
John B. Brogan, Mayor

ATTEST:

Rora A. Phillips
Rora A. Phillips, City Clerk

ORDINANCE NO. #157.

AN ORDINANCE PROVIDING FOR DIRECT LEGISLATION THROUGH INITIATIVE & REFERENDUM

Be It Ordained By The Mayor And City Of Idaho City, Idaho

SECTION 1. Creation of Right - The people of Idaho City shall have the right to enact ordinances through the initiative process, and to repeal ordinances through the referendum process, according to the procedures set forth herein.

SECTION 2. Number of Petitioners Required - To enact an ordinance by initiative or to repeal an ordinance by referendum, there shall be attached or appended to the petition the signatures of the legal voters of the city equal to at least twenty (20) percent of the total number of voters registered to vote at the last general election in the city.

SECTION 3. Time for Filing Petitions - Referendum petitions with the requisite number of signatures attached shall be filed with the city clerk not less than sixty (60) days following the final adoption of the ordinance to be subject to referendum.

SECTION 4. Time for Election - A special election for initiative or referendum shall be provided not more than 90 days following the certification of the petition, provided that in the event a municipal election will occur within ninety (90) days, the initiative and referendum shall be submitted at the time of the municipal election.

SECTION 5. Requirements for Signature, Verification of Valid Petitions, Printing of Petition, and Time Limits - Referendum and initiative petitions shall conform with the requirements for signature, verification of valid petitions, printing of petitions, and time limits, except as expressly modified to meet the purposes of initiative and referendum to be as nearly as practicable as provided in Sections 34-1701 through 34-1705 of the Idaho Code.

Approved

John D. Bryan
Mayor

Attest:

Ronnie M. Keith
City Clerk, deputy.

AN ORDINANCE REPEALING ORDINANCE NO. 129 AND 129A OF IDAHO CITY AND ENACTING PROVISIONS REQUIRING THE LICENSING OF CONTROL OF DOGS WITHIN IDAHO CITY; PROVIDING FOR THE ADMINISTERING OF AND ENFORCEMENT OF SAID PROVISIONS AND ESTABLISHING CIVIL AND CRIMINAL SANCTIONS FOR VIOLATORS AND DECLARING AN EFFECTIVE DATE.

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

Section 1: That Ordinance No. 129 and 129A of the Idaho City Code, be and the same hereby are repealed.

Section 2: Licenses Required: It shall be unlawful for any person to own, harbor, keep or possess a dog more than six (6) months old within the City without first procuring a license therefore as provided by this Ordinance: provided, however, that the provisions of this Charter shall not apply to any person visiting the City for a period of not exceeding thirty (30) days and owning or possessing a dog currently licensed, and bearing the license issued by another municipality, or other licensing authority.

Section 3: Licenses; Application; Fees: All dog licenses shall be by the calendar year beginning January 1st and expiring as of December 31st of the year in which issued. The owner or person having in charge any dog within the City shall make application to the City Clerk and pay a license fee in the sum of \$5.00 for each and every spayed or neutered dog, and the sum of \$7.50 for each and every unspayed or unneutered dog; said amount to be pro-rated for the first year an animal is licensed from the date said dog is subject to licensing; and provided that the owner thereof shall present to and file with the Clerk at the time of securing said license a certificate of a licensed veterinarian that the dog has been spayed or neutered. A certificate of licensed veterinarian shall set forth that any dog being licensed under this section shall have had rabies shot or booster within the last thirty-six (36) months. Upon receipt of such application and payment of fees, the person issuing the license shall issue a receipt designating the owners name and the number of the license, the sex of the dog, the amount paid by him, together with a metal tag bearing the number corresponding to that upon the receipt. It shall be unlawful for anyone to make a false statement in the application for a license.

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

Section 4: Dogs to be positively controlled: All dogs within the corporate limits of Idaho City shall be under positive control at all times. Positive control means the dog is attended or an unattended dog, under the following conditions:

a. chained within the owners property in such a way that the animal cannot leave the physical confines of the owners property; side walks, streets, alleys and the like, open to the public shall not be deemed a part of the owners property for purposes of this ordinance.

b. fenced within the owners property in such a way as to comply with sub paragraph a) above.

c. confined within a dwelling or other building.

d. confined within a closed motor vehicle.

An attended dog is one accompanied by the owner or his agent; where said dog is:

a. under leash or similar device; or

b. within 50 feet of the owner and in direct line of sight and under such degree of control that said dog shall not interfere with the rights of others;

1. A dog which snaps at, bites, attacks, corners, chases after or similar acts upon any person, dog or vehicle within the City; except upon the specific order of its master, and in the defense of said master, or

2. which goes uninvited upon the property of another and does actual damage and or urinates or defecates upon said property without the prior permission of the property owner; shall be deemed to be unattended and proof of such acts shall be prima facie evidence that the dog is uncontrolled.

Section 5: Abandoned Dogs: No owner or a person having custody shall abandon such dog within the City limits.

Section 6: Kernel License: It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household more than three (3) dogs unless the owner or person having custody or harboring three (3) dogs more than three (3) months old shall have obtained a kernel license.

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

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

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

Section 7: Rabies: It shall be unlawful for any person to own, keep or harbor any dog afflicted with rabies.

