

CITY OF WEIPPE, IDAHO
CODE OF ORDINANCES

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§ 10.01 TITLE.

This codification of the general ordinances of the City of Weippe is declared to be the official *Weippe City Code*.

§ 10.02 ACCEPTANCE.

Any official copy of the code shall be received without further proof in all courts and in all administrative tribunals of the state.

§ 10.03 AMENDMENTS.

Any ordinance amending the code shall set forth the title, chapter, and section number of the section or sections to be amended. All such ordinances shall comply with the provisions of the code and Idaho

Code Title 50, Chapter 9, regarding passage, execution, and publication of ordinances. All such amendments shall be promptly forwarded to the codifiers by the City Clerk and such ordinance shall be promptly published and inserted in its proper place in each copy of the city code.

Statutory reference:

Related provisions, see Idaho Code Title 50, Chapter 9

§ 10.04 MAINTENANCE OF CITY CODE.

Upon receipt of each published ordinance from the codifiers, the City Clerk shall promptly forward a copy of each page thereof to each person having an official copy of the city code. The City Clerk may collect a fee for each copy of the city code and an annual fee for maintenance thereof; provided, such fees shall be established by resolution or ordinance duly passed by the City Council.

§ 10.05 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All general ordinances of the city are hereby repealed (except as herein specifically preserved or are, by implication, reserved from repeal), subject to the saving clauses herein contained excluding, without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, the 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 the code expressly amends.

§ 10.06 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 the code or by § 10.05 except as this code specifically provides for such repeal.

§ 10.07 SAVING CLAUSE.

Any ordinance amending or repealing any section of the 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.

§ 10.08 GENERAL CONSTRUCTIONAL RULE.

Except as expressly stated in the code, all words shall have their ordinary, generally accepted meaning.

§ 10.09 PLURAL AND SINGULAR WORDS.

Whenever any word in the 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.

§ 10.10 MASCULINE AND FEMININE GENDER.

When any person is referred to in any section of the 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.

§ 10.11 PRIORITY OF ORDINANCE.

In the event of any discrepancy or conflict between the code and any ordinance passing or amending the same section of the code, then the provisions of the ordinance shall prevail.

§ 10.12 DEFINITIONS.

For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENT. A person acting on behalf of another.

CITY. The City of Weippe, County of Clearwater, State of Idaho.

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.

COUNCIL. The lawfully elected governing body of Weippe, Idaho.

COUNTY. The County of Clearwater, Idaho.

CRIME. An act in violation of this code.

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EMPLOYEES or **OFFICERS**. Whenever reference is made in this code to a city employee or officer by title only, this shall be construed as though followed by the words "of the City of Weippe."

FEE. A sum of money charges by the city for the carrying on of a business, profession, or occupation.

FELONY. A crime, as defined under Idaho Code § 18-111.

IDAPA. Idaho Administrative Regulations. A numbering designation for all administrative rules in Idaho which denotes rules promulgated in accordance with the Idaho Administrative Procedure Act, Title 67, Chapter 52, Idaho Code.

INFRACTION. A civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding \$100 and for which no incarceration may be imposed.

LAW ENFORCEMENT OFFICER. Whenever "Chief of Police" or "City Marshal" are used, such terms shall be construed to include any law enforcement officer of the City of Weippe, Clearwater County, Idaho.

LICENSE. The permission granted for the carrying on of a business, trade, profession, or occupation.

MISDEMEANOR. Every crime except a felony.

OCCUPANT. Any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE. A crime or other violation of this code.

OPERATOR. The person who is generally in charge of or responsible for conducting any business, profession, or enterprise.

OWNER. Any person owning real or personal property including any part owner, joint owner, tenant in common, joint tenant, remainderperson, or person holding a life estate or reversionary interest of any kind.

PERSON. A human being and any public or private corporation, firm, partnership, trust, estate, sole proprietorship, association, organization, government, or any other entity recognized under state law.

PERSONAL PROPERTY. Money, goods, chattels, effects, rights in action, and all written instruments evidencing any pecuniary obligation.

RIGHT-OF-WAY. The privilege of the immediate use of the roadway or other property.

STATE. The State of Idaho.

STREET. All public roads, ways, alleys, and rights-of-way used for the movement of vehicular traffic including any public sidewalks adjacent thereto.

TENANT. Any person who occupies any building or real property for a consideration to the owner.

WRITTEN or IN WRITING. Printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person or, in the case he or she is unable to write, by his or her proper mark.

(Prior Code, § 1-3-2)

Statutory reference:

Related provisions, see Idaho Code § 18-111 and Title 67, Chapter 52

§ 10.13 CAPTIONS.

The captions and titles used at the commencement of each section or division of the 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.

§ 10.14 SEVERABILITY.

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

§ 10.99 GENERAL PENALTY.

(A) *General penalty.* Whenever in this city code or any ordinance of the city any act or omission is prohibited or is made or declared to be unlawful or an offense, the same shall be a misdemeanor and shall be punishable by a fine not exceeding \$300 or imprisonment for a term not exceeding six months or both such fine and imprisonment.

(B) *Application of provisions.* The penalty provided herein shall be applicable to every section of this city code the same as though it were a part of each and every separate section. Any person convicted

of a violation of any section of this city code where a duty is prescribed or obligation imposed or where any action which is of a continuing nature is forbidden or is declared to be unlawful shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues unless otherwise specifically provided in this city code. In all cases where the same offense is made punishable or is created by different clauses or sections of this city code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) *Liability of officers.* No provision of this city code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty unless the intent of the Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating any duty. (Prior Code, Chapter 4) (Ord. 53, passed 4-1-1974)

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GENERAL PROVISIONS

§ 11.01 OFFICIAL DEPOSITORY.

The official depository for the city is hereby designated as the Orofino, Idaho branch of Wells Fargo Bank.
(Prior Code, § 1-8-1) (Ord. 60, passed 10-14-1975)

PETITIONS AND ELECTIONS

§ 11.15 CREATION OF RIGHT.

The people of this 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.
(Prior Code, § 1-9-1)

§ 11.16 PETITIONS.

(A) *Numbering of petitioners.* 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 20% of the total number of voters registered to vote at the last general election in the city.

(Prior Code, § 1-9-2)

(B) *Time for filing petitions.* Referendum petitions with the requisite number of signatures attached shall be filed with the City Clerk not less than 60 days following the final adoption of the ordinance to be subject to referendum.

(Prior Code, § 1-9-3)

(C) *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 Idaho Code §§ 34-1701 through 34-1705.

(Prior Code, § 1-9-5)

(Ord. 94, passed 2-22-1979)

Statutory reference:

Related provisions, see Idaho Code §§ 34-1701 through 34-1705

§ 11.17 ELECTIONS.

A special election for initiative or referendum shall be provided not more than 90 days following the certification of the petition; provided, in the event a municipal election will occur within 90 days, the initiative and referendum shall be submitted at the time of the municipal election.

(Prior Code, § 1-9-4)

TITLE III: ADMINISTRATION

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30. CITY COUNCIL AND MAYOR

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CHAPTER 30: CITY COUNCIL AND MAYOR

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CITY COUNCIL

§ 30.01 ELECTIONS.

The members of the Council and the Mayor shall be elected at large from the city. There shall be a Mayor and four Councilpersons elected from the city.
(Prior Code, § 1-5-2)

§ 30.02 PRESIDENT OF COUNCIL.

At the time of the taking of office, the Council shall elect one of its members President of the Council, who shall preside at all meetings of the Council and perform all other duties of the Mayor in the absence of the Mayor; in the absence of the President, the Council shall elect one of its members to occupy his or her place temporarily who shall be styled Acting President of the Council, and the President and Acting President, when occupying the place of Mayor, shall have the same privileges as

other members of the Council, and all actions of the President and Acting President, while so acting, shall be binding upon the Council and upon the city as if performed by the Mayor.
(Prior Code, § 1-5-5) (Ord. 82, passed 2-22-1979)

§ 30.03 DUTIES.

Members of the City Council, the legislative and policy-making branch of the city, shall devote so much of their time to the duties of their office as an efficient and faithful discharge thereof may require. They shall attend all meetings of the City Council, unless lawfully excused therefrom by the Mayor or by a majority of the remaining members, and perform all duties which, by the nature of their office, they should reasonably perform (such as the passing of ordinances and resolutions, investigations, and study of work done for the city) according to the committees upon which they may severally be appointed by the Mayor.

(Prior Code, § 1-5-1)

§ 30.04 VACANCY.

In the event an office or member of the City Council shall become vacant through death, removal of residence, or for any other cause, the Mayor shall appoint, with the approval of the Council, a resident of the city, which appointee shall serve only until the next general city election, at which such vacancy shall be filled for the balance of the original term.

(Prior Code, § 1-5-3) (Ord. 82, passed 2-22-1979)

§ 30.05 MEETINGS.

(A) *Regular.* The regular meetings of the City Council shall be held on the second Monday of each month at 7:00 p.m. All regular meetings of the City Council shall be held at the City Hall.

(B) *Special.* One-half plus one of the members of the full Council shall have the power to call special meetings of the City Council, the object of which shall be submitted to the Council in writing; the call and object, as well as the disposition thereof, shall be entered upon the journal of the Clerk.

(C) *Open to public.* All meetings of the City Council shall be open to the public, and all persons shall be permitted to attend any meeting except as otherwise provided by this section. The City Council shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age, or national origin is practiced. The exceptions for public meetings are for:

- (1) Collective negotiating matters between the city and its employees;
- (2) Meetings where the acquisition of real property is being considered;

(3) Meetings where a pending or prospective court proceeding against or on behalf of the city is being considered; and

(4) Meetings to consider information regarding appointment, employment, or dismissal of an employee or officer; provided, no final action may be taken at a closed session.
(Prior Code, § 1-5-4) (Ord. 110, passed 5-3-1982)

MAYOR

§ 30.20 ELECTION AND VACANCY.

(A) *Election.* Any person shall be eligible to hold the office of Mayor who is a qualified elector of the city at the time of his or her election and remains a qualified elector during his or her term of office. The term of office of the Mayor shall be for a period of four years except as otherwise specifically provided.

(Prior Code, § 1-6-2)

(B) *Vacancy.* In case of a temporary vacancy in the office of Mayor due to absence or disability, the President of the Council shall exercise the office of Mayor during such disability or temporary absence and until the Mayor shall return. When a vacancy occurs in the office of Mayor by reason of death, resignation, or permanent disability, the City Council shall fill the vacancy from within or without the Council, as may be deemed in the best interest of the city, which appointee shall serve until the next general city election, at which election a Mayor shall be elected for the full four-year term.

(Prior Code, § 1-6-3)

§ 30.21 DUTIES AND POWERS.

(A) *Duties.* The Mayor, the superintending and administrative officer of the city, shall devote so much of his or her time to the duties of his or her office as an efficient and faithful discharge thereof may require, and shall perform the following duties:

(1) Preside at all Council meetings and shall have a vote only when the Council is equally divided;

(2) Call special meetings of the Council, with its approval, when necessary;

(3) Appoint all officers and employees of the city, subject to the approval of the Council, and have such other powers as the Council may prescribe;

(4) From time to time provide for the Council such information and recommend such measures as he or she may deem beneficial to the city;

(5) Examine the grounds of all complaints against any officer of the city to determine existence of a violation or neglect of duty and report to the Council the evidence thereof, if deemed sufficient for the removal of said officer;

(6) Require that every officer, on the expiration of his or her term of office or resignation or removal, deliver to his or her successor all assets belonging to such office; and

(7) Perform all other duties required and necessary for the efficient operation of the business of the city.

(Prior Code, § 1-6-1)

(B) *Accounts of officers.* The Mayor shall have the power to require any officer of the city to exhibit his or her accounts or other papers and make reports to the Council in writing on any subject or matter pertaining to the office.

(Prior Code, § 1-6-6)

(C) *Police power.* The Mayor shall have jurisdiction over all places within five miles of the city limits for the enforcement of any health or quarantine ordinances and regulations and shall have jurisdiction in all matters, excepting taxation, within one mile of the city limits.

(Prior Code, § 1-6-7)

(D) *May require aid.* The Mayor is hereby authorized to call on every inhabitant of the city of the age of 18 or over to aid in enforcing the law.

(Prior Code, § 1-6-8)

(E) *Other powers.* The Mayor shall have all other powers provided by state code or by specific provisions of this code.

(Prior Code, § 1-6-9)

(Ord. 83, passed 2-22-1979)

§ 30.22 CONTRACTS AND REWARDS.

(A) *Contracts.* The Mayor is authorized and empowered to sign his or her name officially for and in behalf of the city on all contracts, documents, and papers to which the city is a party and to require that the conditions in any instrument are faithfully performed. He or she may borrow money on the credit of the city when so authorized by the Council.

(Prior Code, § 1-6-4)

(B) *Reward*. The Mayor, whenever he or she deems it expedient, is hereby empowered to offer a reward not exceeding \$100 for the arrest and conviction of any person charged with violating any of the provisions of this code.
(Prior Code, § 1-6-5)

CHAPTER 31: OFFICERS, EMPLOYEES, AND ORGANIZATIONS

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- 31.01 Salaries
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§ 31.01 SALARIES.

(A) The officials and employees designated herein shall receive annual salaries as follows:

| <i>Title</i> | <i>Salary</i> |
|-----------------|---|
| City Attorney | \$15 per hour for time spent on city matters; \$8 per hour for travel time; necessary expenses; a reasonable sum for city representation in litigated matters |
| Clerk-Treasurer | \$2,700 payable; \$225 per month |
| Police Judge | \$900 payable; \$75 per month |

(B) All salaries of employees of the city shall be adopted by resolution, annually, duly passed, and approved by the Mayor and Council.
(Prior Code, § 1-7-1) (Ord. 35, passed 10-5-1979; Ord. 84, passed 2-22-1979)

§ 31.02 POLICE TRAINING STANDARDS.

(A) The city declares that it desires to qualify to receive aid for police training from the Law Enforcement Planning Commission under the provisions of Idaho Code Title 19, Chapter 51, § 19-5118.

(B) Pursuant to Idaho Code Title 19, Chapter 51, § 19-5117, the city, while receiving aid from the Law Enforcement Planning Commission (pursuant to said Chapter 51), will adhere to the standards for employment and training established by the State Peace Officer Standards and Training Advisory Council.

(Prior Code, § 1-7-2) (Ord. 68, passed 7-12-1976)

Statutory reference:

Related provisions, see Idaho Code Title 19, Chapter 51, §§ 19-5117 and 19-5118

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CHAPTER 50: WATER AND SEWERS

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GENERAL PROVISIONS**§ 50.01 DECLARATION OF POLICY.**

The city is presently contracting for the construction of and intends to maintain and operate a water and sewer system within the city, and it is the policy of the city to operate the water and sewer systems in conjunction, one with the other, for the mutual benefit of the residents of the city.

(Prior Code, § 7-1-1)

§ 50.02 CITY AUTHORITY.

The water system and sewer system for the transmission and treatment of water and sewage and the disposal of sewage for the city shall be under the sole and exclusive control of the Mayor and Council who may from time to time direct the construction, expansion, extension, repair, and maintenance of the water and sewer systems owned and operated by the city as the necessity of the city may require.

(Prior Code, § 7-1-2)

§ 50.03 SUPERINTENDENT OF PUBLIC WORKS.

There is hereby created the office of Superintendent of Public Works hereinafter called "Superintendent," who shall be under the direction of the Mayor and Council and shall have charge of all the public works of the city including the water and sewer systems. The Superintendent shall report to the Mayor and Council monthly or as often as required regarding the condition of the water and sewer systems and other public works and make such recommendations as the nature of the public works may require.

(Prior Code, § 7-1-3-1)

§ 50.04 WATER AND SEWER DEPARTMENT ESTABLISHED; RESPONSIBILITIES.

(A) *Water and Sewer Department established.* There is hereby established a Water and Sewer Department which shall consist of such personnel as may be provided by the Mayor and Council and the operation of which shall be under the direction of the Superintendent of Public Works.

(Prior Code, § 7-1-3-2)

(B) *Responsibility.* It shall be the responsibility of all members of the Water and Sewer Department to operate and maintain all the equipment and facilities used in the procurement and delivery of domestic or commercial water and the discharge of sewage and take every possible precaution to, at all times, ensure the proper discharge of the sewage and the purity of the water and safety and health of the public.

(Prior Code, § 7-1-3-3)

§ 50.05 DISPOSITION OF FEES; DELINQUENCY GENERALLY.

(A) *Disposition of fees.* All monies collected by the City Clerk under the provisions of this chapter shall be paid, received, disbursed, and accounted for as directed by the Council.

(Prior Code, § 7-1-6)

(B) *Delinquent water and sewer charges.* Without limiting the authority of the city to proceed, as set forth herein, all charges and fees, as provided by this chapter not paid within 30 days of the date when due, shall become delinquent and shall be, and the same are hereby imposed as, a lien upon and against the property or premises against which such charge or fee is levied and assessed; the City Clerk shall, at the time of certifying the city taxes of the city, certify such delinquencies, together with all penalties to the County Tax Collector; when so certified, the same shall be a lien upon the property and collectible as other taxes.