Section 8: Nuisance: It shall be unlawful for any owner to fail to exercise proper care and control of his dogs, to prevent it from becoming a public nuisance. Excessive, continuous barking, molesting passers-by, chasing vehicles, habitually attacking other domestic animals, trespassing among public or private property in such a manner as to damage the property, shall be deemed a nuisance.

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

Section 9: City Pound: The City Police Chief is hereby authorized to establish a city pound within or without the City or to arrange for pound services with the Idaho Humane Society or a governmental entity within the State of Idaho for the impounding and care of stray animals. The purpose of said pound being to keep and dispose of any animals impounded according to the provisions of this Ordinance or State law.

Section 10: Impounding; Interference Unlawful: It shall be unlawful for any person to hinder or molest any designated person who may be engaged in seizing, keeping or removing any animal in conformity with the provisions of this Ordinance.

Section 11: Records: The police department shall keep a record of all animals impounded, which record shall contain a description of the

animal, the place where, and the date when, taken into custody, or when delivered to the City Pound.

Section 12: Poundmaster: The police department may designate and employ with the approval of the Mayor, such persons to act as Poundmaster and Deputy Poundmasters as may be required.

Section 13: Redemption; Impounded Animal: Any animal impounded because it was found running at large, or without a license, may be redeemed by the owner prior to the sale or destruction of such animal, by paying all charges against the same, as provided by this Ordinance.

Section 14: Fees; Impounding: (a) The Poundmaster shall be entitled to charge a fee for the keeping and selling of any animal, which fee shall be, for the keeping and selling, retained by the Poundmaster as payment towards the cost and expense incurred by the Poundmaster in the keeping and selling of such animal. The fees which may be charged by the Poundmaster for impounding, keeping, and selling any animal, to be paid upon redemption or sale of such animal shall be as set by the Poundmaster by regulation. Said regulation shall take effect upon execution by the Poundmaster and be ratified and approved by the City Council at their first regular meeting subsequent thereto. Failure of the Council to approve said regulations shall render them null and void.

(b) In addition to the foregoing, any person redeeming any dog, shall prior to or at the time of the redemption take out a license for the same, unless such dog shall already have a license for the calendar year; and any person purchasing a dog, at any sale herein provided for, shall promptly take out a license for the same.

A fraction of a day shall be deemed a full day and any portion of a day in excess of any multiple of twenty-four (24) hours, shall be deemed a day.

Section 15: Sale; Notice: Within 24 hours, excluding Saturday, Sunday and Holidays, after any dog shall have been impounded, the Poundmaster shall give notice of impounding and of the impending sale by posting a notice at the police headquarters, at the Pound, and to the owner, if known, describing the animal impounded, and notifying the owner to pay the charges thereon, and remove same prior to the time fixed for the sale thereof; and that, otherwise, the animal will be sold at a public sale at a time and

place named in said Notice which time shall be not less than five (5) days from the date of the posting of such Notices, excluding Saturday, Sunday and Holidays.

Section 16: Diseased Dog; Destruction: Any dog impounded hereunder and suffering from serious injury or disease, may be humanely destroyed at the discretion of the Poundmaster.

Section 17: Sales; Bids; Title: The sales herein provided for shall be for cash to the person making the highest bid, at or above the charges incurred by the City against said animal. In the event there be no bid at or above said charges the Poundmaster may destroy any such animal offered for sale. The purchaser at such sale, had after notices herein provided for, shall acquire absolute title to the animal purchased.

Section 18: Violations, Penalty: Any person, firm, company, corporation, or association violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$300.00 or by imprisonment for not more than thirty (30) days, or by both said fine and imprisonment.

Section 19: This Ordinance shall be in full force and effect upon the signing, approval and publication of the same.

PASSED by the Council of the City of Idaho City, Idaho, this 10th day of April, 1979.

APPROVED by the Mayor of the City of Idaho City, Idaho this 10th day of April, 1979.

APPROVED:

John D. Rogers
MAYOR

ATTEST:

Ronna M. Webb
City Clerk, deputy

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, FINDING THAT SAID CITY HAS SIGNIFICANT ECONOMIC DEPENDENCE ON VISITORS AND TRAVELERS; PROVIDING FOR DEFINITIONS: PROVIDING FOR THE IMPOSITION OF CERTAIN NONPROPERTY TAXES, TO-WIT: A FIVE PER CENTUM (5%) HOTEL -MOTEL ROOM OCCUPANCY TAX, AND A FIVE PER CENTUM (5%) LIQUOR BY-THE-DRINK TAX, PROVIDING FOR A FIVE (5) YEAR DURATION OF SAID NONPROPERTY TAXES; ~~ESTABLISHING THE PURPOSES FOR WHICH THE REVENUE DERIVED FROM SAID NONPROPERTY TAXES SHALL BE USED:~~ CREATING A PROPERTY TAX RELIEF FUND: AUTHORIZING THE CITY CLERK TO ADMINISTER, REGULATE, AND COLLECT SAID NONPROPERTY TAXES: PROVIDING FOR PERMITS AND ISSUANCE, PROVIDING METHOD FOR PAYMENT OF TAXES, AUDITS, DEFICIENCY DETERMINATIONS: REDETERMINATIONS OF DEFICIENCY, APPEALS, INTEREST ON DEFICIENCY, COLLECTIONS AND ENFORCEMENT: REFUNDS, LIMITATIONS AND INTEREST: PROVIDING FOR RESPONSIBILITY FOR PAYMENT OF TAXES PROVIDING PERIOD OF LIMITATION ON ASSESSMENT AND COLLECTION: ESTABLISHING SUCCESSOR'S LIABILITY; PROVIDING FOR GENERAL ADMINISTRATION BY CITY CLERK: PROVIDING PENALTIES AND PENALTY CHARGE; PROVIDING FOR SEVERABILITY: AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION 1. FINDING:

The City Council of the City of Idaho City, hereby finds that the City is a City that derives the major portion of its economic well being from people catering to recreational needs and meeting the needs of people traveling to that distinct City for an extended period of time; that the City has a significant economic dependence upon visitors and travelers passing through or staying in the community and said City; and, that said visitors and travelers require services of said City which place an undue burden upon the taxpayers of said City.

SECTION 2. DEFINITIONS:

(a) Hotel-motel-Any business including hotels, motels, condominiums, tourist homes, and any other business which in the regular course of business rents or leases for occupancy temporary lodging to individuals with or without meals, except where residence is maintained continuously under terms of a lease or similar agreement for a period in excess of thirty (30) days.

(b) Liquor by-the-drink - The term as used in this ordinance, includes:

(i) "Alcohol;" meaning the product of distillation of any fermented liquor, rectified either once or oftener, whatever may be origin thereof, or synthetic ethyl alcohol.

(ii) "Spirits;" meaning any beverage which contains alcohol obtained by distillation mixed with drinkable water or other substances in solution, including, among other things, brandy, rum, whiskey, and gin.

(iii) "Wine" meaning any alcohol beverage obtained by the fermentation of the natural sugar content of fruits (oranges, apples, etc.) or other agricultural products containing sugar (honey, milk, etc.)

(iv) "Beer" meaning any alcohol beverage obtained from the fermentation of sugar, barley, hops, malt, yeast and similar ingredients.

(v) Any liquid or solid, patented or not, containing alcohol, spirits, or wine and susceptible of being consumed by a human being, for beverage purposes.

(c) Sale of liquor by-the-drink - The terms sale, retail sale, and sale at retail mean the sale of liquor by-the-drink for consumption on the premises, and includes any transfer of money, title, exchange, barter or credit, conditional or otherwise, in any manner or by any means whatsoever as consideration.

(d) Room occupancy charge - The total amount charged for the rental use or temporary occupancy of a room or living unit, valued in money, whether paid in money or otherwise, without any deduction.

(e) Seller of liquor by-the-drink - Any individual, Partnership, corporation, organization or other association that engages in the sale of liquor by-the-drink for consumption on the premises, whether by agent, employee or principle.

(f) Taxpayer - Any person subject to or liable for any tax or payment of any tax imposed under this ordinance.

(g) "In the City of Idaho City" - Means within the exterior boundaries of the City of Idaho City, Boise County, Idaho.

(h) "Person" - Shall include any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust business trust, receiver, trustee, syndicate, cooperative, assignee, or any other group or combination acting as a unit.

(i) Sales Price - The total amount for which liquor by-the-drink is sold, valued in money, whether paid in money or otherwise, without any deduction.

SECTION 3. IMPOSITION OF CERTAIN NONPROPERTY TAXES, TO-WIT: A FIVE PER CENTUM (5%) HOTEL-MOTEL ROOM OCCUPANCY TAX, AND A FIVE PER CENTUM (5%) LIQUOR BY-THE-DRINK TAX.

The City of Idaho City, hereby imposes and shall collect as set forth herein, certain nonproperty taxes as follows;

(a) HOTEL-MOTEL ROOM OCCUPANCY - A tax is hereby imposed at the rate of

five per centum (5%) on the room occupancy charge for each hotel-motel room rented or leased within the City of Idaho City, Boise County, Idaho. Said room occupancy tax shall apply, be computed on and collected on all room occupancy charges including all credit, installment, conditional or similar rental or lease fees at the time the fee for rental is charged. Said room occupancy tax shall be collected by the owner of said property or his authorized agent from the renter or leasee.

(b) LIQUOR BY-THE-DRINK - A tax is hereby imposed at the rate of five per centum (5%) of the sales price upon each sale at retail of liquor by-the-drink. The tax shall apply to, be computed on, and collected for all sales including credit, or similar sales at the time of the sale, and shall be collected by the retailer from the consumer.

(c) When the sales price involves a fraction of a dollar, said nonproperty taxes shall be collected on that fractional portion of the price by adding thereto the tax based upon the following bracket system.

1.	\$.01 to .29	.01
2.	\$.30 to .49	.02
3.	\$.50 to .69	.03
4.	\$.70 to .89	.04
5.	\$.90 to 1.00	.05

The retailer shall calculate the tax upon the entire amount of the purchases of the consumer made at a particular time subject to this ordinance, and not separately upon each item purchased. The retailer may retain any amount collected under said bracket system which is in excess of the amount of tax for which he is liable to the City during the period as compensation for the work of collecting said tax.

(d) All monies collected and/or retained under the provisions of this ordinance shall be held in trust for the City of Idaho City and for payment thereof to the City Clerk in the manner and at the times in this ordinance provided.

SECTION 4. DURATION OF TAX.

The nonproperty taxes authorized and collected under this ordinance are hereby imposed for a duration of FIVE (5) years from the effective date of this ordinance.