(Prior Code, § 7-1-7)

§ 50.06 DEPOSITS.

(A) It shall be required of each new user or of a user whose meter is to be reopened after a default that a deposit in the amount of twice the monthly charge for water, sewer, and garbage service be paid before connection or reopening the meter to the city water system. This deposit shall be made to the City Clerk and held on deposit in the user's name. If at the end of 12 months from date of deposit the new or reopened user's account is in good standing with all charges having been paid when due, the amount of the deposit shall be credited to the user's account. In the event the user shall terminate his or her use of the city water, sewer, and garbage services before the 12-month period has elapsed, the deposit shall be credited against the current bill, and the remainder shall be refunded within 30 days of the date of cessation of use by the user.

(B) The City Clerk shall maintain a separate record and accounting of all deposits made to the city for water, sewer, and garbage services.

(Prior Code, § 7-1-9) (Ord. 99, passed 3-3-1980)

WATER

§ 50.20 PERMITS.

It shall be the duty of the Superintendent of Public Works to receive from all patrons and prospective patrons, in writing, all applications for permits for making connections with the water mains and to make and keep a book, and on a map to be kept for that purpose, a complete and accurate record and account of all water through each connection, with the names of the owners, and descriptions of the

premises with which and for whom such connections and uses are made and to make and render at the first regular meeting of the Council in each month a complete and accurate report of the same for the preceding month.

(Prior Code, § 7-1-4-1)

§ 50.21 REGULATIONS AND RESTRICTIONS.

(A) *Illegal connection.* It shall be unlawful for any person to make or cause to be made any connection with the city water mains or to introduce water or cause water to be introduced into any connection made therewith unless a permit has been first duly issued for such purpose by the Superintendent of Public Works in compliance and conformity with the rules and regulations that are now or may hereafter be established therefor or to interfere with or injure any hydrant, pipe connection, meter, or any property of the waterworks system of the city.

(B) *Restrictions of water use.* No person supplied with water from the city mains will be entitled to use it for any other purpose than stated in his or her permit nor shall he or she supply water to other families nor allow them to take water off his or her premises.

(C) *Emergency shut off of water.* The Mayor or any officer appointed by him or her is hereby authorized to order the use of water curtailed or stopped at his or her discretion during any emergency justifying such action.

(D) *Service pipes and fixtures.* All service pipes and fixtures on private property are the responsibility of the property owner and shall be kept in good repair and protected from freezing at the property owner's expense. The property owner shall be responsible for all damages resulting from leaks or breaks in service pipes and fixtures. Water will not be furnished to a water service where there is a leak in the service piping or in a fixture, and when a leak is discovered, the water service may be discontinued immediately. If a water service has been discontinued and there is a leak, it shall not be turned on until all leaks have been repaired.

(E) *Failure of water supply.* The city shall not be liable, under any circumstances, for a deficiency or a failure in the supply of water whether by the shutting off of water to make repairs or connections or for any cause whatsoever.

(F) *Rules and regulations.* The City Clerk or Superintendent of Public Works may make or prescribe such rules and regulations as he or she shall deem advisable; such rules are to be enforced after approval thereof by the Mayor and Council by resolution or motion entered on the minutes of a regular or special meeting. Said rules and regulations may cover water bill adjustments, charges for water service for periods of less than one month, and disconnection and reconnection of water service and charges for un-metered water service.

(G) *No connections outside city.* There shall be no cross-connection between existing water systems and the city water lines.

(Prior Code, § 7-1-4-9) Penalty, see § 50.99

§ 50.22 APPLICATION FOR CONNECTIONS.

(A) Applications for making connections with the city water mains must be made by the owner of the premises or his or her duly authorized agent, for whom such connections are to be made, upon printed forms at the office of the Superintendent of Public Works. Such applications shall contain a full, true, and accurate statement of the size of the connection, the manner of connecting, the point at which connection is to be made, and a description of all the premises with which such connection is to be made together with the full name or names of all the owners thereof and such further facts as may be useful in the management of said system.

(B) Applications for permits for the introduction of water into any system and applications for permits for the introduction of water into any connection with the city water mains must be made on printed forms for that purpose and filed at the office of the Superintendent by the owner of the premises or his or her duly authorized agent for whom connections are made, and such application shall contain a full, true, and accurate statement of the approximate quantity, the uses and purposes for which such water is obtained, a description of all the premises upon which said water is to be used, and the full name or names of all the owners thereof.

(C) Also required herewith is an agreement on the part of such owner or owners to conform to all the rules and regulations provided for said waterworks system and that the charge therefor, as well as for the use of all water, shall be a lien upon the premises upon which water is used and with which said connections are made as a condition for the use of such water.

(D) If said application is made by an agent, said agent shall deposit with the Superintendent the written authority of the owner or owners of said premises authorizing the said applicant, as the owner's agent, to make such application, and no connection with the city water main shall be made and no water shall be introduced into any connection heretofore or hereafter made therewith unless a permit has first been issued by the Superintendent in compliance and conformity with this rule and with the rules and regulations that are now or may hereafter be established therefor.

(Prior Code, § 7-1-4-2) (Ord. 27, passed 6-24-1968) Penalty, see § 50.99

§ 50.23 WATER METERS.

(A) *Connection by meter.* Each separate premises shall be connected with the water mains through a meter. Separate buildings on the same lot or under the same ownership shall have a separate meter.

(B) *Property of city.* All meters shall be and remain the property of the city, and in the event of a meter getting out of order and failing to register, the consumer shall be charged at the average daily consumption, as shown by the meter during the last three months that the same was in order.
(Prior Code, § 7-1-4-5) (Ord. 27, passed 6-24-1968)

§ 50.24 COLLECTION OF WATER RENTALS.

The City Clerk or other designated officer shall collect all water rentals and give a receipt therefor, and if the water rental shall become delinquent, the Clerk shall notify the Superintendent of Public Works of such fact. It shall be the duty of said Clerk to receive all other monies due to the Water Department for any purpose whatsoever and also keep the books and accounts of the Water Department in a manner provided by law which shall, at all times, be under the direction and control of the Clerk.
(Prior Code, § 7-1-4-4)

§ 50.25 PAYMENT AND DELINQUENCY.

The City Clerk shall furnish to each water user who is a permit holder or his or her agent on the first day of each month a statement of the amount due for water for the preceding month, and all water charges for domestic or commercial water furnished by the Water Department shall be due and payable to the Clerk on or before the tenth day of each month. Should the water charges to any property be not so paid on or before the fifteenth day of the succeeding month, there shall be a penalty/late charge of \$10; if such statement be not so paid on or before the first day of the next succeeding month, it shall be the duty of the Clerk to notify the Superintendent thereof and to give the Superintendent a certified list of all properties. Upon receipt of such certified list, it shall be the duty of the Superintendent to immediately stop delivery of domestic water to the properties included thereon and to close the meters connecting the property with the city waterworks, and thereafter, the meters shall not be opened until all delinquencies and penalties have been paid. No person other than the Superintendent shall open the meters that have been closed by the Superintendent.
(Prior Code, § 7-1-4-7) (Ord. 130, passed 1-11-1988) Penalty, see § 50.99

§ 50.26 CONNECTION CHARGES.

(A) The minimum charge for water service and tap to the city water mains or pipes, when made in streets or avenues of widths from 50 feet to 80 feet, inclusive, shall be \$275 or the actual cost of connection, whichever is greater, and shall provide a standard water service and tap as follows:

(1) One three-fourths inch corporation stop at the main;

(2) One service run of three-fourth inch copper, polyethylene, or polyvinyl chloride pipe to a maximum distance of 55 feet;

- (3) One five-eighths by three-fourths inch standard-make water meter;
- (4) One three-fourths inch angle valve;
- (5) One 18-inch concrete meter box with cover;
- (6) The labor required to make the service and tap;
- (7) Two meter couplings;
- (8) One three-fourths inch, 90-degree copper ell; and
- (9) One three-fourths inch adapter.

(B) If the applicant for a service requests and is granted a water service and tap differing from the standard water service and tap, specified in division (A) above, in either size, type, or quantity of materials, the charge shall not be less than \$275, but it shall equal the actual cost of the material used and the labor involved in making the service and tap if the charges or additions make the total cost and labor plus materials of said service and tap exceed \$275. The charge for water service and tap to the water mains or pipes at locations other than those referred to herein shall be not less than \$275, but it shall equal the actual cost of the materials used and labor involved in making the service and tap if the total cost and labor plus materials of said service and tap exceed \$275.

(C) The patching of cuts made or to be made in the paved or oiled surface of the streets in connection with the making of a water service tap shall be made by the city, and the cost thereof shall be considered as an extra cost, to be added to the water service and tap charges outlined herein; provided, however, the City Council may waive payment of any part or all of said connection charge. (Prior Code, § 7-1-4-3) (Ord. 28, passed 8-5-1968; Ord. 120, passed 3-11-1985; Res. 143, passed 4-9-2012)

§ 50.27 WATER RATES.

(A) *Within city limits.* Charges for metered water furnished by the Water Department each month to individual users within the city limits shall be based upon the following schedule of rates:

| <i>Quantity</i> | <i>Rates</i> |
|---|--------------|
| <i>Domestic</i> <i>(Including churches and fraternal lodges)</i> | |
| 6,000 gallons or less | \$14.15 |
| For each 1,000 gallons in excess of 6,000 gallons | \$0.50 |

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| <i>Quantity</i> | <i>Rates</i> |
|--|--------------|
| Commercial <i>(Other than laundromats, dairies, car washes, sawmills, or other businesses using large quantities of water)</i> | |
| 10,000 gallons or less | \$17.05 |
| For each 1,000 gallons in excess of 10,000 gallons | \$0.50 |
| Businesses Using Large Quantities of Water | |
| 16,000 gallons or less | \$30.70 |
| For each 1,000 gallons in excess of 16,000 gallons | \$0.50 |
| Apartment Houses or Other Multiple-Family Dwellings and Mobile Home Parks <i>(To be served by a single meter to the park)</i> | |
| 6,000 gallons or less for each dwelling unit or each mobile home in a park | \$8.50 |
| For each 1,000 gallons in excess of 6,000 gallons | \$0.25 |
| NOTES: -Charges for users not falling within any of the above categories shall pay a rate established therefor by the Mayor and Council. | |

(B) *Outside city limits.* Charges for metered water furnished by the Water Department each month to individual users residing outside of the city limits, where not otherwise governed by private contract between the city and such user, shall be based upon the following schedule of rates:

| <i>Quantity</i> | <i>Rates</i> |
|---|--------------|
| Domestic | |
| 6,000 gallons or less | \$14.80 |
| For each 1,000 gallons in excess of 6,000 gallons | \$0.60 |
| Commercial | |
| 10,000 gallons or less | \$22.35 |
| For each 1,000 gallons in excess of 10,000 gallons | \$0.60 |
| Apartment Houses or Other Multiple-Family Dwellings and Mobile Home Parks <i>(To be served by a single meter to the park)</i> | |
| 6,000 gallons or less for each dwelling unit or each mobile home in a park | \$13.20 |
| For each 1,000 gallons in excess of 6,000 gallons | \$0.50 |

(C) *Incidental users.* Incidental water users will be charged \$4 per thousand gallons.

(D) *Pleasant Acres Water and Sewer District.* Pleasant Acres Water and Sewer District users will be charged \$14.15 per residence.

(Prior Code, § 7-1-4-6) (Ord. 103, passed 5-29-1980; Ord. 118, passed 10-9-1984; Res. 143, passed 4-9-2012)

§ 50.28 REFUNDS.

For the purpose of making refunds to users, the Clerk or such other person as may be authorized by the Mayor and Council is hereby authorized to maintain a petty cash fund in the amount of \$50.

(Prior Code, § 7-1-4-8)

SEWERS

§ 50.40 SEWER CONNECTIONS REQUIRED.

After receiving notice to connect to the sewer system from the Superintendent of Sewers, the owner or occupant of any premises, which is occupied a portion of the day and is situated within 100 feet of the city sewer system, shall install and connect with such sewer all necessary water closets, wash stands, sinks, and other plumbing and plumbing devices. Said premises shall be provided with at least one water closet provided that such notice shall give a period of one year within which to comply with the provisions of this section.

(Prior Code, § 7-1-5-6)

§ 50.41 APPLICATION FOR SERVICE.

(A) Whenever any person desires to obtain sewer service from the city, he or she shall make application therefor in writing to the Superintendent of Sewers and sign an agreement to be governed by such rules and regulations not inconsistent with this section as may be prescribed by the Mayor and Council. The applicant must state the location, kind of building, and fully and truly state the purpose for which the sewer service is to be used including the type and number of appliances, machinery, and fixtures that will discharge into the sewer system. The Superintendent is authorized to accept such application, and the cost of connecting the users' premises to the sewer system shall be borne by the applicant, and all connections made to said system by said applicant shall be under the supervision and control of the Superintendent.

(B) All connecting lines laid at the expense of any user shall be maintained and operated at the expense of the user, but the user shall at all times grant to the Superintendent free access to his or her property for the purpose of inspection in connection with the operation of the system. No connection to the sewer system shall be made without first obtaining a permit therefor from the Superintendent. The fee for such permit shall be as hereinafter provided.

(Prior Code, § 7-1-5-2) (Ord. 27, passed 6-24-1968) Penalty, see § 50.99

§ 50.42 PRIVIES, CESSPOOLS, AND SEPTIC TANKS.

Privies or outhouses are expressly prohibited within the city on any premises located within the corporate limits of the city. It is unlawful for any person to maintain a cesspool or septic tank not connected with the sewer system in the city on any premises located within 100 feet of any sewer line. All such cesspools and septic tanks, when ceased to be used as required herein, shall be filled in with dirt or other suitable material.

(Prior Code, § 7-1-5-7) Penalty, see § 50.99

§ 50.43 OPERATION AND MAINTENANCE.

The sewer system shall be kept in repair by the Superintendent of Sewers, and no other person unless authorized by him or her, shall work on or operate said system or any part thereof. It shall be the Superintendent's duty at all times to maintain said system so that the sewage of the city is efficiently and sanitarily carried from the premises of the users of said system and processed in the sewer treatment facility owned and operated by the city.

(Prior Code, § 7-1-5-1) Penalty, see § 50.99

§ 50.44 REGULATIONS AND RESTRICTIONS.

(A) *Connections prohibited without permit.* No user of the city sewer service shall permit or allow any person from any other premises or any unauthorized person to discharge sewage into said system, and the permit to connect with the sewer system shall be limited to the person and the premises designated in the permit. Any such violations shall be grounds for the Superintendent of Sewers to withhold sewer service until a separate service connection is installed for each user.

(B) *Maintenance of sewer lines.* All users of the sewer system shall keep their pipe connections and other apparatus in good repair and protected from freezing at their own expense, but no person, except under direction of the Superintendent, shall be allowed to dig into the street, alley, sidewalk, or easement beneath which the lateral and trunk line sewers run or to tap into any such lateral or trunk line in any manner.

(C) *Tampering prohibited.* No person by himself or herself or by his or her family, servants, employees, or agents shall use the sewer service of the city without first obtaining a permit therefor or shall, without authority, connect onto said system or in any way injure, deface, obstruct, or impair any part or appurtenances of the sewer system.

(D) *Turning on water.* No person, after the water has been turned off from the premises under a permit on account of nonpayment of rates or other violation of the rules and regulations pertaining to the sewer service, shall turn on or permit to be turned on or use or permit the water to be used without authority.

(E) *City not liable for damage or shortage.* The city shall not be held liable for damage to any sewer user by reason of a stoppage or other interruption of his or her water supply or sewer disposal service caused by scarcity of water; accidents to the works; alterations, additions, or repairs to the sewer system; or from other unavoidable causes beyond the control of the city. Each user, by use of the sewer system, consents and agrees to this limitation of liability.

(F) *Inspection.* Free access to all places at all reasonable hours shall be allowed to the Superintendent of Sewers, the Mayor, the City Clerk, and Council to examine the works including the installations on a user's premises and the manner of using the same.

(G) *Discharging irrigation and drainage water into sewer system.* No person shall discharge irrigation water or surface or underground drainage water, including roof drains, into the sewer system. (Prior Code, § 7-1-5-8) Penalty, see § 50.99

§ 50.45 CHARGES AND FEES.

(A) *Established.* There is hereby established a system of periodic service charges and fees for the use of and for service rendered by the sewer system and sewage disposal facilities of the city. The rates, charges, and fees provided by this section are hereby levied and assessed against each lot, parcel of land, building, or property having any sewer connection with the sanitary sewage system of the city, intercepting sewers, or otherwise discharging sanitary sewage, industrial wastewater, or other liquids, directly or indirectly, into the sanitary sewage disposal system or facilities of the city, which charges and fees shall be as follows.