SECTION 5.

~~THE PURPOSES FROM WHICH THE REVENUES DERIVED FROM SAID NONPROPERTY TAXES SHALL BE USED.~~

The nonproperty tax revenue derived from any collected under this ordinance shall be used for the following purposes and with the following priority.

~~ADMINISTRATIVE AND LEGAL~~

~~ROAD IMPROVEMENT~~

~~PROPERTY TAX RELIEF FUND~~

~~PROPERTY TAX RELIEF FUND~~

SECTION 6. CREATION OF A PROPERTY TAX RELIEF FUND

(a) There is hereby created in the office of the City Clerk a fund to be designated as the "Municipal Property Tax Relief Fund." All monies collected under this ordinance, and not otherwise budgeted by the City Council, shall be placed by the City Clerk into the municipal property tax relief fund. All monies collected and placed into said fund shall be used to replace City property taxes in the ensuing fiscal year.

SECTION 7. AUTHORIZATION FOR CITY CLERK TO ADMINISTER REGULATE AND COLLECT SAID NONPROPERTY TAXES

(a) The City Clerk of the City of Idaho City is hereby authorized and empowered to administer, regulate and collect payment of all nonproperty taxes adopted and imposed by the ordinance. Said Clerk shall have all of the powers set forth in this ordinance together with those additional powers necessary and proper to carry out the provisions of this ordinance.

SECTION 8. PERMITS-ISSUANCE

(a) Every person desiring to engage in or conduct business of renting a hotel-motel room, and/or selling liquor by-the-drink within this City shall file with the City Clerk an application for a municipal nonproperty tax permit for each place of business. A separate permit is required for each place of business within the City. Every application for said permit shall be made upon a form prescribed by the City Clerk and shall set forth the name under which the applicant transacts or intends to transact business, the location of the business or places of business, and such other information as the City Clerk may require. The application shall be signed by the owner, if he is a natural person; or in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or other person authorized by the corporation to sign

the application. Initial permits shall be issued upon completion of the application and payment of a ten dollar (\$10.00) application fee for each permit sought.

(b) Upon filing an application meeting the requirements set out above, the City Clerk shall issue to each applicant a permit for each place of business. A permit shall not be assignable, and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the location for which it was issued. Issuance of a permit may be subject to additional requirements as set forth in this ordinance.

(c) On the face of the permit shall be fixed a municipal non-property tax number which shall be used by the applicant as an identifying number on all filing, payment and correspondence with regard to the non-property tax imposed under this ordinance.

SECTION 9. METHOD FOR PAYMENT OF TAXES

(a) The taxes imposed by this ordinance shall be computed and paid for each calendar month. Said ~~taxes are due and payable to the City Clerk~~ ~~on or before the 25th day of the succeeding month.~~ The amount of tax paid shall be computed on the total dollar value of liquor by-the-drink sold and/or hotel-motel room charges. Each person required to hold a municipal nonproperty tax permit and number shall file a municipal nonproperty tax return and a copy of their Idaho State Sales Tax Return for the month at the same time said taxes are paid to the City Clerk, unless said person has been permitted in writing by the Idaho State Tax Commission to file quarterly sales or use tax returns. Persons who have been permitted to file other than quarterly returns shall notify the City Clerk in writing and the City Clerk thereupon may require reporting of State Tax Returns over some other period.

(b) The first payment of taxes under this ordinance shall be due and payable together on the 25th day of June, 1979, for that period beginning May 1, 1979, and ending May 31, 1979. Thereafter all payments shall be made monthly.

(c) A municipal nonproperty tax return shall be filed each and every month by every person engaging in the sale of liquor by-the-drink and/or hotel-motel rental or lease regardless of whether or not any tax is due. Returns shall be signed by the person required to file the return or by a duly authorized agent.

SECTION 10. AUDITS-DEFICIENCY DETERMINATIONS

(a) The City Clerk may order an audit of any taxpayer under this ordinance for the purpose of ascertaining the correctness or completeness of any return or payment.

(b) If any error or omission is discovered in such audits or in any other way, the City Clerk may compute and determine the amount of tax due upon the basis of facts obtained from such information within its possession and assert a deficiency. One or more deficiency determinations may be made for the amount due for one or for more than one period. In making such a determination, the City Clerk may offset over payments against amounts due. Further, said determinations shall be made for the period or periods in respect to which the person fails to make a return and shall be based upon any information which is in the City Clerk's possession.

(c) The City Clerk shall give written notice of its determination and the amount of its deficiency, including interest, at the rate of eight per cent (8%) per annum from the date due, to the person from whom such deficiency amount is due. Such notice may be given personally or mailed to the person at the address furnished to the City Clerk in the non-property tax permit application.

SECTION 11. REDETERMINATION OF DEFICIENCY

(a) Any person against whom a deficiency determination is made under this ordinance, or any person directly interested, may petition in writing for a redetermination within thirty (30) days after service upon the person of notice thereof. If the petition for redetermination is not filed within the thirty (30) day period, the determination becomes final at the expiration of the period.

to any tax provided by this ordinance or collecting any such liability the City Clerk or duly authorized deputy is authorized (1) to examine the books, papers, records or other data which are relevant or material to the inquiry, (2) to demand the person liable for the tax or his officer, agent or employee of such person, or any person having possession, custody or care of books or accounting containing and relating to the business of the person liable for the tax, to appear before the City Clerk or deputy at a time and place named in such summons to produce such books, papers, records or other data and/or give such testimony under oath as may be relevant or material to such inquiry.

SECTION 14. REFUNDS, LIMITATIONS AND INTEREST

(a) If the City Clerk determines that any amount due under this ordinance has been paid more than once or has been erroneously or illegally collected or computed, the City Clerk shall set forth that fact in its records and the excess amount paid or collected by be credited on any amount due payable to the City Clerk for nonproperty taxes from that person, and any balance refunded to the person by whom it was paid or to his successors, administrators or executors.

(b) No such credit or refund shall be allowed or made after one (1) year from the time the payment was made unless before the expiration of such period a claim therefor is filed by the taxpayer.

(c) Interest shall be allowed on the amount of such credits or refunds at the rate of 8 per cent (8%) per annum from the date which such tax was paid.

(d) Appeal from the City Clerk's decision denying in part or in whole a claim for refund shall be made in accordance with the laws of the State of Idaho with regard to claims against municipalities.

SECTION 15. RESPONSIBILITY FOR PAYMENT OF TAXES.

(a) Every person with a duty to account for or pay over any tax imposed by this ordinance on behalf of a corporation as an officer employee of the corporation, or on behalf of a partnership, as a member employee of the partnership shall be personally liable for payment of such tax plus penalties and interest.

SECTION 16. PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION

(a) The amount of taxes imposed under this ordinance shall be assessed within three (3) years of the time the return upon which the tax asserted to be due was or should have been filed, whichever is later; provided, however, if a deficiency determination or assessment has been made within the prescribed time, such tax may be collected with a period of six (6) years after assessment. The running of limitations provided by this section shall be suspended for the period during which the City Clerk is prohibited from making the assessment or from collecting or proceeding in court due to a petition for redetermination or an appeal therefrom, and for thirty (30) days thereafter.

(b) In the cases of taxes due during the lifetime of a decedent, the tax shall be assessed any proceedings for collection begun within six (6) months after written request therefore (filed after the return is made) by the executor, administrator, personal representative or other fiduciary representing the estate of such decedent unless the assessment is stayed by a petition for redetermination or any appeal therefrom.

(c) In the case of a false or fraudulent return with intent to evade tax, or of a failure to file a return, the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within six (6) years after the date of the discovery of the facts constituting the fraud.

SECTION 17. SUCCESSORS' LIABILITY

(a) If a vendor liable for any amount of tax under this ordinance sells out his business or stock and goods, the vendee shall make an inquiry to the City Clerk and withhold from the purchase price any amount of tax that may be due under this ordinance until such time as the vendor produces receipt stating that no amount is due.

(b) If the purchaser of business or stock of goods fails to withhold from the purchase price as above required, he is personally liable for the payment of the amount required to be withheld by him to be extended a purchase price valued in money.

SECTION 18. GENERAL ADMINISTRATION BY CITY CLERK

(a) The City Clerk shall enforce the provisions of this ordinance and may prescribe, adopt and enforce rules and regulations relating to its administration and enforcement. The City Clerk may employ qualified auditors for examination of taxpayers' books and records and shall also employ such accountant investigators, assistants, clerks, and other personnel as are necessary for the efficient administration of this ordinance, and may delegate authority to its representatives to conduct hearings, or perform other duties imposed by this ordinance.

(b) Every hotel-motel owner and seller of liquor by-the-drink in this City shall keep such records, receipts, receipts from wholesalers, invoices, and other pertinent papers as the City Clerk may require. Every such hotel-motel owner and seller of liquor by-the-drink who files tax payments required under this ordinance shall keep all such records for not less than four (4) years after making such payments unless the City Clerk in writing authorizes their destruction.

(c) The City Clerk, or his attorney, or their duly sworn deputies may examine the books, records, receipts and equipment of any person, including any liquor by-the-drink and any hotel-motel owner, or any person liable for any such tax and may investigate the character of the business of the person in order to determine the accuracy of any return, or if no return is filed by the person concerned, and determine the amount claimed to be due. Any person, including any liquor by-the-drink whose books and records are kept outside of the City upon the request of the City Clerk, or by agreement with the City Clerk, shall permit an auditor designated by the City Clerk to visit the place where the records are kept, and there audit such records.

SECTION 19. PENALTIES

(a) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, punishable by up to six (6) months in the county jail, and/or Three Hundred Dollars (\$300.00) fine, or both. Furthermore, each month in which a person fails to report, or wilfully fails to accurately compute, or wilfully fails to accurately disclose the total amount of sales or rentals or the amount of tax to be paid, as

imposed under this ordinance, shall be considered a separate offense.

(b) Any persons who violates any provision of this ordinance shall have his municipal nonproperty tax permit and tax number revoked. The City Clerk shall send written notice of revocation of said permit and tax number to the permit holder by mailing same certified mail to the address given on the permit application. The permit holder shall have ten (10) days from the date said notice is mailed to file a written request of appeal with the City Council, challenging said revocaiton. If no appeal is timely made said revocation becomes final. Whenever a person subject to this ordinance has had said permit and tax number revoked, the City Clerk shall not reissue said permit nor issue a new permit to said person places with the City Clerk a bond or other sufficient security in the amount equal to three (3) times the actual, determined or estimated average monthly amount of tax payable by such person pursuant to this ordinance.