(1) *User charges.*

(a) All domestic sewer users within the city limits and served by the city sewer system shall be obligated to pay for such use the sum of \$5.60 per month.

(b) All commercial sewer users within the city limits and served by the city sewer system shall be obligated to pay for such use the sum of \$6.75 per month.

(c) Rates and charges for users located outside the city limits shall be twice the rates and charges for users located within the city limits where such charges are not established by separate agreement between the city and such users.

(d) Rates and charges will hereafter be changed from time to time as deemed necessary by resolution of the City Council and approval of the Mayor.

(2) *Modification.* The rates and charges herein established or the findings of the Superintendent of Sewers shall be subject to modification upon application to the Mayor and Council by the owner or occupant in all cases where such shall be unjust or oppressive or where the use does not fall within one of the above categories. Fees for other uses which may become desirable shall be fixed by resolution of the Mayor and Council.

(B) *Definition of terms.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL USER. Any premises discharging water into the system other than a domestic user.

DOMESTIC USER. Any premises principally used by a single family as a permanent residence discharging household waste into the system.

(C) *Future hookups.*

(1) No permit fee shall be charged for any new connections to the sewer system made after the effective date hereof but before November 1, 1968, in addition to the regular monthly charge after connecting.

(2) A permit fee of \$10 per year or fraction thereof elapsed after November 1, 1968, and through 1992, but not thereafter, shall be charged for all new connections to the sewer system made after November 1, 1968, in addition to the regular monthly charge after connecting together with the actual cost of making the hookup. Said fee shall not be payable by such permittee for any years prior to actual connection.

(Prior Code, § 7-1-5-3) (Ord. 33, passed 3-23-1970; Ord. 103, passed 5-29-1980; Ord. 118, passed 10-9-1984)

§ 50.46 PAYMENTS AND DELINQUENT CHARGES.

The City Clerk shall furnish to each sewer user who is a permit holder or his or her agent on the first day of each month a statement of the amount due for sewer service for the preceding month. If any person neglects to pay his or her sewer charge by the fifteenth of the following month, there shall be a penalty charge of \$2, and if such user shall fail or refuse to pay said sewer charge on or before the first

day of the next succeeding month, City Clerk shall follow the procedure outlined above upon delinquency in payment of water charges; before the water to any such permit holder shall again be turned on, all delinquent sewage charges must be paid in full together with the sum of \$10 additional for the expense of turning the water off and on and the penalty charge of \$2. All connections as to charges and all abatements shall be made under the direction of the Mayor and Council and shall be certified to the City Clerk, and no allowance shall be made for non-use. In those cases, if any, where users of sewer service is not also using water service of the city, the land shall be pledged as security for the payment of all sewer charges, and this provision shall be made a condition of granting sewer service to an applicant.

(Prior Code, § 7-1-5-4) (Ord. 130, passed 1-11-1988)

§ 50.47 DISCONNECTION FOR NONPAYMENT.

(A) The provisions of this subchapter shall apply to all property within the corporate limits of the city including all property owned or occupied by the United States of America, the county, and the state; in case of nonpayment or delinquency, the Superintendent of Sewers is hereby authorized to (upon ten days' notice to the owner, occupant, or person in charge of such property) disconnect the water connection from the water system of the city.

(Prior Code, § 7-1-5-5)

(B) (1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill;

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing, at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the

hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turnon charge in the sum of \$25.

(Ord. 56, passed 2-3-1975)

§ 50.99 PENALTY.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$100 or by imprisonment for not more than 30 days or by both such fine and imprisonment together with the costs of the proceedings. The imposition of one penalty for the violation of this chapter shall not excuse the violation or permit it to continue.

(Prior Code, § 7-1-8) (Ord. 27, passed 6-24-1968)

CHAPTER 51: WASTEWATER

Section

General Provisions

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GENERAL PROVISIONS

§ 51.01 PURPOSES AND OBJECTIVES.

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 of the city to regulate and administer wastewater disposal within the city. To that end, it is necessary to control the use and provide for an equitable distribution of the costs and expenses of maintenance, operation, upkeep, repair and replacement, and debt retirement for the entire sewer system of the city which includes the collection facilities, the pump stations, and the transmission and treatment facilities owned by the city.

(Prior Code, § 6-3-1) (Ord. 142, passed 7-12-1993)

§ 51.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Clean Water Act (33 U.S.C. §§ 1251 et seq.), as amended.

AUTHORITY. The state or local governmental entity enacting and enforcing this chapter.

BIOCHEMICAL OXYGEN DEMAND (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter (mg/l).

BOARDING HOUSE. Any building or portion thereof which includes separate bedrooms for rent and common kitchen and/or bathroom facilities.

BUILDING DRAIN. The part of the lowest horizontal piping of drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to a point of connection with the public sewer or other places of disposal.

CITY. The City of Weippe, Idaho, or its authorized or designated agent, representative, or deputy thereto.

COLLECTOR. A sewer line with service connections which primarily collects and carries sewage or wastewater from building sewers to an interceptor.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

DEVELOPER. Person, firm, joint venture, partnership, or corporation which is the owner or contract purchaser of land and is subdividing the land for resale or is otherwise improving the land.

DEVELOPMENT. Any change in the use of land or any construction or modification of or to improvements situated thereon.

DISCHARGER, INDUSTRIAL. Any nonresidential user who discharges an effluent into a public sewer by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

DRY SEWER SYSTEM. A conventional gravity sewage collection system installed in a development or subdivision where sewage is temporarily discharged in an on-site disposal system instead of into the public sewer.

EQUIVALENT RESIDENCE (ER). The sewage flow from one typical single-family residence which is equal to 225 gallons of sewage per day, 0.37 pounds of biochemical oxygen demand (BOD₅) per day, and 0.37 pounds of suspended solids (SS) per day, based on the EPA Manual, *On-Site Disposal/Septage Treatment and Disposal*, No. EPA 625/4-77-ON.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

INDUSTRIAL WASTES. The solid, liquid, or gaseous wastes resulting from any industrial manufacturing trade or business processes or from the development, recovery, or processing of natural resources.

INSPECTOR. The Superintendent of Public Works or his or her duly authorized deputy.

INTERCEPTOR. A sewer line which primarily carries sewage or wastewater from collection systems to a treatment plant or similar facility and which normally does not have service connections.

MOTEL and HOTEL. A building or group of buildings on the same premises either detached or in connected rows containing sleeping or dwelling units, with or without kitchen facilities in the individual units, and designed for or occupied with an ordinary rental period not exceeding two weeks.

MULTI-UNIT DWELLING. A building containing a unit or combination of units with individual bath and kitchen facilities. This definition includes apartments, condominiums, townhouses, duplexes, triplexes, and the like. A **SEASONAL MULTI-UNIT DWELLING** is an individual unit of a multi-unit dwelling which is occupied on an intermittent basis and is not utilized as a primary residence.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of ground or surface water.

NEW SOURCE DISCHARGER. Any building, structure, facility, or installation from which there is or may be discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Act which shall be applicable to such source if such standards are thereafter promulgated in accordance with that section.

NPDES. Natural Pollutant Discharge Elimination System permitting program of USEPA.

O AND M. Operation and maintenance.

OTHER WASTES. Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.

PERSON. Any individual, firm, company, association, society, corporation, or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTANT. Any substance discharged into a public sewer.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

RESIDENTIAL BUILDING. Includes only the following types of buildings and structures: single-family residences, duplexes, triplexes, apartment houses, motels, hotels, trailer courts, and multi-unit dwellings.

SANITARY SEWER. A sewer which carries sewage and to which storm, ground, and surface water are not intentionally admitted.

SERVICE CONNECTION. The point at which the building sewer connects to the public sewer main.

SEWAGE. Water-carried human wastes or a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, storm, and surface waters as may be present.

SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER USER or USER. Any individual, firm, company, association, society, or corporation or group to whom sewer service is available whether or not connected to the public sewer.

SIGNIFICANT INDUSTRIAL DISCHARGER. Any industrial user of the city's wastewater disposal system which:

(1) Is subject to or potentially subject to national pretreatment standards promulgated under § 307(b) or (c) of the Act;

(2) Has in its wastes any priority toxic pollutants listed in 40 C.F.R. part 403;

(3) Has in its wastes toxic pollutants, as defined pursuant to § 307 of the Act;

(4) Has a peak flow greater than 5% of the flow in the city's wastewater treatment system; or

(5) Is determined by the city to have a significant impact or potential for significant impact, either singly or in combination with other contributing industrial discharges, on the wastewater treatment system, the quality of sludge, the systems effluent quality, or air emissions generated by the system.

SINGLE-FAMILY RESIDENCE. A building designed for and used exclusively for residence purposes by one family. This definition shall include a single trailer or mobile home whether or not located in a trailer court.

STORM DRAIN or STORM SEWER. A sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes.

SUPERINTENDENT. The Superintendent of Public Works or his or her duly authorized agent.

SUSPENDED SOLIDS (SS). Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

TRAILER COURT OR MOBILE HOME PARK. Any area or site of land upon which two or more trailers are placed and maintained for dwelling purposes, either on a permanent or semi-permanent basis.

USEPA or EPA. The Environmental Protection Agency of the United States of America or its authorized or designated agent, representative, or deputy.

WASTEWATER. Industrial waste, sewage, or any other waste including that which may be combined with any groundwater, surface water, or stormwater that may be discharged into the public sewer.

WATERCOURSE. A channel in which a flow of water occurs either continuously or intermittently.

WWTF. Weippe Wastewater Treatment Facility.
(Prior Code, § 6-3-2) (Ord. 142, passed 7-12-1993)

§ 51.03 SERVICE OUTSIDE CITY.

The city may, if it is deemed advantageous thereto, furnish sewer service to properties located outside the boundaries of the city. The city shall collect from each new user, prior to connection, the applicable fees set by resolution adopted by the City Council. Sewer users located outside the boundaries of the city must comply with all conditions of this chapter.

(Prior Code, § 6-3-9) (Ord. 142, passed 7-12-1993)

INSTALLATION AND OPERATION STANDARDS**§ 51.15 OPERATION AND MAINTENANCE OF FACILITIES.**

(A) *Public sewer.* All sewer interceptors and collectors constructed within the public rights-of-way or within the easements dedicated to or acquired by the city for such purposes shall be deemed public sewers and shall be owned, operated, and maintained by the city. Sewer interceptors and collectors constructed in the public rights-of-way or within easements dedicated to or acquired by the city for such purposes by a developer shall become public sewers upon formal acceptance by the city and, after formal acceptance by the city, shall be owned, operated, and maintained by the city. Building sewers shall be installed, owned, and maintained by sewer users whether or not within the public rights-of-way or easements dedicated to or acquired by the city for such purposes. Construction to install or repair a building sewer within the public rights-of-way or city easements may be performed by the city or by the city's authorized representative, at the sewer user's expense, unless the city's actions necessitate the repair. In any event, any building sewer installation or repair shall be inspected by the city.

(B) *Connection.* Connection or request for connection to the public sewer shall constitute a representation that all of the system under the control and/or ownership of the sewer user is properly vented.

(C) *Discharge restrictions.* The use of the public sewers of the city shall be in accordance with the following:

(1) No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer;

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as specifically designated as storm sewers or to dry wells, industrial cooling water, or unpolluted process waters may be discharged, on approval of the city and Health Department, to dry wells or other disposal area;

(3) Any liquids, solids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the operation of the sewer system. At no time shall an industrial discharge to the sewer system cause two successive readings on an explosion-hazard meter for the applicable explosive at the point of discharge into the system or, at any point in the system, to be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the city, the state, or USEPA has notified the user is a fire hazard or a hazard to the system;

(4) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;

(5) Any wastewater having a pH less than 6.0 or greater than 9.0 or wastewater having any corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the city;

(6) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process to constitute a hazard to humans or animals or to exceed the limitations set forth herein;

(7) Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair;

(8) Any substance which may cause the sewer system effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the sewer system cause the sewer system to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations and any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 et seq., the Clean Air Act, being 42 U.S.C. §§ 7401 et seq., the Toxic Substances Control Act, being 15 U.S.C. §§ 2601 et seq., or state standards applicable to the sludge management method being used;

(9) Any substance which will cause the sewer system to violate its NPDES and/or other disposal system permits;

(10) Any substance with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions;

(11) Any wastewater having a temperature which will inhibit biological activity in the sewer system treatment plant resulting in interference but in no case wastewater with a temperature at the introduction into the sewer system which exceeds 40°C (104°F);

(12) Any **SLUGLOAD**, which means any pollutant including oxygen-demanding pollutants (BOD and the like), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the sewer system;

(13) Any unpolluted water including, but not limited to, non-contact cooling water;

(14) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration that exceeds the limits established by the drinking water standards as adopted by the State Department of Environmental Quality;

(15) Any wastewater which, in the opinion of the Superintendent, can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance unless permitted under special agreement by the Superintendent;

(16) Wastewater containing substances not amenable to treatment or reduction by the sewage treatment processes employed;

(17) Any wastewater from septic tanks, except septage pumped from septic tanks located within the city, may be discharged at an approved site and the appropriate fees must be paid;

(18) Other septage may be accepted at an approved site if approved by the Mayor and Council and the appropriate fees are paid;

(19) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which waters contain the substances or the characteristics enumerated in this division (C) and which, in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a) Reject the wastes;

(b) Require the pretreatment to an acceptable condition for discharge to public sewers;

(c) Require equalization of waste flows to acceptable levels for discharge to the public sewers; and

(d) Require payment to cover the added cost of handling and treating the wastes not covered by sewer user charges under the provisions of this chapter. When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants, and equipment shall be subject to the review and approval of the Superintendent.

(20) The Superintendent may require a user to provide information needed to determine compliance with this chapter. These requirements may include:

- (a) Wastewater discharge peak rate and volume over a specified time period;
- (b) Chemical analysis of wastewaters;
- (c) Information on raw materials, processes, and products affecting wastewater volume and quality;
- (d) Quantity and disposition of specific liquid sludge, oil, solvent, or other materials important to sewer use control;
- (e) A plot plan of sewers on the user's property showing sewer and pretreatment facility location;
- (f) Details of wastewater pretreatment facilities; and
- (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(21) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent; and

(22) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.

(D) Limitations on wastewater strength.

(1) *National standards.* The National Categorical Pretreatment Standards, as promulgated by the USEPA pursuant to the Act, shall be met by all industrial dischargers. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the regional administrator by the city when the city's wastewater treatment system achieves consistent removal of the pollutants, as defined by 40 C.F.R. § 403.7.

(2) *State requirements.* State requirements and limitations on discharges to the sewer system shall be met by all industrial and domestic dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this chapter or any applicable ordinance.

(3) *Dilution.* No industrial discharger shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

(4) *Supplementary limitations.*

(a) No industrial discharger shall discharge wastewater-containing concentrations and/or mass limitations of substances exceeding the values shown below:

| <i>General Limitations on Other Pollutants</i> | |
|---|--|
| <i>Substance</i> | <i>Concentration (mg/l)</i> |
| A standard five-day biochemical oxygen demand | Greater than 400mg/l or 50 pounds in one day |
| Arsenic | 0.41 |
| Cadmium | 0.33 |
| Chromium (total) | 5.47 |
| Copper | 1.51 |
| Cyanide | 0.82 |
| Lead | 0.68 |
| Mercury | 0.01 |
| Nickel | 2 |
| Oil and grease (animal, vegetable, and petroleum based) | 150 |
| Silver | 0.12 |
| Zinc | 3.53 |
| Wastes containing suspended solids | Greater than 400mg/l or 50 pounds in one day |

(b) The Superintendent may impose mass limitations on dischargers who are using dilution to meet the pretreatment standards or requirements of this chapter or in other cases where the imposition of mass limitations is deemed appropriate by the Superintendent.

(E) *Accidental discharges.*

(1) *Spill prevention facilities.* Each industrial discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this section; where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial discharger's cost and expense. Significant industrial dischargers shall submit detailed plans showing facilities and operating procedures to provide this protection to the city for review and shall be approved by the city before construction of the facility. Each existing significant industrial discharger shall complete its plan and submit same to the city. No significant industrial discharger who

discharges to the sewer system shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the city. Review and approval of such plans and operating procedures by the city shall not relieve the industrial discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(2) *Notification of slugload or accidental discharge.* Domestic and industrial dischargers shall notify the city immediately upon occurrence of a slugload or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date, and time thereof, and type of waste, concentration, volume, and corrective actions. Any industrial or domestic discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss, or damage to the sewer system in addition to the amount of any fines imposed on the city on account thereof under state or federal laws.

(3) *Slug or accidental discharge signs.* Signs shall be permanently posted in conspicuous places on industrial discharger's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

(Prior Code, § 6-3-3) (Ord. 142, passed 7-12-1993) Penalty, see § 10.99

§ 51.16 PRIVATELY-OWNED DISPOSAL SYSTEM RESTRICTIONS.