(c) The City clerk, whenever it is deemed necessary to insure compliance with this ordiance, may require any person subject to this ordinance to place with it such security as it may determine. The amount of said security shall not be greater than three (3) times the estimated average monthly amount payable by such persons pursuant to this ordinance. The amount of the security may be increased or decreased by the City Clerk at any time, subject to the limitations set forth above.

(d) Any person who violates any provision of this ordinance shall have all municipal beer license(s), and wine license(s), and retail liquor by-the-drink license(s) revoked.

(e) Any amount of tax due under this ordinance for which a person fails to report or accurately compute shall become a lien upon the property of said taxpayer on the date that the same becomes due, and the City may seek to enforce said lien and collect all taxes and interest due together with the reasonable costs of collection, including attorney's fees, in a court of competent jurisdiction.

(f) For the purposes of proper administration of this ordinance, and to prevent evasion of said non-property taxes, the burden of proving that a sale of liquor by-the-drink or rental of a hotel-motel room is not a sale under this ordinance is upon the person who makes the sale or rental in question.

SECTION 20 PENALTY CHARGE

(a) Any person who is required to collect, truthfully account for, and pay over any tax imposed by this ordinance and who willfully fails to collect such a tax or truthfully account for or pay over such a tax, or willfully attempts in any manner to evade or defeat such a tax or payment thereof, shall in addition to other penalties provided by law be liable to a penalty equal to the amount of the tax evaded, or not collected, or not accounted for and paid over. The City Clerk shall determine and assess such penalties, and the same shall become due and payable upon notice and demand from the City Clerk. The City Clerk shall send written notice of such penalty charge to the permit holder by mailing same certified mail to the address given on the permit application. The permit holder shall have ten (10) days from the date said notice is mailed to file a written request of appeal with the City Council challenging said penalty charge determination. If no appeal is timely made, said penalty charge determination becomes final.

SECTION 21. EXEMPTIONS

All transactions by the State of Idaho, otherwise subject to imposition of said taxes, are exempt from the provisions of this ordinance.

SECTION 22. SEVERABILITY

It is hereby declared to be the legislative intent that the provisions, and parts thereof, of this ordinance shall be severable. Should any section, subsection, paragraph, clause or phrase of this ordinance or any particular application thereof, be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, such decision shall not affect the remaining portions of said section, subsection, paragraph, clause or phrase of this ordinance.

SECTION 23. This ordinance shall be in full force and effect on May 1, 1979, and after voter approval, passage by City Council and the Mayor, and publication according to law prior to May 1, 1979.

PASSED BY THE CITY COUNCIL and approved by the Mayor this 15th day of January, 1979.

ATTEST:

Rosa Phillips
Rosa Phillips, City Clerk

John Brogan
John Brogan, Mayor

AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR SEWAGE DISPOSAL SERVICES AND PROVIDING PROCEDURES AND PENALTIES FOR ITS ENFORCEMENT.

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

ARTICLE I.

GENERAL PROVISIONS

Section 1: Short Title: This Ordinance may be cited as City of Idaho City Sewer Services Charges Ordinance.

Section 2: Definitions: Unless the context otherwise indicates, terms used herein have the following meanings:

- (a) City shall mean the City of Idaho City;
- (b) County shall mean the County of Boise, Idaho;
- (c) Council shall mean the City Council of the City;
- (d) Residential Units: The following residential establishments shall be deemed to have the following number of residential units:

- (1) Single residential dwelling, designed for occupancy by one family only, which is not occupied by more than one family: one residential unit;
- (2) Duplex, triplex, apartment house or other multi-residential establishment, designed for occupancy for living purposes by more than one family, which is divided into separate housekeeping units each of which is designed for occupancy by one family; each housekeeping unit shall be deemed to be a separate residential unit.
- (3) Auto court, trailer court, trailer park and other like establishment, divided into separate living units, auto spaces and trailer spaces, with or without housekeeping facilities; each room or

*Repealed by
#183*

suite of rooms, or each auto or trailer space, which is designed to be occupied for living purposes by persons living separately from others, shall be deemed to be a separate residential unit.

(4) Lodging house, rooming house, dormitory, rest home, or other establishment, other than those hereinabove specified in subparagraphs (1), (2) and (3), which is occupied, or designed, intended or arranged for occupancy, for residential purposes by one or more persons to whom rooms are rented or otherwise made available for sleeping purposes, without separate housekeeping facilities for each room or suite of rooms; each six beds, or part of six, shall be deemed to be a separate residential unit for which purpose a double bed shall be deemed to be two beds. When separate housekeeping facilities are accorded any room or suite of rooms, each such room or suite of rooms shall be deemed a separate residential unit;

(5) Cafe and bar, tavern and laundry designed and used for their intended purpose shall be deemed to have the residential equivalent of 1.54 of a residential unit.

(6) Schools, Forest service, Boise Cascade and vacant residence units shall have the rate designated therefore in Schedule "A".

(e) Other Residential Unit Equivalents: A parcel of land which is designed, intended or used for commercial, public or industrial purposes, (including motels and hotels) shall be deemed to have the following number of residential unit equiva-

lents: Each five number of plumbing fixtures, or a portion of such number, installed in a parcel of land shall be deemed to be one residential unit equivalent. As used herein, "plumbing fixture" shall be deemed to mean and include a toilet, a urinal, a shower, a tub, a sink, a basin, a lavatory, an automatic washing machine, and any other water or sewage receptor or facility, which is connected, directly or indirectly, to a sanitary sewer line or system and from which water or sewage can be or is drained, directly or indirectly into a sanitary sewer line or system.