(A) Within one year after a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer in compliance with this chapter. Public sewer is available when an operational line designed and intended to service the property is within 100 feet of the property. Any septic tanks, cesspools, or other similar private sewage disposal facilities shall be abandoned and, if required by the State Plumbing Inspector, filled with suitable material.

(B) No new building with plumbing facilities or wastewater drain of any nature shall be constructed within the city unless connected to the city's sewer system except that the city may permit the owner, contractor, or developer to install temporary individual or community disposal facilities provided all of the following conditions are met.

- (1) Extension to the city's system would create an unreasonable financial burden.
- (2) The owner deposits the current connection fees with the city.
- (3) A private disposal system is constructed meeting all the following requirements.

(a) Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private disposal system complying with all recommendations of the State Department of Health and Welfare Division of Environmental Quality.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent of Public Works. The application for each such permit shall be supplemented by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee set by resolution adopted by the City Council shall be paid to the City Treasurer at the time the application is filed.

(c) A permit for a private disposal system shall not become effective until the installation is completed to the satisfaction of the said Superintendent. He or she shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

(d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the local health district.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

(C) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any public health officer.

(Prior Code, § 6-3-4) (Ord. 142, passed 7-12-1993) Penalty, see § 10.99

§ 51.17 LINE EXTENSION POLICIES.

(A) *General.* It shall be unlawful for any person to construct a sanitary sewer main within the jurisdiction of the city without first having made formal application to the city for approval and having complied with all the regulations of the city.

(B) *Plans.* Plans for development shall be submitted to the city along with the application for service. Said plans shall be approved for compliance with the city's specifications, and such study for compliance with the city's specifications shall be at the developer's expense. All plans must also be approved by the IDHW-DEQ prior to construction. Developers or landowners are required to furnish free of charge to the city suitable rights-of-way and/or easements for construction, operation, and maintenance of new, existing, or future sewer systems. No sewer lines shall be constructed within the city's jurisdiction until final plans and specifications have been approved by the city and IDHW-DEQ and written authorization to proceed has been obtained from the city. No sewer lines shall be accepted by the city or placed into operation unless they have been inspected and approved by the Superintendent and written approval obtained. No excavation shall begin until required permits have been obtained.

(C) *Approval.* Any line extensions must be approved by IDHW-DEQ prior to construction.
(Prior Code, § 6-3-5) (Ord. 142, passed 7-12-1993) Penalty, see § 10.99

§ 51.18 BUILDING SEWERS AND CONNECTIONS.

(A) All costs and expenses incident to the installment and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

(B) A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway; the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(C) Building sewer pipe shall be as specified in the Uniform Plumbing Code.

(D) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall which might thereby be weakened.

(E) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer in conformance with the Sewer Department's rules and regulations.

(F) Methods of construction and inspection shall be as per this subchapter and the Sewer Department rules and regulations and shall be in conformance with all rules and regulations of IDHW-DEQ.

(G) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city, highway district, or other applicable public agency.

(H) Provision for the connection of mobile home, travel trailer, or any other mobile unit to the sanitary sewer system may be made by a pipe connected to the sanitary sewer system in compliance with this section and, at all times not connected to a mobile unit, must be sealed with a well casing, sealing plug, or comparable device in such manner as to stop any substance or gas from entering or leaving the sanitary sewer system.

(I) No person shall disconnect any sewage connection without first notifying the Superintendent. After such notification, the connection may be disconnected and sealed in such a manner so as to prevent the passage of any substance, gas, or odor into or out of said sewage line. Said patch or sealing shall not, in any way, impede the flow of sewage within the sewage line and shall be of sufficient thickness, strength, and design to equal the sewage line. The Superintendent shall be notified upon completion of

sealing, and any excavation for such a sealing shall be left open for sufficient time for the Superintendent to inspect the same.

(J) No roof drain or basement sump pump shall be connected to the sewer.

(K) Grease, oil, or sediment separators shall be provided as part of the building sewer when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable oils, fat, flammable wastes, sand, or other harmful ingredients except that such separators shall not be required for single-family residences. All separators shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these separators, the owner shall be responsible for the proper removal and disposal by appropriate means of the captive material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed disposal firms.

(L) Establishments requiring these separators include, but are not limited to, restaurants, cafeterias, taverns, extended-care facilities, automotive repair shops, service stations, and car washes. Where pretreatment or flow-equalizing facilities are required for any grease, oil, or sediment separators or waters or wastes, they shall be constructed and maintained continuously and in satisfactory and effective operation by and at the expense of the sewer user.

(M) When required by the Superintendent, an industrial discharger shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the discharger at his, her, or its expense and shall be maintained by the discharger so as to be safe and accessible at all times.

(N) All building sewers and connections shall be inspected by the Superintendent prior to backfilling.

(Prior Code, § 6-3-7) (Ord. 142, passed 7-12-1993) Penalty, see § 10.99

FEES AND CHARGES

§ 51.30 CONNECTION FEES.

(A) The city shall collect from each new user, prior to connection, the applicable fees set by resolution and adopted by the City Council.

(Prior Code, § 6-3-6)

(B) The treatment plant connection fee and the collection system connection fee shall be \$500. (Ord. 142, passed 7-12-1993; Res. 168, passed 6-11-2018)

§ 51.31 USER CHARGES AND PAYMENT.

(A) *Purpose.* There is hereby established a system of periodic sewer user charges in order to equitably impose upon all users the costs and expenses of the operation, maintenance, repair, replacement, and debt retirement of the sewer system. The sewer user charges for purposes of computation shall be based upon: the volume and BOD and SS loading of effluent discharged into the sewer system of the city; the actual and expected costs and expenses of maintenance, operation, replacement, and repair of the sewer system; the benefit derived by each building, structure, or user by the sewer system; and debt retirement.

(B) *Commencement.* The monthly user charges shall be due from the user commencing when public sewer service becomes available to the user whether or not the user is actually connected to or using the public sewer. Sewer service is available when an operational sewer line is within 100 feet of a user's property.

(C) *Charges.* The monthly cost per ER shall be calculated by dividing the total annual projected expenditures for operation, maintenance, administration, bond payment, capital reserve, and replacement (hereinafter referred to as TC) by the summation of the total number of ERs. This calculation can be expressed by the following formula: cost for one ER = TC/total number of ERs. The monthly user charge per ER shall be established by resolution of the City Council.

(1) The TC shall be calculated at the end of each fiscal year, and the rates may be adjusted to reflect the projected costs of the service for the following fiscal year.

(2) A single-family residence shall be assessed the cost for one ER. A multi-unit dwelling shall be assessed the cost of one ER multiplied by the number of units.

(3) The charges for special users, users other than single-family residences, and multi-unit dwellings shall be directly proportional to the waste produced from the special user to that from a single-family residence except that no charge shall be less than the cost of one ER multiplied by the number of ERs for the user determined from the "Special Users ER Schedule" set forth in division (C)(3)(c) below, and in no event shall the charge be less than that for one ER. The charge for special users shall be calculated as follows:

(a) *Water metered users.* Unless otherwise established on a case-by-case basis by a user to the satisfaction of the City Council, the water provided to a user will be presumed to be equal to the wastewater discharged by the user (based upon average usage from November 1 through April 30). Therefore, where wastewater is not metered, the water meter readings shall be used to compute the monthly service charge in accordance with the formula set forth in the division (C)(1) above. For those

water metered users who irrigate, an exception will be allowed during the months of May through October of each year when the monthly service charge shall be computed using the average water meter reading of the previous November through April period.

(b) *Non-metered users.* Non-metered users shall be charged the cost of one ER multiplied by the number of ERs (but not less than one).

(c) *Special Users ER Schedule.*

| | |
|--|---------------------------------|
| Boardinghouse | ER = Number of occupants x 0.25 |
| Churches | ER = 1 |
| Mobile home park | ER = Number of spaces |
| Motel/hotel with kitchen | ER = Number of units x 0.05 |
| Motel/hotel without kitchen | ER = Number of units x 0.025 |
| Schools with kitchen and showers | ER = Number of students x 0.145 |
| Schools without kitchens and showers | ER = Number of students x 0.065 |
| NOTES: -Any sewer user that cannot be classified in one of the above classes shall have its ER computed on an individual basis, based upon water consumption or by the number of persons served. | |

(d) *Excessive flows.* Any user that discharges industrial wastes or produces a flow, biochemical oxygen demand, or suspended solids loading in excess of 5% of the average dry weather sewage flow measured at the treatment facility may be assessed a surcharge on waste flows with biochemical oxygen demand or suspended solids concentrations above 250 mg/l.

(D) *Revisions to user charge.*

(1) Revisions to the user charges shall be based upon actual operation, maintenance, capital reserve, and replacement expenses and/or a change in the total number of equivalent users, total daily BOD₅, total daily SS, and/or total daily flow to the sewage treatment facilities. The user charge for operation maintenance, capital reserve, replacement, and bond repayment shall be reviewed annually and updated to reflect actual costs.

(2) The city may install a measuring device in the sewer service line at any time to determine the amount of wastewater and/or to collect wastewater samples for testing. After measuring and/or sampling, the city may adjust the user charge to conform to actual usage.

(E) *Appeals to user charge.*

(1) Any user feeling aggrieved at the user charge for operation, maintenance, and bond repayment may request that his or her charge be changed if:

(a) Flow proportioned BOD₅ and SS tests certified by an independent laboratory specializing in wastewater analysis indicate a significant deviation in BOD₅ and SS from the value used by the city in computing the BOD₅ and SS charge; and/or

(b) Total daily wastewater flow measurements derived from a continuously recording measuring device (such as a water meter) and certified by an authorized representative of the city as to their authenticity indicate a significant deviation in wastewater flow charge.

(2) All changes in user charges applicable to this section shall be computed by the method outlined herein.

(3) Any user appealing the user charge shall pay all costs for any test or measurements and all costs incurred by the city for certification of the authenticity of tests and measurements.

(F) Billings and termination of water service for nonpayment.

(1) All billings for the charges and fees levied and assessed under the provisions of this chapter shall be made by and all payments shall be paid to the office of the City Treasurer. Billings shall be made monthly with the billing for water service in the name of the owner of the premises against which the charge or fee is made.

(2) In case of nonpayment or delinquency in the payment of sewer user charges or fees imposed, the Superintendent is authorized, after notice and opportunity to be heard (as hereinafter specified), to disconnect or turn off the water connection for the premises from the water system of the city. Water service shall remain off or disconnected until the delinquent charges and fees and a reconnection fee, which shall be established by resolution of the City Council, have been paid to the Treasurer. No person other than the Superintendent shall reinstate water service that has been disconnected by the Superintendent.

(3) The city shall provide ten days' notice to the owner, occupant, or person in charge of the premises providing ten days in which to appeal the user charges, fees, or water service termination to the City Council. If an appeal is made, the appeal shall be heard at the next regular Council meeting following filing of the appeal. The Council shall issue its decision on the appeal, in writing, within five working days of the regular Council meeting at which the appeal was heard. Water service shall not be shutoff or disconnected during the pendency of an appeal. The Council's determination of the appeal shall, if payment is required, set forth the date and amount of payment due in order to prevent disconnection of the water service.

(4) The owner of any such premises for which a user charge or fee is due shall be liable for all fees and charges assessed by the city. Such charges shall become a lien upon and against the property for which the user charge or fee is assessed to the extent permitted by the laws of the state and the ordinances of the city and may be collected in any manner permitted or hereafter permitted by law.

(5) Without limiting the authority of the city to proceed as set forth above, all charges and fees as provided by this chapter not paid within 30 days of when due shall become delinquent and shall be, and the same are hereby imposed as, a lien upon and against the property or premises against which such charge or fee is levied and assessed, and the City Clerk shall, at the time of certifying the city taxes, certify such delinquencies together with all penalties to the County Tax Collector, and when so certified, the same shall be a lien upon the property and collectible as other taxes.

(G) *Fee schedule.*

| <i>Fee Type</i> | <i>Amount</i> |
|---|----------------|
| Generally | |
| Monthly user charge per equivalent residence (ER) | \$47.55 |
| Special Users | |
| Empire Lumber Mills | \$60.20 each |
| Pleasant Acres Water and Sewer District | \$44.85 per ER |
| Timberline Laundromat | \$60.20 |

(Prior Code, § 6-3-8) (Ord. 142, passed 7-12-1993; Res. 168, passed 6-11-2018)

§ 51.32 COLLECTION SYSTEM CONNECTION FEES.

After the effective date hereof, the city shall collect from each new user (such as owners of residential, commercial, or industrial buildings with plumbing facilities or wastewater drains which begin construction or apply for a building permit after the effective date hereof, either in advance or at the time a building permit is issued) the applicable connection fees set by resolution. These fees shall be in addition to other permanent fees, sewer line construction costs, and sewer user charges as described in this subchapter. Provided, however, connection fees shall not be assessed where a permit is obtained to replace a building destroyed or moved, unless the replacement building increases the number of ERs from that of the pre-existing building; in which case, connection fees will be assessed for the increase in ERs.

(Prior Code, § 6-3-10) (Ord. 142, passed 7-12-1993)

CHAPTER 52: GARBAGE AND REFUSE

Section

General Provisions

- 52.01 Definitions
- 52.02 Authority and inspection
- 52.03 Sanitary Service Revenue Fund
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- 52.06 Disposal standards

Collection

- 52.20 Refuse collection system required
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GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COLLECTOR. The person holding a license or contract with the city or employed by the city and thereby authorized and designated by the city to collect, handle, transport, and dispose of refuse and wastes.

GARBAGE. All putrescible waste, except sewage and body waste, including waste accumulated of animal, food, or vegetable matter and including waste that attends the preparation, use, cooking, and dealing in or storing of meat, fish, fowl, fruit, and vegetables and shall include all of such wastes or accumulations of vegetable matter of residences, restaurants, hotels, and places where food is prepared for human consumption. The term **GARBAGE** shall not include recognized industrial by-products.

INSPECTOR. The authorized employee or employees of the city or some individual designated by the Mayor and approved by the Council as having the duty of the enforcement of the provisions of this chapter.

OWNER or OCCUPANT. These terms, wherever herein used, may be used interchangeably, and shall mean every person in possession, charge, or in control of any dwelling, flat, rooming house, or any eating place, shop, place of business, or manufacturing or business establishment where garbage or other refuse is created or accumulated.

REFUSE. Solid wastes including garbage and rubbish.

RUBBISH. Refuse other than garbage (tin cans, bottles, ashes, paper, pasteboard, cardboard or wooden boxes, brush, leaves, weeds and cuttings from trees, lawns, shrubs and gardens, or other waste materials produced in the normal course of doing business or everyday living). The term **RUBBISH** shall not include recognized industrial by-products.

WASTE. Unwanted solid, liquid, or gaseous materials.
(Prior Code, § 6-2-1)

§ 52.02 AUTHORITY AND INSPECTION.

(A) *Responsible authority.* The Chief of Police or such other persons as may be appointed by the Mayor and approved by the Council shall be responsible for the enforcement of the provisions of this chapter and shall have such other duties hereunder as the Mayor and Council may prescribe, and there shall be designated as a member of the Police Department, a Sanitary Inspector who shall enforce the provisions of this chapter under the supervision of the Chief of Police.
(Prior Code, § 6-2-2)

(B) *Inspection.* The Chief of Police or such person as may be designated as Sanitary Inspector or any other person concerned with the enforcement of laws shall have the right of ingress and egress to any premises for the purpose of inspecting all places and containers where rubbish or garbage is accumulated or kept.
(Prior Code, § 6-2-15)

§ 52.03 SANITARY SERVICE REVENUE FUND.

The proceeds from the collection of fees and charges herein provided shall be placed in a special fund to be known as the Sanitary Service Revenue Fund, and all expenses of the city in the operation of the sanitary collection and disposal system shall be paid out of such fund, and any surplus remaining therein at the end of each fiscal year may be transferred by the Mayor and Council to the Water and Sewer Fund.
(Prior Code, § 6-2-13) (Ord. 41, passed 6-7-1971; Ord. 89, passed 2-22-1979)

§ 52.04 LICENSING AND CONTRACTING.

The Mayor and Council shall be the sole authority to license, contract, or perform all services pertaining to sanitary collection and disposal and to establish reasonable fees for licenses and is hereby authorized to enter into contracts with one or more contractors and establish reasonable rules and regulations governing the conduct and operation of such licensees or contractors. The Mayor and Council may require of any such collector or contractor a bond in a reasonable amount, the condition of which shall be the satisfactory performance of the contract.

(Prior Code, § 6-2-16) (Ord. 41, passed 6-7-1971)

§ 52.05 DISPOSAL SITE ESTABLISHED.

There is hereby established at such places and locations as the Mayor and Council may from time to time designate, by motion or order, a place for the dumping and depositing of rubbish and garbage, and any such place or location shall be known and the same hereby is designated as the city disposal site.

(Prior Code, § 6-2-14)

§ 52.06 DISPOSAL STANDARDS.

(A) *Refuse accumulation unlawful.* It shall be unlawful for any person to permit or to suffer to accumulate in or about any yard, lot, place, or premises or upon any street, alley, or sidewalk adjacent to such lot, yard, place, or premises owned or occupied by such person any garbage or refuse so as to cause such yard, lot, premises or the street, alley, or sidewalk adjacent thereto to be or remain in such condition as to cause or create a nuisance or offensive odor or atmosphere or rodent harborage or thereby to be or to become or cause or create a public nuisance or be a health hazard to any person.

(Prior Code, § 6-2-5)

(B) *Burning; dumping.* No person shall burn, incinerate, bury, dump, collect, remove, or in any other manner dispose of refuse except as hereinafter provided.

(1) *Burning.*

(a) *Interior incinerator.* Any person may use an incinerator in the interior of a building between the hours of 7:00 a.m. and 7:00 p.m. provided such incinerator meets the requirements of the Building Code.

(b) *Open burning.* Burning of refuse may be done in vacant lots by the owner thereof upon obtaining a permit from the Fire Department for such burning.

(c) *Exceptions.* Nothing herein contained shall be construed to prohibit the use of outdoor fireplaces, barbecue pits, or grills in preparing food or for recreational purposes.

(2) *Dumping.* No person shall throw, discard, or deposit any refuse in or upon any street, alley, sidewalk, or vacant ground or in or upon any watercourse.
(Prior Code, § 6-2-6)

(C) *Rubbish, special handling.*

(1) *Special handling.* Rubbish consisting only of cardboard or wooden boxes, brush, leaves, weeds, and cuttings from trees, lawns, shrubs, and gardens may be kept separately without depositing in such containers; provided, bulk materials, such as leaves, shall be in a can, box, sack, or receptacle for ease of loading and that brush or any bulky material shall be tied in bundles not to exceed four feet in length and not to exceed 75 pounds in weight. Compost piles may be maintained for fertilization purposes, and matter used for fertilization purposes only may be transported, kept, and used provided that the same shall not constitute a nuisance. Nothing in this section shall be construed so as to permit the violation of any rule or regulation of the Fire Department.

(2) *Unacceptable materials.* Dirt or earth debris from construction or lawn renovation, rocks, stones, automobile bodies and parts, dead animals, and building materials (such as masonry, plaster, scrap lumber, and wood shavings) are not acceptable for collection, and such items shall be collected and disposed of by the building contractor, owner, or occupant of the premises.

(Prior Code, § 6-2-9)

Penalty, see § 10.99

COLLECTION

§ 52.20 REFUSE COLLECTION SYSTEM REQUIRED.

(A) *Compulsory use of system.* Every owner and occupant of premises within the prescribed limits of the city must use the refuse collection and disposal system herein provided and shall deposit or cause to be deposited all refuse in accordance with this subchapter. Provided, however, in sparsely populated areas of the city where the collection of refuse on the schedules hereinafter set forth would be impractical, the Mayor, with the approval of the Council, may issue a special permit altering the time and extent of collection.

(Prior Code, § 6-2-3)

(B) *Refuse collection system.* There is hereby established a system of refuse collection, transportation, and disposal. It shall be unlawful for any person to engage in the business of collecting, transporting, hauling, or conveying any refuse over the streets or alleys or to dump or dispose of the same unless and until such person is licensed therefor or has a contract therefor as an authorized representative of the city.

(Prior Code, § 6-2-4)

Penalty, see § 10.99

§ 52.21 CONTAINERS.

(A) It shall be the duty of every owner or occupant of any place where garbage or rubbish is created or accumulated to, at all times, keep or cause to be kept portable, approved metal or plastic containers for the deposit therein of rubbish and garbage and, except as otherwise provided, to deposit or cause to be deposited all rubbish and garbage therein.

(B) All garbage shall, before deposit in such can, be enclosed in disposable plastic bags, the specifications of which shall be provided by rules of the Council so as to prevent the escape of liquids therefrom.

(C) All such containers shall be watertight and not easily corrodible, rodent- and fly-proof, and shall be equipped with handles and a close-fitting lid. Such containers shall be not less than ten-gallon capacity nor more than 32-gallon capacity and limited to 75 pounds in weight. The containers shall be of not less than 28-gauge metal or the equivalent and be hot-dipped after fabrication to assure non-leaking of cans or a can that is guaranteed by the manufacturer and so labeled to be leak-proof, regardless of manufacturing processes. Such lid shall not be removed except when necessary to place garbage and rubbish in such container or to take the same therefrom. Whenever garbage or rubbish is placed therein or taken therefrom, such lid shall be replaced by the person placing therein or taking therefrom such garbage or rubbish.

(D) Such containers shall be kept in sanitary condition with the inside and outside thereof washed at such times as to keep the same free and clean of all accumulating grease and decomposing material and so that no odor nuisance shall exist.

(E) All garbage or refuse cans shall be placed in a place accessible to the collector; provided, in the case of isolated dwellings or places of business or where reasonable access cannot be had by a truck, the cans may be kept in such places as may be agreed upon by the owner and collector or at such place as may be designated by the Inspector. Where there is no alley entrance, such cans shall be placed on the street curb on collection days.

(Prior Code, § 6-2-7) Penalty, see § 10.99

§ 52.22 COLLECTION PERIOD; BUSINESS HOURS.

(A) *Collection period.* Collectors shall collect refuse from each customer at least once each week or as may be otherwise provided by the rules and regulations of the Mayor and Council.

(Prior Code, § 6-2-8)

(B) *Collection; business houses.* To ensure the health of the inhabitants of the city, the Mayor and Council do hereby ordain that premises and businesses such as, but not limited to, restaurants, grocery stores, hospitals, butcher shops, and establishments wherein large accumulations of garbage occur are nuisances to the extent that the same should be and are hereby, in the manner and method hereinafter

provided, designated as a separate class of premises for the collection and disposal of garbage and rubbish and the same shall be deposited separately in suitable cans and containers. The Inspector shall designate such premises wherein large accumulations of garbage occur and shall notify the owner of such premises of such designation. From and after such notification by the Inspector, all rubbish and garbage accumulated upon said premises shall be deposited separately in containers for garbage as approved by the City Council.

(Prior Code, § 6-2-10)

(Ord. 41, passed 6-7-1971)

§ 52.23 COLLECTION FEES; METHOD OF COLLECTION.

(A) *Collection fees generally.* Fees and rates for the collection of garbage and refuse shall be set by resolution of the Council and approved by the Mayor at the renewal of the contract with the garbage and refuse collector. Provided, however, where the enforcement of the provisions of this section will work a financial hardship or where the amount of refuse is of such small amount as not to warrant the collection of the full charges as the resolution provides, the Mayor and Council may issue a special permit altering the provisions of this section.

(Prior Code, § 6-2-11)

(B) *Fees.* Starting October 1, 2023, the residential fee for garbage collection shall be \$14.70 per month. Container fees will be set by the contractor.

(C) *Method of collecting fees.* Fees shall be carried on the water and sewer bill, and the same shall be paid with the water and sewer bill; the Water and Sewer Department is authorized to discontinue service to any premises if the entire water, sewer, and garbage bill shall not be paid. Said charges are to become delinquent as provided for water charges and to be subject to the same penalties provided for in the case of water and sewer collections.

(Prior Code, § 6-2-12)

(Ord. 41, passed 6-7-1971; Ord. 89, passed 2-22-1979; Res. 187, passed 8-14-2023)

TITLE VII: TRAFFIC CODE

Chapter

70. TRAFFIC REGULATIONS

71. PARKING RULES

CHAPTER 70: TRAFFIC REGULATIONS

Section

- 70.01 State Motor Vehicle Laws adopted
- 70.02 Signs and signals
- 70.03 Crosswalks and safety zones
- 70.04 Motor vehicles, restrictions
- 70.05 Compression brakes

- 70.99 Penalty

Cross-reference:

Parking rules, see Chapter 71

§ 70.01 STATE MOTOR VEHICLE LAWS ADOPTED.

(A) Pursuant to Idaho Code Title 49, Chapter 6, "Adoption by Reference," pertaining to adoption of the *State Rules of the Road*, said rules are hereby adopted as and for the traffic ordinance of the city with like effect as if recited at length herein except as provided hereafter.

(B) Not less than three copies of said *State Rules of the Road* shall be and remain available for inspection during regular business hours in the office of the City Clerk.

(Prior Code, § 9-1-1) (Ord. 76, passed 10-3-1977)

Statutory reference:

Related provisions, see Idaho Code Title 49, § 49-583

§ 70.02 SIGNS AND SIGNALS.

(A) *Placement.* The City Council shall cause to be placed and maintained traffic control signs, signals, and devices when and as required, in its opinion, to ensure a safe and orderly flow of traffic and may place and maintain such additional traffic control devices as it may deem necessary.

(B) *Compliance with State Manual.* All traffic control signs, signals, and devices shall conform to the *Manual and Specifications for a Uniform System of Traffic Control Devices* adopted by the State Department of Highways pursuant to Idaho Code Title 49, Chapter 6, § 49-601.

(C) *Obey signs; signals.* It shall be unlawful for the driver of any vehicle to fail to obey the instructions of any official traffic control device, sign, or signal applicable thereto placed in accordance with the order of the City Council, unless otherwise directed by a police officer, subject to the exceptions granted by law to the driver of an authorized emergency vehicle.

(D) *Display of unauthorized signs, signals, or markings.*

(1) It shall be unlawful for any person to place, maintain, or display upon or in view of any highway any unauthorized signs, signals, markings, or devices which purport to be or are an imitation of or resemble any official traffic control devices, signs, or signals or which attempt to direct the movement of traffic or which hide from view or interfere with the effectiveness of any official traffic control device, sign, or signal.

(2) It shall be unlawful for any person to place or maintain (nor shall any public authority permit) upon any highway, any traffic sign, or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal, or marking is hereby declared to be public nuisance, and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

(E) *Interference with devices, signs, or signals.* It shall be unlawful for any person, without lawful authority, to attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device, sign, or signal or any inscription, shield, or insignia thereon or any part thereof.
(Prior Code, § 9-1-2) Penalty, see § 70.99

Statutory reference:

Related provisions, see Title 49, Chapter 6, § 49-601

§ 70.03 CROSSWALKS AND SAFETY ZONES.

The City Council is hereby authorized:

(A) To require to be designated and maintained (by appropriate devices) marks or lines upon the surface of the streets, crosswalks at intersections where (in its opinion) there is particular danger to pedestrians crossing the roadway, and at such other places as it may deem necessary; and

(B) To require to be established safety zones of such kind and character and at such places as it may deem necessary for the protection of pedestrians.

(Prior Code, § 9-1-3) (Ord. 12, passed 7-12-1965)

§ 70.04 MOTOR VEHICLES, RESTRICTIONS.

(A) *Sound trucks or loud speakers.* It shall be unlawful to play, use, or operate any device known as a sound truck, loud speaker or sound amplifier, radio or phonograph with loud speaker, or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle and shall have first applied to and received permission from the Police Department to operate any such vehicle equipped and used as in this division (A) described.

(B) *Lug wheels prohibited.* It shall be unlawful for tractors with wheels injurious to pavement to be permitted upon the public thoroughfares unless the operator of such vehicle shall first plank such streets.

(C) *Spilling loads.* It shall be unlawful for any person to drive or move upon any street or alley any vehicle or truck which is so constructed or loaded as to allow its contents to drop, sift, leak, or otherwise escape therefrom.

(Prior Code, § 9-1-4) (Ord. 36, passed 1-11-1971) Penalty, see § 70.99

§ 70.05 COMPRESSION BRAKES.

(A) *Prohibited.* No person operating a motor vehicle, motorized equipment, or self-propelled vehicle of any type equipped with a compression brake, including a motorcycle, shall use that brake within the incorporated limits of the city.

(B) *Definition.* The term **COMPRESSION BRAKES** shall include, but not be limited to, brakes commonly known as exhaust brakes and Jake brakes.

(C) *Signs.* Signs prohibiting the use of compression brakes shall be posted at the four existing entrances and any new entrances of the city.

(D) *Violation; penalty.* Any person who violates the provisions of this section shall be considered guilty of an infraction, as that term is defined by the Idaho Code, and punished in accordance with the penalties set forth by the state code.

(Prior Code, § 9-1-5) (Ord. 136, passed 7-9-1990)

§ 70.99 PENALTY.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than \$300 or by imprisonment for not more than 30 days or by both such fine and imprisonment.

(Prior Code, § 9-1-1) (Ord. 76, passed 10-3-1977)

CHAPTER 71: PARKING RULES

Section

General Provisions

- 71.01 Application
- 71.02 Parking signs required
- 71.03 Lights on parked vehicles
- 71.04 Permit for loading or unloading at angle to curb
- 71.05 Parking for certain purposes prohibited
- 71.06 All night parking prohibited
- 71.07 Obstruction of traffic

Parking or Stopping in Certain Locations

- 71.20 Where prohibited generally
- 71.21 Near curbs
- 71.22 In alleys
- 71.23 Adjacent to schools
- 71.24 On narrow streets
- 71.25 On one-way streets
- 71.26 On roadways
- 71.27 Near hazardous or congested places
- 71.28 Truck parking in business district

Passenger and Freight Vehicle Regulations

- 71.40 Passenger and freight curb loading zones
- 71.41 Public carrier stops and stands
- 71.42 Bus regulations

- 71.99 Penalty

Cross-reference:

- Abandoned, junked, and wrecked vehicles, see Chapter 93*
- Traffic regulations, see Chapter 70*
- Trailer coaches and trailer courts, see Chapter 151*

GENERAL PROVISIONS**§ 71.01 APPLICATION.**

(A) *Application of provisions.* The provisions of this chapter prohibiting the standing or parking of any vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
(Prior Code, § 9-2-19)

(B) *Regulations not exclusive.* The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.
(Prior Code, § 9-2-20)

§ 71.02 PARKING SIGNS REQUIRED.

Whenever any parking time limit is imposed or parking prohibited on designated streets, it shall be the duty of the law enforcement officer to erect appropriate signs giving notice thereof. Such regulations shall not be effective unless said signs are erected and in place at the time of any alleged offense.
(Prior Code, § 9-2-21)

§ 71.03 LIGHTS ON PARKED VEHICLES.

(A) Whenever a vehicle is lawfully parked at nighttime upon any street within a business or residence district, no lights need be displayed upon such parked vehicle.

(B) Whenever a vehicle is parked upon a street or highway outside of a business or residence district during the hours between 30 minutes after sunset and 30 minutes before sunrise, such vehicle shall be equipped with one or more lamps which shall exhibit a white light on the roadway side, visible from a distance of 500 feet to the front of the vehicle and red light visible from a distance of 500 feet to the rear.

(C) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.
(Prior Code, § 9-2-3)

§ 71.04 PERMIT FOR LOADING OR UNLOADING AT ANGLE TO CURB.

The law enforcement officer is authorized to issue special permits for the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and

conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

(Prior Code, § 9-2-2) Penalty, see § 71.99

§ 71.05 PARKING FOR CERTAIN PURPOSES PROHIBITED.

It shall be unlawful for any person to park a vehicle upon any roadway for the principal purpose of:

(A) Displaying such vehicle for sale;

(B) Washing, greasing, or repairing such vehicle except repairs necessitated by any emergency; or

(C) Selling merchandise from said vehicle without first obtaining a license or permit.

(Prior Code, § 9-2-9) Penalty, see § 71.99

§ 71.06 ALL NIGHT PARKING PROHIBITED.

It shall be unlawful for any person to park a vehicle within the business district for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day except physicians on emergency calls.

(Prior Code, § 9-2-7) Penalty, see § 71.99

§ 71.07 OBSTRUCTION OF TRAFFIC.

It shall be unlawful for any person to park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Prior Code, § 9-2-5) Penalty, see § 71.99

PARKING OR STOPPING IN CERTAIN LOCATIONS

§ 71.20 WHERE PROHIBITED GENERALLY.

(A) It shall be unlawful for any person to stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within 15 feet of a fire hydrant;
 - (5) On a crosswalk;
 - (6) Within 20 feet of a crosswalk at an intersection;
 - (7) Within 30 feet upon the approach to a flashing beacon, stop sign, or traffic control signal;
 - (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone unless the law enforcement officer has indicated a different length of a zone by signs or markings;
 - (9) Within 50 feet of the nearest rail of a railroad crossing;
 - (10) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;
 - (11) Alongside or opposite any street obstruction or excavation when stopping, standing, or parking would obstruct traffic;
 - (12) On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- and
- (14) At any place where official signs prohibit stopping.

(B) It shall be unlawful for any person to move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such distance as is unlawful.
(Prior Code, § 9-2-4) Penalty, see § 71.99

§ 71.21 NEAR CURBS.

It shall be unlawful for any person to stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the curbside wheels of the vehicle within 18 inches of the curb or edge of the roadway.
(Prior Code, § 9-2-1) Penalty, see § 71.99

§ 71.22 IN ALLEYS.