(f) Sewer service charges shall mean fees, tolls, rates, rentals or other charges for services and facilities furnished by City in connection with its sanitation or sewerage system.

(g) Additional definitions: For the purpose of this Ordinance additional terms shall have the meaning indicated in Chapter 1 of the last edition, and any revisions thereof, of the "Western Plumbing Officials Uniform Plumbing Code" adopted by the Western Plumbing Officials Association.

Section 3: Effective Date of Provisions: The rates and charges provided herein shall be and become effective upon the effective date of this Ordinance.

Section 4: Separability: The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional or void for any other purpose.

ARTICLE II.

SEWER SERVICE CHARGES

Section 5: Rates: Sewer service charges are hereby imposed for each connection to the City sanitary sewage system based upon quantity flow of sewage into the sytem which shall provide revenue sufficient to pay the operation and maintenance and repay bonded indebtedness and provide for the reserve fund for said system, all as set forth on the attached Schedule A which is by reference made a part of this Ordinance and which sets forth the monthly service charge per residential unit or residential unit equivalent for each connection. That the City Council may change said sewer service charge and provide for charges for other than normal domestic sewage as hereinafter provided upon said Schedule A from time to time by resolution or minute entry of the City Council which shall become a part of Schedule A without the necessity of amending this Ordinance and shall be the effective sewer service charges thereafter.

Section 6: User Other Than Normal Domestic Sewage: For any industrial or other nondomestic connection with respect to which the quantity of the sewage is greater, or the character of the sewage requires plant treatment and/or operations greater than that for normal domestic sewage, the sewer service charges provided in Section 10 and as based upon the recommendation of the City Engineer shall be adjusted upward on an equitable basis as determined by the Council by resolution from time to time and set forth in a schedule of charges. For the purpose of this section, the quantity for normal domestic sewage shall be deemed to be an average of approximately 400 gallons per day.

Section 7: Relief from unjust Rates: The owner or occupants of any premises who by reason of special circumstances finds that the charges either as set forth in Section 5 or as determined pursuant to Section 6, are unjust or inequitable as applied to his premises, may make written application to the Council, stating the circumstances and requesting a different

basis of charges for sewer services to his premises. If such application be approved the Council may by resolution fix and establish fair and equitable rates for such premises to be effective as of the date of such application and continuing during the period of such special circumstances. The Council may on its own motion find that by reason of special circumstances said charges are unjust and inequitable as applied to particular premises and may by resolution fix and establish fair and equitable sewer service charges for such premises during the period of such special circumstances, or any part thereof.

Section 8: Annual Review of User Charges: The City Council shall annually, after the date of adoption of this Ordinance, review user charges and revise the same to reflect the actual treatment works operation and maintenance cost and requirements for the reserve fund and for bond redemption.

Section 9: Revenue of Sewage System: The user charge system of the City of Idaho City, Idaho, shall generate sufficient revenue at all times to offset the cost of all treatment works operation and maintenance of the City as well as funds for bond redemption and reserve funds as required by law.

ARTICLE III.

BILLING AND COLLECTION

Section 10: Billing: The regular billing period for said sewer service charges will be for each calendar month or bimonthly, as determined by the Council.

Section 11: Opening and Closing Bills: Opening and closing bills for less than the normal billing period shall be for not less than one month.

Section 12: Billing Time: Bills for sewer service charges shall be rendered at the beginning of each billing

period are payable upon presentation, except as otherwise provided.

Section 13: Penalties and Interest: All bills not paid on or before the 20th of the month in which said bill was due and payable shall be delinquent and a penalty of ten percent of the bill or amount due plus one-half of one percent per month from the first day of said month, shall accrue for the period of said non-payment and be collected as part of the principal amount thereof.

Section 14: Collection by Suit: The City may collect unpaid sewer services charges by suit in which event it shall have judgment for the cost of suit and reasonable attorney's fees.

Section 15: Remedies Cumulative: The remedies herein provided for collecting and enforcing rates are cumulative and may be pursued alternatively or may be used consecutively when the Council so determines. If any remedy is invalid, all valid remedies shall remain effectual.

ARTICLE IV

COLLECTION WITH WATER CHARGES

Section 16: Collection with Water Charges: The sewer service charges may be collected with the rates and charges for the services, facilities and water of the City's waterworks and system rendered by it and all rates shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from the water charges.

ARTICLE V.

DISCONNECTION

Section 17: Connections Mandatory: The further maintenance or use of cesspools or other local means of sewage

disposal constitute a public nuisance. All buildings inhabited or used by human beings which are within 100 feet from the sewerage system of the City or any extension hereafter made thereto, and in which any sewage is produced shall be connected with the sewerage system of the City within 90 days from completion thereof.

Section 18: Disconnection: As an alternative method of collecting such charges, the City may disconnect any premises from the sewer system if the user fails to pay the service charges for his premises after they shall have become delinquent. The person in charge of the sewer system shall estimate the cost of disconnection of such premises from the enterprise and the cost of reconnecting it thereto, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid and premises are reconnected to the sewer system, the person in charge shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Section 19: Abatement: During the period of nonconnection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Council shall cause proceedings to be brought to the abatement of the occupancy of said premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the City reasonable attorney's fees and costs of suit arising in said action.