It shall be unlawful for any person to park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and it shall be unlawful for a person to stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.
(Prior Code, § 9-2-6) Penalty, see § 71.99

§ 71.23 ADJACENT TO SCHOOLS.

(A) The law enforcement officer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his or her opinion, interfere with traffic or create a hazardous situation.

(B) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, it shall be unlawful for any person to park a vehicle in any such designated place.

(Prior Code, § 9-2-10) Penalty, see § 71.99

§ 71.24 ON NARROW STREETS.

(A) The law enforcement officer is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

(B) When official signs prohibiting parking are erected upon narrow streets as authorized herein, it shall be unlawful for any person to park a vehicle upon any such street in violation of any such signs.

(Prior Code, § 9-2-11) Penalty, see § 71.99

§ 71.25 ON ONE-WAY STREETS.

The law enforcement officer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, it shall be unlawful for any person to stand or park a vehicle upon such left-hand side of the street.

(Prior Code, § 9-2-12) Penalty, see § 71.99

§ 71.26 ON ROADWAYS.

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, it shall be unlawful for any person to stand or park a vehicle upon the

left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The law enforcement officer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.
(Prior Code, § 9-2-13) Penalty, see § 71.99

§ 71.27 NEAR HAZARDOUS OR CONGESTED PLACES.

(A) The law enforcement officer is hereby authorized to determine and designate, by proper signs, places not exceeding 100 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay in traffic.

(B) When official signs are erected at hazardous or congested places as authorized herein, it shall be unlawful for any person to stop, stand, or park a vehicle in any such designated place.
(Prior Code, § 9-2-14) Penalty, see § 71.99

§ 71.28 TRUCK PARKING IN BUSINESS DISTRICT.

Parking of trucks and/or truck trailers is hereby prohibited within the business district.
(Prior Code, § 9-2-8) Penalty, see § 71.99

PASSENGER AND FREIGHT VEHICLE REGULATIONS

§ 71.40 PASSENGER AND FREIGHT CURB LOADING ZONES.

(A) *Loading or unloading only.* The law enforcement officer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this subchapter are applicable.

(B) *Permits for curb loading zones.* The law enforcement officer shall not hereafter designate or sign any curb loading zones upon special request of any person unless such person makes application for a permit for such zone and for two signs to indicate the ends of each such zone. Said permit fee shall be as set and designated by the Mayor and Council.

(C) *Standing in zones.*

(1) *Passenger curb loading zone.* It shall be unlawful for any person to stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of

passengers in any place marked as a passenger curb loading zone during the hours when the regulations applicable to such curb loading zone are effective and then only for a period not to exceed three minutes.

(2) *Freight curb loading zone.* It shall be unlawful for any person to stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading materials exceed 30 minutes.

(Prior Code, § 9-2-15) Penalty, see § 71.99

§ 71.41 PUBLIC CARRIER STOPS AND STANDS.

The law enforcement officer is hereby authorized and required to establish bus stops, bus stands, taxicab stands, and stands for other passenger common carrier motor vehicles on such public streets, in such places, and in such manner he or she determines to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab stand, or other stands shall be designated by appropriate signs.

(Prior Code, § 9-2-16)

§ 71.42 BUS REGULATIONS.

(A) *Stopping, standing, and parking of buses.*

(1) The operator of a bus shall not stand or park such vehicle upon any street at any place other than at a bus stand so designated.

(2) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand, or passenger loading zone so designated except in case of any emergency.

(3) The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not farther than 18 inches from the curb, and the bus must be approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(Prior Code, § 9-2-17)

(B) *Restricted use of bus stands.* It shall be unlawful for any person to stop, stand, or park a vehicle other than a bus in a bus stand except that the driver of a passenger vehicle may temporarily stop therein

for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus.

(Prior Code, § 9-2-18)

Penalty, see § 71.99

§ 71.99 PENALTY.

Each violation of Chapter 71 shall be a misdemeanor.

(Prior Code, § 9-2-22)

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. HEALTH AND SAFETY; NUISANCES

92. ABANDONED, JUNKED, AND WRECKED VEHICLES

CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Prohibited and restricted animals
- 90.02 Driving, herding animals through city
- 90.03 Running at large prohibited
- 90.04 Public nuisance
- 90.05 Cruelty to animals
- 90.06 Impoundment
- 90.07 Fees
- 90.08 Breaking open pound or enclosure

Dogs

- 90.20 Definitions
- 90.21 Animal control officer
- 90.22 Impoundment
- 90.23 Dogs at large prohibited
- 90.24 Dangerous dogs
- 90.25 Licenses
- 90.26 Fees
- 90.27 Exceptions

- 90.99 Penalty

GENERAL PROVISIONS

§ 90.01 PROHIBITED AND RESTRICTED ANIMALS.

(A) *Swine prohibited.* It shall be unlawful to keep or harbor swine within the city limits.
(Prior Code, § 8-3-9)

(B) *Livestock and exotic animals.*

(1) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL PURPOSES. Any keeping, caring for, or raising of animals for sale or trade on a business basis or the intent to make profit. **COMMERCIAL PURPOSE** shall not include the keeping of any livestock for household or domestic use, the occasional sale of surplus or offspring of pets, or for private purposes such as 4-H projects.

EXOTIC ANIMALS. Includes, but is not limited to: lions, tigers, bears, large snakes, wolves, or other wild animals normally considered dangerous to persons, livestock, pets, or property.

LIVESTOCK. Includes, but is not limited to: horses, mules, cattle, goats, sheep, fowl, rabbits, or any other domesticated animal excluding cats, dogs, or other species regulated elsewhere by city ordinance.

LOT or ACREAGE. Any platted lot or unplatted land bounded and enclosed within the city limits of the city, whether or not the same is vacant or occupied, with a residence or other building.

(2) *Regulation of livestock.* Keeping of livestock on lots or acreage within the city, whether the livestock shall be owned by the landowner or shall belong to any other person, shall be permitted so long as:

(a) The use existed on a regular or regular-occurring basis for at least one year prior to the enactment of this division (B)(2) and continues as of the effective date hereof;

(b) The number of horses, mules, cattle, goats, sheep, or other grazing animal or any combination thereof does not exceed one head for the first one-half acre of pasture and one head for each additional acre of pasture;

(c) The number of fowl, rabbits, or other caged animal or any combination thereof does not exceed 25 adult animals on a minimum of 5,000 square feet of real property, and in no event shall any person keep or maintain more than 50 such fowl, rabbits, or small animals;

(d) The keeping, feeding, and caring for is not for commercial purposes;

(e) The area wherein livestock are kept and maintained is adequately and securely enclosed so as not to allow said animals to encroach upon the property of adjacent property owners;

(f) Any building, cage, or pen erected after the effective date hereof to house said livestock shall not be less than 30 feet from all property lines and at least 50 feet from all residential structures;

(g) Said livestock shall be fed and watered not less than 30 feet from all adjacent property owners;

(h) Said lot or acreage is maintained so as to prevent the accumulation of animal waste in such quantities that the smell thereof is so offensive to the senses that the substantial enjoyment of the neighboring property is greatly impaired or becomes a public nuisance. Said determination is to be made by viewers appointed herein;

(i) Use of said lot or acreage complies with all state and federal regulations for environmental protection and clean water; and

(j) A permit is obtained to allow the grazing-off of grass and weeds for fire control.

(3) *Commercial use prohibited.* It shall be unlawful to keep livestock for commercial uses within the city limits.

(4) *Exotic animals prohibited.* It shall be unlawful for any person to keep wild or exotic animals within the city.

(5) *Variance.* The City Council may authorize a temporary variance, as herein defined, from the requirements of this division (B), where it can be shown to the satisfaction of the City Council, that additional livestock may be kept or pastured on a specific parcel of property for a short duration of time or that the literal interpretation of this division (B) would cause an undue or unnecessary hardship. In granting such variance, the Council may attach conditions as it may determine necessary to protect the peaceful and quiet enjoyment of surrounding property in the neighborhood. Further, the City Council may request recommendations from the viewers appointed hereunder.

(a) *Circumstances for granting a variance.* No variance shall be granted unless it can be shown that all of the following circumstances exist.

1. The lot or acreage size is not less than 10% smaller than the minimal lot or acreage size set forth herein, and the location of the lot or acreage is such that the requested use would not be offensive to the senses or harmful to the property rights of others.

2. The variance is necessary to preserve a pre-existing and historical similar use or the requested use would allow the property owner to exercise a property right that is exercised by others in the city by custom or usage.

3. The granting of such variance will not be materially detrimental to the purpose of this division (B), will not be injurious to the property in the vicinity where the requested variance is sought, or is not otherwise in conflict with the intent of this division (B).

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4. The requested variance is the minimum variance from the restriction of this division (B) which will alleviate the prohibition.

(b) *Application for a variance.* A property owner may request a variance by filing an application with the City Clerk, using such forms as prescribed by the City Clerk. The application shall be accompanied by a legal description, map, short statement of the requested variance, and a site plan, drawn to scale, showing the condition to be varied.

(c) *Viewers.* The City Council shall appoint three people from within or without the city to be viewers whose duty is to go to the site of the proposed use, complaint, or requested variance and to make a written report of their findings to the Mayor and City Council. The report of said viewers shall not be binding upon the City Council but shall be a recommendation to said Council.

(6) *Pre-existing use.* Any use of property by a landowner contrary to this division (B) which can be shown to have existed or occurred regularly and continually for at least one year prior to the passage of this division (B) shall be determined a pre-existing use not subject to the limitations of this division (B). The use must be used regularly in the same manner it existed prior to the enactment of this division (B) at least yearly, or it shall be considered abandoned and discontinued. A pre-existing use cannot be expanded or animals substituted without complying with these provisions.

(Prior Code, § 8-3-10)

(Ord. 127, passed 10-12-1987; Ord. 144, passed 5-9-1994) Penalty, see § 90.99

§ 90.02 DRIVING, HERDING ANIMALS THROUGH CITY.

No person shall herd or drive any animal through the streets, lanes, or alleys of the city without having said animal under control by means of a rope, strap, halter, bridle, or other device by which it may be controlled unless such animal is being driven in harness or hauled; provided, this section shall not be construed as prohibiting any person who has obtained the permission to do so of the law enforcement officer from driving herds through the city when necessary to transfer them from one pasture to another or for the purpose of shipping. However, such persons so driving stock through the city shall provide an adequate number of herdspeople to properly control said herd and shall be absolutely liable for all injuries to persons or damage done to property by such stock while being driven through the city, whether or not such injury or damage is caused by the negligence of the said owner of said stock or his or her agents. Such stock shall be driven through the city by means of the route least likely to endanger persons and property and in as short a time as possible.

(Prior Code, § 8-3-2) (Ord. 11, passed 7-12-1965; Ord. 93, passed 2-22-1979) Penalty, see § 90.99

§ 90.03 RUNNING AT LARGE PROHIBITED.

(A) *In general.* No person shall allow any animal to run at large in or upon the street, lanes, alleys, public grounds, or any unenclosed land within the city.

(B) *Fowl, poultry.* No person shall permit any breed of fowl or poultry owned by him or her to run at large upon the streets, lanes, or alleys of the city or upon the property of another without the consent of such other property owner or his or her agent or lessee.

(Prior Code, § 8-3-1) (Ord. 11, passed 7-12-1965; Ord. 93, passed 2-22-1979) Penalty, see § 90.99

§ 90.04 PUBLIC NUISANCE.

It shall be unlawful for any owner to fail to exercise proper care and control of his or her animals to prevent them from becoming a public nuisance. It shall be unlawful for any owner to fail to provide animals with sufficient good and wholesome food and water, proper shelter, and protection from the weather any veterinary care when needed to prevent suffering or to provide humane care and treatment. No person owning any animal shall suffer or permit such animal to disturb the peace and quiet of the neighborhood by barking or by making other loud or unusual noises.

(Prior Code, § 8-3-8) (Ord. 97, passed 11-6-1979) Penalty, see § 90.99

§ 90.05 CRUELTY TO ANIMALS.

It shall be unlawful for any person to torture or cruelly beat, starve, or otherwise ill-treat any animal in his or her care or charge, whether belonging to himself or herself or any other person.

(Prior Code, § 8-3-7) (Ord. 36, passed 1-11-1971; Ord. 93, passed 2-22-1979) Penalty, see § 90.99

§ 90.06 IMPOUNDMENT.

(A) *Impoundment; notice.*

(1) If any animal, fowl, or poultry shall be found running at large in violation of this chapter, the law enforcement officer shall immediately take up and confine the same in a place provided for such purpose and give notice of such confinement to the owner. If the owner of such animal, fowl, or poultry is not known, the law enforcement officer shall post a notice of such confinement in three public places within the city. Such notice shall contain:

(a) The date of posting;

(b) A description of the animal, fowl, or poultry giving its breed, if known, and its marks, coloring, and brand, if any;

(c) A provision stating that unless such animal, fowl, or poultry be reclaimed and all charges paid within five days from the date of posting as shown on said notice, the animal, fowl, or poultry will be sold to pay costs and charges; and

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(d) The date, time, and place of such sale.

(2) The law enforcement officer is hereby authorized to sell for cash any animal, fowl, or poultry not redeemed within five days after notice is given as herein prescribed.
(Prior Code, § 8-3-3)

(B) Disposition of monies from sale of animals.

(1) All monies from such sales, less the costs and expenses of said sale and all charges herein authorized, shall be paid to the City Clerk. The Clerk shall hold all such excess funds for the period of one year from the date of any such sale.

(2) At any time within said one-year period, the owner of such animal, fowl, or poultry may apply to the City Council for payment to him or her of any such excess funds, and the Council may order, upon proper proof of ownership, the Clerk to pay any such excess funds to such owner. Any such excess funds not so claimed shall be transferred to the General Fund of the city.
(Prior Code, § 8-3-4)
(Ord. 11, passed 7-12-1965; Ord. 93, passed 2-22-1979)

§ 90.07 FEES.

For each animal, fowl, or poultry taken up or confined as provided in this chapter, the law enforcement officer shall collect the following sums:

| | |
|--|----------------|
| Each animal confined | \$2.50 per day |
| Posting of notices required upon the sale of such animal, fowl, or poultry | \$2 |
| Taking up of such animal, fowl, or poultry | \$2.50 |
| The sale of such animal, fowl, or poultry | \$1 per head |

(Prior Code, § 8-3-5) (Ord. 11, passed 7-12-1965; Ord. 93, passed 2-22-1979)

§ 90.08 BREAKING OPEN POUND OR ENCLOSURE.

It shall be unlawful to break open or in any manner directly or indirectly aid or assist in breaking open any pen or enclosure used to impound animals, fowl, or poultry hereunder with intent to release any animal confined therein.

(Prior Code, § 8-3-6) (Ord. 11, passed 7-12-1965; Ord. 93, passed 2-22-1979) Penalty, see § 90.99

DOGS**§ 90.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL OFFICER. The Mayor and all person(s) appointed by the Mayor to perform the duties of animal control officer within the city under this subchapter.

AT-RISK DOG. Any dog that, without justified provocation, bites a person without causing a serious injury.

CITY. The City of Weippe, Clearwater County, Idaho.

DANGEROUS DOG. Any dog that, without justified provocation, has inflicted serious injury on a person or is an at-risk dog that thereafter bites or physically attacks a person without justified provocation.

DOG. Any animal of any breed or mixed breed of *canis lupus familiaris*, commonly known as a domesticated dog.

HARBOR. To keep, possess, or shelter a dog or otherwise sustain a dog through the provision of food, water, or other care or sustenance on any private property.

JUSTIFIED PROVOCATION. Any act or omission that a reasonable person with common knowledge of dog behavior would conclude is likely to precipitate a bite or attack by an ordinary dog. The term shall also mean and include any act, omission, circumstances, or other matter constituting justified provocation, as provided under the Idaho Dangerous and At-Risk Dogs Act (Idaho Code Title 25, Chapter 28, as amended).

OWNER. Any person who is a legal owner of a dog present within the city or any person who harbors a dog within the city. It shall be prima facie evidence that a person is the **OWNER** of a dog for purposes of this subchapter if the person is an owner, tenant, or other lawful occupant of any private property within the city that a dog is kept or remains upon or to which the dog returns for food, water, shelter, or other care for a period of seven or more consecutive days or more in any calendar year or the person is listed as an owner of the dog with respect to any current dog license issued for the dog by the city. The term **OWNER** shall not include a duly licensed veterinarian harboring dogs owned by other persons at a veterinarian clinic for purposes of medical treatment.

PHYSICALLY ATTACK. An aggressive action upon a person by a dog in which there is physical contact between the dog and the person.

SERIOUS INJURY. Any injury to a person characterized by bruising, laceration, or other injury that would cause a reasonably prudent person to seek treatment from a medical professional without regard to whether the person actually sought medical treatment.

(Ord.186, passed 9-13-2021)

Statutory reference:

Related provisions, see Idaho Code Title 25, Chapter 28

§ 90.21 ANIMAL CONTROL OFFICER.

The Mayor may appoint one or more person(s) to perform the duties of animal control officer under this subchapter. The Mayor and any such person appointed as an animal control officer by the Mayor shall have all authority to perform the duties of the animal control officer under this subchapter. Nothing in this section is intended to nor shall it affect or impair any authority of any peace officer of the state, with respect to enforcement of any laws related to dogs within the city, including, but not limited to, as provided by Idaho Code Title 25, Chapter 28.

(Ord.186, passed 9-13-2021)

Statutory reference:

Related provisions, see Idaho Code Title 25, Chapter 28

§ 90.22 IMPOUNDMENT.

(A) *Release.* Except as otherwise provided by this subchapter, the animal control officer is authorized to humanely capture, take up, and impound any dog found or harbored within the city in violation of this subchapter.

(B) *Notice of impoundment.*

(1) Upon impoundment of any dog, pursuant to any provision of this subchapter, the animal control officer shall, within three business days after impounding the dog, provide notice of such impoundment to the owner, if known, as hereafter provided. Such notice shall be in writing and shall be served on the owner by: personal service, with service being effective on the date of personal service on the owner, or regular first-class U.S. mail addressed to the last known mailing address of the owner, with service by mail being effective three business days after deposit in the U.S. mail.

(2) If the identity of the owner is unknown to the city or there is no mailing or physical address for the owner known to the city sufficient to permit service of said notice on the owner by personal service or mail, the animal control officer shall cause a written notice of impoundment containing a description and photograph of the dog to be posted in a least three public places within the city within two business days after impounding the dog for a period of not less than five days after posting.

(C) *Impoundment fees/costs.* The owner of any dog so impounded shall be liable for and shall pay the city all impoundment fees and costs of impoundment for the dog including, but not limited to, all costs of feeding and care of the impounded dog during the period of impoundment.

(D) *Release of dog; disposition.* Except as otherwise provided by this subchapter, any dog so impounded shall be released to the owner of the dog if the owner pays the City Clerk all fees and costs of the impoundment for the dog and all dog license fees for the dog, if any, required under this subchapter in full. Provided, however, in the event an owner has not secured release of the dog, as provided above, within five days after service of the notice of impoundment on the owner (if notice was given by personal service or mail) or public posting (if notice was given by public posting), unless otherwise directed by the Mayor, the animal control officer may thereafter cause the impounded dog to be humanely put to death.

(Ord.186, passed 9-13-2021)

§ 90.23 DOGS AT LARGE PROHIBITED.

(A) It shall be unlawful:

(1) For any owner of a dog harbored within the city, whether licensed or unlicensed, to willfully or negligently fail, neglect, or refuse to keep any such dog securely confined within the limits of the owner's premises or motor vehicle when not under the immediate care and control of a competent and responsible attendant or master; and

(2) For any person including, but not limited to, an owner to willfully or negligently permit any dog under the immediate care and control of the person to run at large off the owner's premises within the city on any public property or any private property without the consent of the owner of such private property.

(B) The animal control officer is authorized to humanely take up and impound any dogs found running at large in violation of this section.

(Ord.186, passed 9-13-2021) Penalty, see § 90.99

§ 90.24 DANGEROUS DOGS.

(A) *Dangerous dogs.* It shall be unlawful for any person to harbor or knowingly possess a dangerous dog within the city except as provided herein.

(B) *Impounding of dangerous dogs; notice.* The animal control officer shall have the authority to humanely capture, take up, and impound any dangerous dog found or harbored within the city as

hereafter provided. Any dog so impounded that has been declared to be a dangerous dog pursuant to division (C)(3) below shall remain impounded and shall not be subject to release to the owner pending final resolution of declaration as hereafter provided, unless otherwise ordered by the Mayor or City Council.

(C) *Declaration of dangerous dog; notice; appeal.* The animal control officer may declare any dog found or harbored within the city to be a dangerous dog if (based upon any complaint, incident, or information otherwise received or known by the animal control officer) the animal control officer has reasonable grounds to believe that the dog is a dangerous dog, as defined under § 90.20, or the dog has previously been officially declared to be a dangerous dog by any court or other governmental entity.

(1) If the animal control officer declares a dog to be a dangerous dog pursuant to this section, the animal control officer shall give notice of such declaration to the owner of the dog, if known, within two business days after such declaration is made in the same manner as provided for service of notice of impoundment in § 90.22(B).

(2) The owner of the dog declared to be a dangerous dog pursuant to this section shall have until five business days after the date of service of the notice of the declaration upon the owner (if the notice is served by personal service or mail) or the date of posting (if the notice is served by public posting) to file a written request for an appeal hearing with the City Clerk, appealing the declaration as hereafter provided. The request for hearing shall be in writing; shall identify the name, address, and telephone number of the appealing party; and shall be filed the City Clerk within the applicable five business-day period provided above. In the event no hearing is duly requested within the time limit stated above, the Mayor shall have the same authority to determine and direct appropriate disposition of the dog as provided to hearing panels under division (C)(4) below.

(3) If an appeal hearing is timely requested, a hearing shall be held on the appeal within seven days after the date the request for hearing is received by the City Clerk or at such other time as is agreed to by the appealing party. The Mayor and two City Council members appointed by the Mayor shall constitute the Hearing Panel and shall determine the appeal. The hearing shall be informal, and the state rules of evidence shall not apply. The owner and the animal control officer shall be given the opportunity to submit evidence, present witnesses, and be heard on the matter including the right of cross-examination. In determining whether the dog is a dangerous dog, as defined by § 90.20, the Hearing Panel may consider any evidence deemed relevant by the Hearing Panel and shall consider any evidence constituting justified provocation, as defined by § 90.20.

(4) If the Hearing Panel finds the dog to not be a dangerous dog, as defined by § 90.20, the Hearing Panel shall revoke the declaration made by the animal control officer and direct release of the dog to the owner. If the Hearing Panel finds that the dog is a dangerous dog, as defined by § 90.20, the Hearing Panel shall determine and may direct any appropriate disposition of the dog as the Hearing Panel shall deem in the best interest of the city. Among other options, and without limitation on the Hearing Panel's authority under this section, the Hearing Panel may:

(a) Direct the animal control officer to cause the dog to be put to death in a humane manner; or

(b) Authorize release of the dog to the owner on such conditions as the Hearing Panel deems in the best interest of the city which may include, but are not limited to, any one or more of the following conditions:

1. The dog will be removed from the city limits immediately following its release from impoundment, and the dog shall not be allowed to return to the city, with such assurances of compliance with such conditions as deemed appropriate by the Hearing Panel;

2. The owner to take such measures as the Hearing Panel deems in the best interest of the city, sufficient to confine the dog to the owner's premises in a manner to prevent harm to the public; and/or

3. The owner provides a surety bond or proof of liability insurance for compensation of those who may suffer injury by reason of the owner harboring a dangerous dog.

(D) *Decision of Hearing Panel.* The decision of the Hearing Panel shall be in writing and shall be served upon the owner of the dog, if known, in same manner as provided for service of notices of impoundment in § 90.22(B). The decision of the Hearing Panel shall be final five days after service of the Hearing Panel's decision on the owner. Provided, however, if the owner or the owner's last known mailing address is unknown to the city sufficient to permit service of the decision on the owner, the Hearing Panel's decision shall become final upon issuance of the Hearing Panel's written decision. (Ord.186, passed 9-13-2021) Penalty, see § 90.99

§ 90.25 LICENSES.

(A) *Applications and issuance of dog licenses.* Any person required to obtain any city dog license under this subchapter shall make application for all required licenses with the city on such forms as provided by the city. All applications must be made in the name of the owner of the dog(s) for which the license is sought and shall be signed by said owner verifying that the information provided by the owner on the application is true and correct.

(B) *Required information; issuance.* The owner shall pay the applicable license fees to the City Clerk at the time of filing the application with the City Clerk. The owner shall provide the City Clerk with all information required under the license application form and all other information required by this subchapter. The owner shall also provide any additional information reasonably requested by the City Clerk, as necessary, to process the application in accordance with this section. In addition to any other information required under the application form or reasonably requested by the City Clerk, the following information shall be required.

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(1) *Annual/lifetime licenses.* For annual and lifetime dog licenses, the owner shall provide the City Clerk proof of current rabies vaccination from a license veterinarian for each dog.

(2) *Kennel licenses.* For kennel licenses, the owner shall provide the physical address of the premises on which the dogs will be harbored and the number and current city dog license tag numbers of all dogs that will be harbored on the premises by the applicant. Nothing in this subchapter nor the issuance of any kennel license shall repeal or otherwise affect application of any other state, county, or city laws, regulations, or ordinances pertaining to health, safety, nuisances, zoning, noise, land use, planning, or commercial activities with respect to the owner's activities under the kennel license or authorize the owner to engage any activity under the kennel license that is otherwise prohibited under any such other laws, regulations, or ordinances.

(C) *Issuance of license.* Upon the owner's compliance with this section, including, but not limited to, payment in full of any applicable licensing fee(s) required under this subchapter to the City Clerk, the City Clerk shall issue the dog license to the owner, except as otherwise provided in this division (C)(2) below.

(1) *Annual/lifetime dog license.* The City Clerk shall issue the owner applying for an annual or lifetime dog license a receipt stating the amount of fees received by the City Clerk for the license, the owner's name and physical address, type of license (annual or lifetime) issued, the license number of the dog license issued, and the gender of the dog for which the license is issued. Said receipt shall constitute evidence of issuance of the dog license. The City Clerk shall also provide the owner with a license tag bearing the corresponding dog license number. The City Clerk may also issue a replacement license tag to an owner upon satisfactory proof that the current license tag for the dog previously issued by the city has been lost, destroyed, stolen, or has become illegible.

(2) *Kennel license; City Council approval.* The City Clerk shall issue the owner applying for a kennel license a receipt, which shall state: the amount of fees received by the City Clerk for the license, the owner's name, the physical address of the licensed premises, and the city dog license numbers of each dog to be harbored on the licensed premises pursuant to the kennel license. Said receipt shall constitute evidence of issuance of the kennel license. Notwithstanding any other provision of this subchapter, the City Clerk shall not issue any kennel license if the number of dogs exceeding six weeks in age to be harbored on the licensed premises at any time during the licensing year exceeds five such dogs unless the City Council has approved issuance of the license. The City Council may approve or deny issuance of said kennel license, as deemed in the best interest of the city. The City Council may also place conditions on the issuance of any kennel license on such conditions as the City Council deems in the best interest of the city including, but not limited to, conditions that ensure that the dogs harbored on the licensed premises will not disturb the peace and quiet of any occupants of neighboring parcels or otherwise constitute a nuisance. Any kennel license issued upon approval of the City Council, as provided above, may be revoked by the city upon written notice to the owner and after hearing before the City Council in the event the City Council determines that the owner has violated any terms of conditions of the kennel licensed established by the City Council.

(Ord.186, passed 9-13-2021)

§ 90.26 FEES.

The City Council may from time to time, by resolution, establish and amend fees charged by the city for impoundment of dogs or other animals, issuance of city dog licenses and license tags, and any other fees referenced in this subchapter as deemed in the best interest of the city. Such fees may include, but are not limited to, fees for impoundment of dogs or other animals, annual and lifetime dog licenses for neutered/unneutered and spayed/unspayed dogs, fees for processing and investigating dog license applications, fees for issuance of replacement license tags, and fees for issuance of kennel licenses. (Ord.186, passed 9-13-2021)

§ 90.27 EXCEPTIONS.

Notwithstanding any provision of this subchapter, nothing in this subchapter is intended to nor shall it apply to peace officers or other governmental officers or employees utilizing K-9 dogs, search and rescue dogs, or other trained dogs while engaged in the course of their lawful official duties. (Ord.186, passed 9-13-2021)

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) It shall be a misdemeanor to keep livestock or animals within the city in violation of § 90.01(B). (Prior Code, § 8-3-10)

(C) Any person violating any provision of § 90.04 shall, upon conviction, be guilty of a misdemeanor. (Prior Code, § 8-3-8)

(D) Any person or owner violating any provision of §§ 90.20 through 90.27 shall be guilty of an infraction and shall be punished with a fine which shall be \$75 per violation. (Ord. 144, passed 5-9-1994; Ord. 186, passed 9-13-2021; Ord. 188, passed 7-11-2022)

CHAPTER 91: HEALTH AND SAFETY; NUISANCES

Section

General Provisions

91.01 Adoption of Fire Prevention Code

Nuisances

- 91.15 Definition
- 91.16 Liability
- 91.17 Keeping junk prohibited
- 91.18 Fumigation
- 91.19 Abatement of nuisances

Cross-reference:

- Abandoned, junked, and wrecked vehicles, see Chapter 92*
- Animals as nuisances, see § 90.04*
- Building regulation codes adopted, see Chapter 150*

GENERAL PROVISIONS

§ 91.01 ADOPTION OF FIRE PREVENTION CODE.

(A) There is hereby adopted, for the purpose of governing the maintenance of buildings and premises in the city, the International Fire Code, and as the same may be hereafter revised or amended. The same is hereby adopted and incorporated in this section as fully as though set forth at length herein.

(B) Three copies of the International Fire Code, together with all amendments thereto, duly certified by the City Clerk shall be kept on file in the office of the Clerk for use and examination of and by the public.

(Prior Code, § 4-5-1) (Ord. 72, passed 1-3-1977)

NUISANCES**§ 91.15 DEFINITION.**

NUISANCE is anything which is injurious to the health or morals, indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is hereby declared a nuisance.

(Prior Code, § 6-1-1)

§ 91.16 LIABILITY.

It shall be unlawful for any person to create or maintain any nuisance, cause the same to exist, or to knowingly permit a nuisance to be created, maintained, or to exist on premises owned by him or her or under his or her control.

(Prior Code, § 6-1-2) (Ord. 36, passed 1-11-1971) Penalty, see § 10.99

§ 91.17 KEEPING JUNK PROHIBITED.

It shall be unlawful for any person to store or keep any old articles or materials which may be classed as junk, adjacent to or in close proximity to any schoolhouse, church, public park, public grounds, business buildings or residence, or anywhere within the limits of the city without first providing proper and tight buildings for the storage of the same.

(Prior Code, § 6-1-3) (Ord. 36, passed 1-11-1971; Ord. 92, passed 2-22-1979) Penalty, see § 10.99

§ 91.18 FUMIGATION.

(A) *Notice.* It shall be unlawful for any person to fumigate any dwelling, room, or building within the city without first having posted notices, plainly visible from the outside, on all outside doors of such dwellings, rooms, or buildings. Such notice shall give warning that fumigation is under process within and give information as to the nature of the fumigant being used.

(B) *Permit required.* Before undertaking fumigating, as herein above described, it is hereby required that a permit be obtained from the City Clerk for such fumigating.

(Prior Code, § 6-1-4) Penalty, see § 10.99

§ 91.19 ABATEMENT OF NUISANCES.

(A) *Property owner.* It shall be the duty of the owner of any property whereon any nuisance exists or of the lessee, manager, or person thereof to remove, abate, or destroy the same without delay.

(B) *City Inspector or law enforcement officer.* Whenever any nuisance exists for the abatement, creation, or removal of which no responsible person can be found, it shall be the duty of the proper designated city officer to remove, abate, or destroy the same or cause the same to be done. (Prior Code, § 6-1-5) (Ord. 36, passed 1-11-1971; Ord. 92, passed 2-22-1979)

CHAPTER 92: ABANDONED, JUNKED, AND WRECKED VEHICLES

Section

Abandoned, Wrecked Vehicles

- 92.01 Removal of improperly parked vehicles
- 92.02 Removal of unidentified, stolen, wrecked, or abandoned vehicles
- 92.03 Removal of vehicles on private property
- 92.04 Liens on impounded property
- 92.05 Proof of ownership; appeal; redemption

Junked Vehicles on Private Property

- 92.20 Nuisance declared
- 92.21 Property owner responsible
- 92.22 Notice; hearing
- 92.23 Removal; reclamation
- 92.24 Lien

- 92.99 Penalty

ABANDONED, WRECKED VEHICLES

§ 92.01 REMOVAL OF IMPROPERLY PARKED VEHICLES.

Any vehicle parked in violation of traffic regulations or any vehicle parked so as to obstruct the free movement of traffic or causing a traffic hazard may be removed upon order of the law enforcement officer. Any such vehicle removed by the law enforcement officer shall be kept under the control of the law enforcement officer until the owner or authorized agent pays the reasonable cost of removal and storage in addition to any penalty provided for such improper parking. It shall be unlawful for any person to park any motor vehicle so as to obstruct the free movement of traffic or cause a traffic hazard. (Prior Code, § 8-6-1) (Ord. 9, passed 2-27-1965; Ord. 95, passed 3-5-1979) Penalty, see § 92.99

§ 92.02 REMOVAL OF UNIDENTIFIED, STOLEN, WRECKED, OR ABANDONED VEHICLES.