ARTICLE VI.

EFFECTIVE DATE

Section 20: Effective Date: This Ordinance shall take effect and be in full force and effect upon its passage,

#154

SCHEDULE A

<u>TYPE OF UNITS</u>	<u>FACTOR</u> (Residential Equiv.)	<u>REVENUE/MONTH</u> <u>FACTOR</u>
Residences	1.0/Unit	\$ 6.50
Mobile Homes	1.0/Unit	6.50
City Hall & Fire Station	1.0/Unit	6.50
Churches	1.0/Unit	6.50
Fraternal Lodges	1.0/Unit	6.50
County Offices	1.0/Unit	6.50
Apartments/Unit	1.0/Unit	6.50
Service Stations	1.0/Unit	6.50
City Shop	1.0/Unit	6.50
Cafe	1.0/Unit	6.50
Library	1.0/Unit	6.50
Grocery Stores	1.15/Unit	7.50
Cafe & Bar	1.54/Unit	10.00
Tavern	1.54/Unit	10.00
Laundry	1.54/Unit	10.00
All other business establishments	1.54/Unit	10.00
Schools	4.61/Unit	30.00
Boise Cascade	9.15/Unit	59.50
U. S. Forest Service	10.69/Unit	69.50
Vacant rate	0.15/Unit	1.00

IDAHO CITY SEWER ASSOCIATION, INC.
IDAHO CITY, IDAHO 83331

June 5, 1974

The regular monthly meeting of the Idaho City Sewer Association met June 5, 1974 at the City Hall. Present were Ed East, President, Ken Smith, John Brogan, Ted Ross, Wanda Nelson and Ruth Shanahan, Treasurer. Visitors were Bert Miller, Charlie Doud, Davis C. Toothman, Les Killingsworth, Sanitary Engineer with Tudor Associates, Miles Young, Barr Smith, Richard B. Smith, Lee Rose and Glen Rhodes.

A letter received from the Idaho First National Bank was read. This letter was concerning the occupancy of the White residence, requesting that it be reclassified as a single family dwelling since the entire building is being rented by one family. This request was approved and a copy of the letter and a notification of the board's action will be sent to the City Clerk.

The treasurer, Ruth Shanahan, reported that the amount of \$3348.00 has been placed in a savings account at the Horseshoe Bend Bank. Since this is a special reserve account we are required to put in savings rather than time certificates. \$6,791.56 was reported in the checking account.

Bills paid this month were as follows: Steve Knudtson - \$15.00 spraying weeds at the lagoon and Charlie Pelletier - opening and cleaning man holes on Montgomery Street.

From information received from the City Clerk it was reported that three patrons have not responded to letters stating that their accounts were over three months in arrears.

Ted Ross made a motion that the Association proceed with necessary procedure to take these three persons to small claims court. Seconded by Wanda Nelson and approved by all board members.

The secretary was instructed to write a letter informing the City Clerk that there should be no charge for sewer service at the Vigilante Campgrounds since this campground is being used by campers with self-contained facilities and not hooked into the sewer.

The forms for the Annual Statement of Incorporation from the State of Idaho has been received and the secretary was instructed to fill it out - sending one copy to the State and retaining one copy for our files.

Mr. Toothman and Mr. Killingsworth gave a report and discussed their testings and checking on the lagoons, and on the number of new hook-ups which could be safely handled by the facilities. Also discussed possible expansion. They stated that a letter containing this information would be forwarded to the Association. Mr. Douds, Richard B. Smith and Ted Ross discussed their future plans and the number of hook-ups that would be needed. Also a discussion on the need to raise the amount of the connection charge to help with future expansion of the sewer facility. Developers should be required to put in a line to specifications to connect with existing lines.

Ken Smith made a motion that the sewer connection charge on new sewer services be raised to \$200 beginning July 1, 1974, and this amount subject to increase as the need arises. Seconded by Ted Ross and approved by all board members.

A motion was made by Ken Smith that a letter of agreement between the Sewer Association and the developer be written by the Association's lawyer to the effect that should the sewer system reach its capacity before the desired number of hook-ups (based on the sanitary engineer's report) the developer will pay the additional expense required to facilitate the additional hook-ups needed. Seconded by John Brogan and approved by all board members.

Meeting adjourned at 8:37 PM

Attest:

Edward East
President

Wanda M. Nelson
Secretary

**IDAHO CITY
SEWER ASSOCIATION, INC.**

IDAHO CITY, IDAHO 83681

June 10, 1974

City Clerk
City of Idaho City
Idaho City, Idaho 87531

The Idaho City Sewer Association, Inc., met June 5, 1974, and the following resolutions were passed by the Board.

Beginning July 1, 1974 there will be a hook-up fee of \$200 for new sewer connections.

The Vigilante Overnite Campground will no longer be charged a user's fee and the existing bill of \$50.00 will be cancelled.

Also, enclosed is a copy of a letter from the Idaho First National Bank stating that the house and attached apartment at 501 Main Street is rented to the same individual as a single family dwelling.

Sincerely,

Wanda Nelson
Wanda Nelson

Secretary