It shall be unlawful for any person to leave or abandon a motor vehicle upon the thoroughfares of the city. The law enforcement officer is hereby authorized, in addition to any penalties that may be provided therefor, to remove any unidentified, stolen, wrecked, or abandoned motor vehicle found upon any public thoroughfare and he or she is further authorized to keep any such motor vehicle in his or her custody and control at such place as he or she may designate until redeemed by the owner. Any unidentified, stolen, wrecked, or abandoned motor vehicle or other personal property which is now in the possession of the law enforcement officer shall be subject to the actual cost of removal from the public place and a storage charge of \$5 per day so long as the same is in his or her possession. A vehicle impounded from any area outside of the city limits and is stored in the city impound area will be subject to the storage charge of \$5 per day.

(Prior Code, § 8-6-2) (Ord. 9, passed 2-27-1965; Ord. 74, passed 8-2-1977; Ord. 95, passed 3-5-1979) Penalty, see § 92.99

§ 92.03 REMOVAL OF VEHICLES ON PRIVATE PROPERTY.

If at any time any motor vehicle is parked on private property without the consent of the owners of such property, the law enforcement officer is hereby authorized to remove said vehicle and to cause the same to be stored; provided, the owner of such private property has first signed a complaint against the owner of said vehicle, whether known or unknown. The city shall have a lien for all necessary costs of removing and storing such vehicle and such a vehicle may be held by the city until such lien is paid.

(Prior Code, § 8-6-3) (Ord. 9, passed 2-27-1965; Ord. 95, passed 3-5-1979)

§ 92.04 LIENS ON IMPOUNDED PROPERTY.

All motor vehicles and all other personal property impounded or theretofore impounded by the law enforcement officer and unredeemed by the owner thereof within a period of 30 days shall be subject to sale by the law enforcement officer to the highest bidder for cash, and the proceeds of said sale shall be applied to the removal and storage charges accumulated against each article. The balance of said proceeds of the sale shall be credited to the General Fund of the city.

(Prior Code, § 8-6-4) (Ord. 95, passed 3-5-1979)

§ 92.05 PROOF OF OWNERSHIP; APPEAL; REDEMPTION.

Any person claiming to be the owner of any impounded property shall make written application therefor to the Police Department and shall furnish such additional proof as may be required to establish said ownership. If he or she shall present to said Department the proof of his or her ownership of said

impounded property prior to the date of actual sale thereof, then the property itself shall be delivered to said owner under these conditions, but if said property has been sold, then said Department shall endorse its findings of ownership with a copy of the written application, and findings shall be addressed to the Clerk, and if presented within one year after said sale, such balance of the proceeds of the sale, after deductions, shall be paid to said owner.

(Prior Code, § 8-6-5) (Ord. 9, passed 2-27-1965; Ord. 95, passed 3-5-1979)

JUNKED VEHICLES ON PRIVATE PROPERTY

§ 92.20 NUISANCE DECLARED.

(A) It shall be unlawful to park, store, or leave any motor or other vehicle in a wrecked, junked, partially dismantled, or abandoned condition on private property in the city unless it is in connection with a purpose or business enterprise lawfully situated and licensed.

(B) All vehicles within the terms of this section are hereby declared to be public nuisances.
(Prior Code, § 8-5-1) (Ord. 20, passed 11-7-1966; Ord. 95, passed 2-22-1979) Penalty, see § 92.99

§ 92.21 PROPERTY OWNER RESPONSIBLE.

The owner of any such vehicle or the owner of the private property on which the same is located shall be responsible for its removal upon the appropriate notice and the opportunity to be heard. Prior to commencing the hearing procedure set out in §§ 92.22 and 92.23, notices shall be sent to the owner or resident of the property upon which the said vehicle is located stating the condition of said vehicle has caused a violation of this subchapter and that unless this violation is corrected within 36 hours, procedures will be commenced to effect the removal of the vehicle. Such 36-hour notice or one similar thereto shall also be provided the vehicle owner and any lien holders to the extent that their names and addresses may be reasonably ascertained after the city has first been apprised of such violation.

(Prior Code, § 8-5-2) (Ord. 20, passed 11-7-1966; Ord. 95, passed 2-22-1979)

§ 92.22 NOTICE; HEARING.

(A) *Service of notice.* If the 36-hour preliminary notice does not accomplish the correction of the violation, the procedure hereinafter set out shall be invoked. One or more notices shall be embodied in a resolution to be passed by the City Council, and each notice shall be directed to the owner of the vehicle and any lien holders, if known, and the owner of the premises where same is located at least 20 days before the time of compliance therewith. It shall be sufficient service of notice if it is posted in a

conspicuous place upon the premises affected and a copy is mailed to such owners and lien holders at their last known address, place of residence, or place of business.

(Prior Code, § 8-5-3)

(B) *Hearing procedure.* Within 20 days after the mailing or other service of said notice, the persons to whom the notices are directed or their duly authorized agents may file a written request for a hearing before the Council. The hearing shall be held as soon as practicable after the filing of the request therefor, and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five days in advance thereof. At any such hearing, the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as is deemed necessary and proper by the Council.

(Prior Code, § 8-5-4)

(Ord. 20, passed 11-7-1966; Ord. 95, passed 2-22-1979)

§ 92.23 REMOVAL; RECLAMATION.

(A) *Removal by city.* If the violation described in the notice has not been remedied within 20 days of the mailing or service thereof or in the event that a notice requesting a hearing is timely filed and the existence of the violation is affirmed by the Council after hearing, pursuant to the police power to do all things whatsoever necessary for promoting or maintaining the general welfare of the city or its inhabitants, said vehicle shall be removed and taken into the possession of the city. Any tow trucks or other vehicles used for such removal, other than city vehicles, shall be covered by insurance, the form and extent of which shall be approved by the Council.

(Prior Code, § 8-5-5)

(B) *Reclamation by owner; sale by city.* If the vehicle owner pays the city for all expenses involved in the removal and storage of same within 45 days of such removal and indicates, in writing, that such vehicle will not be taken to a location where it will be in violation of § 92.20, possession shall be relinquished to such owner. If possession is not thus relinquished to the owner, the law enforcement officer shall sell any such vehicles after publication of notice thereof ten days prior to the sale in a newspaper of general circulation published in the city. The ten days' publication of the notice of sale may be within the 45-day period indicated above.

(Prior Code, § 8-5-6)

(Ord. 20, passed 11-7-1966; Ord. 95, passed 2-22-1979)

§ 92.24 LIEN.

All costs and expenses incurred by the city in carrying out the provisions of this subchapter shall be and constitute a charge and lien against the real property from which the vehicle is removed and against the vehicle until such costs and expenses are paid with interest to accrue at the rate of 8% annually.

(Prior Code, § 8-5-7) (Ord. 20, passed 11-7-1966; Ord. 95, passed 2-22-1979)

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating the provisions of § 92.20 shall be guilty of a misdemeanor.
(Prior Code, § 8-5-8) (Ord. 20, passed 11-7-1966; Ord. 95, passed 2-22-1979)

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. BUSINESS LICENSES GENERALLY**
- 111. ALCOHOL**
- 112. PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS**

CHAPTER 110: BUSINESS LICENSES GENERALLY

Section

License Provisions

- 110.01 Persons subject to license
- 110.02 Applications; investigation; issuance
- 110.03 Fees
- 110.04 Termination; revocation
- 110.05 Multiple business licenses
- 110.06 Change of location
- 110.07 License to be displayed

Business, Premises Regulations

- 110.20 To comply with city
- 110.21 Frontage consents
- 110.22 Nuisances
- 110.23 Inspection of premises

LICENSE PROVISIONS

§ 110.01 PERSONS SUBJECT TO LICENSE.

Whenever in this title a license is required for the maintenance, operation, or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person shall be subject to the requirement if (by himself, herself, or through an agent, employee, or partner) he or she holds himself or herself forth as being engaged in the business or occupation or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the city.

(Prior Code, § 3-1-2) (Ord. 5, passed 2-9-1965)

§ 110.02 APPLICATIONS; INVESTIGATION; ISSUANCE.

(A) *Applications, forms.* Applications for all licenses and permits required by this title shall be made in writing to the Clerk unless otherwise specifically provided by law. Each application shall state the name of the applicant, the permit or license desired, the location to be used (if any), the time covered, and the fee to be paid; each application shall contain such additional information as may be required by the issuing official. Forms for all licenses and permits and application therefor shall be prepared and kept on file by the City Clerk.

(Prior Code, § 3-1-1)

(B) *Issuance, signatures.* Each license or permit issued shall bear the signatures of the Mayor or Clerk in the absence of any provision to the contrary.

(Prior Code, § 3-1-3)

(C) *Investigations.* Upon receipt of an application for a license or permit where the laws of the city necessitate an inspection or investigation before the issuance of such permit or license, the Clerk shall refer such application to the proper officer for making such investigation within 48 hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten days after receiving the application or a copy thereof. The State Health Officer shall make or cause to be made an inspection in regard to such licenses in connection with the care and handling of food, the preventing of nuisances, and the spread of disease. For the protection of health, the Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations, except where otherwise provided, shall be made by the County Sheriff or by some other officer designated by the Mayor.

(Prior Code, § 3-1-4)

(Ord. 5, passed 2-9-1965; Ord. 87, passed 2-22-1979)

§ 110.03 FEES.

(A) In the absence of specific provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Clerk. When an applicant has not engaged in the business until after the expiration of more than six months of the current license year, the license fee shall be the sum of half of the fee specified for the entire year. All license fees shall be deposited in the General Fund of the city.

(B) Licenses shall be required for the following activities and businesses upon payment of the fee specified in the schedule adopted by resolution of the Council and on file in the office of the Clerk. All license fees shall be \$10 per business per year and shall be deposited in the General Fund of the city. Licenses shall be required for the following activities and businesses upon payment of the fee specified hereinabove:

- (1) Food dealers (retailer);
- (2) Milk dealers (retailer);
- (3) Locker plants (rental);
- (4) Bowling alleys (amusement);
- (5) Photographers (service);
- (6) Music boxes (amusement);
- (7) Pinball machines (amusement);
- (8) Restaurants (service-retail);
- (9) Beauty parlors and hair dressers (service);
- (10) Barber shops (service);
- (11) Pool halls;
- (12) Boarding houses (rental-service);
- (13) Garages (service-dealer);
- (14) Service stations (service);
- (15) Service shops: welding, machine, metal, saw, and electrical (service);
- (16) Mills (manufacturing); and
- (17) Parts house (retailer).

(Prior Code, § 3-1-5) (Ord. 5, passed 2-9-1965; Ord. 104, passed 8-4-1980)

§ 110.04 TERMINATION; REVOCATION.

(A) *Termination of license.* All annual licenses shall terminate on the last day of the fiscal year of the city where no provision to the contrary is made. The Clerk shall mail to all licensees of the city a statement of the time of expiration of the license held by the licensee, if an annual license, three weeks prior to the date of such expiration; provided, however, failure to send such notice or failure of the

licensee to receive said notice shall not excuse the licensee from failure to obtain a new license or a renewal thereof nor shall it be a defense in an action for operation without a license.
(Prior Code, § 3-1-7)

(B) *Revocation of license.* Any license or permit may be revoked by the Mayor for a limited time at any time during the life of such license or permit for any violation by the licensee or permittee of the provisions of this code relating to the license or permit, the subject matter of the license or permit, or to the premises occupied. Such revocation may be in addition to any fine imposed.
(Prior Code, § 3-1-14)
(Ord. 5, passed 2-9-1965)

§ 110.05 MULTIPLE BUSINESS LICENSES.

If any person shall be engaged in more than one business subject to the terms herein or operate more than one device specified herein, he or she shall be subject to a license fee for each business and for each device. Where more than one licensed business or licensed device is operated or located upon or within a single premises, a license shall be required for each such business and device.
(Prior Code, § 3-1-6)

§ 110.06 CHANGE OF LOCATION.

In the absence of any provision to the contrary, the location of any licensed business or occupation or of any permitted act may be changed provided ten days' notice thereof is given by the Clerk and provided the building, zoning, and frontage consent requirements of this code are complied with.
(Prior Code, § 3-1-9)

§ 110.07 LICENSE TO BE DISPLAYED.

It shall be the duty of any person conducting a licensed business in the city to keep his or her license posted in a prominent place on the premises used for such business at all times.
(Prior Code, § 3-1-13)

BUSINESS, PREMISES REGULATIONS

§ 110.20 TO COMPLY WITH CITY.

No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act if the premises and building to be used for such purpose do not fully comply with the requirements

of the city. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning regulations of the city.
(Prior Code, § 3-1-8)

§ 110.21 FRONTAGE CONSENTS.

(A) Whenever the consent of the adjoining or neighboring owners is required as a prerequisite to the conduct of any business or occupation or the location of any establishment, such consent must be obtained by securing the necessary signatures to a written consent petition. Such petition shall be filed with the Clerk when signed.

(B) Consents, once given and filed, shall not be withdrawn, and such petitions need not be renewed for the continuous conduct of the business whether by the same proprietor or not.

(C) It shall be unlawful to forge any name to such a petition or to represent falsely that the names thereon have been properly placed thereon if such is not the fact.

(D) Each consent, when filed, shall be accompanied by the affidavit of the person securing the signatures that each signature appearing therein was properly secured and written thereon and that the petition contains the necessary number of signatures required herein.

(E) The frontage consent requirements contained herein shall not be construed to amend or change any zoning provision of the city, and no such provision shall be construed as permitting the erection of a structure or building, the conduct of a business, or the commission of any act in any location where such structure, building, business, or act is prohibited by any zoning regulation of the city.
(Prior Code, § 3-1-10)

§ 110.22 NUISANCES.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.
(Prior Code, § 3-1-11) Penalty, see § 10.99

§ 110.23 INSPECTION OF PREMISES.

(A) *Premises.* Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by city ordinance or are reasonably necessary to secure compliance with any ordinance provision to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto, for the purpose of making the inspection, any officer or employee of the city who is authorized or directed to make such inspection at any reasonable time that admission is requested.

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(B) *Commodity.* Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision of the city or to detect violations thereof, it shall be the duty of the licensee of the city whose business is governed by such provision to give to any authorized officer or employee of the city requesting the same sufficient samples of such material or commodity for such analysis upon request.

(C) *Violation.* In addition to any other penalty which may be provided, the Mayor may revoke the license of any licensed proprietor of any licensed business in the city who refuses to permit any such officer or employee so authorized to make such inspection or take such sample and make the inspection or take an adequate sample of said commodity or who interferes with such officer or employee while in the performance of his or her duty in making such inspection. No license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises in the name of the city, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

(Prior Code, § 3-1-12)

CHAPTER 111: ALCOHOL

Section

General Provisions

111.01 State Liquor and Beer Laws adopted

Liquor by the Drink

- 111.15 Definitions
- 111.16 License required; fee; application; investigation
- 111.17 License transfer
- 111.18 Sales restricted; hours of operation
- 111.19 Minors, regulations
- 111.20 Inspection by police
- 111.21 Purchase of liquor from state liquor dispensary
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Beer

- 111.35 Definitions
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Wine

- 111.55 Definitions
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GENERAL PROVISIONS

§ 111.01 STATE LIQUOR AND BEER LAWS ADOPTED.

(A) There is hereby adopted for the purpose of governing the licensing, sale, and use of alcoholic beverages within the city, the laws of the state, being particularly Idaho Code Title 23 as presently in effect or as may hereafter be amended by the Legislature and as contained in that certain volume known as the *State Liquor and Beer Laws*, revised through the acts of the 1969 Legislature, published by authority of the Department of Law Enforcement, Liquor Law Division, as the same may be revised by the Legislature or by the governing body of the city. The same are hereby adopted and incorporated in this section as fully as though set forth at length herein.

(B) Three copies of the *State Liquor and Beer Laws*, together with all amendments thereto, all duly certified by the City Clerk, shall be kept on file in the office of the City Clerk for use and examination of and by the public.

(Prior Code, § 3-3-1) (Ord. 38, passed 2-1-1971)

Statutory reference:

Related provisions, see Idaho Code Title 23

LIQUOR BY THE DRINK

§ 111.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BARTENDER. Any person (whether agent, servant, employee, licensee, or any other capacity) who pours, mixes, prepares, serves, or delivers any liquor by the drink upon any licensed premises.

CHIEF OF POLICE. The law enforcement officer of the city.

GAMING. Any and all gambling or games of chance.

INTERDICTED PERSON. A person to whom the sale of liquor is prohibited under the laws of the state.

LICENSE. A license issued by the city under the provisions of the state statutes.

LICENSEE. The person to whom a license is issued.

LIQUOR. All kinds of liquor sold by and in a state liquor store.

PERSON. Every individual, partnership, corporation, organization, or association holding a retail liquor license, whether conducting the business singularly or collectively.

PREMISES. The building in which the sale of liquor by the drink at retail is authorized.

RULES AND REGULATIONS. All rules and regulations made and promulgated by the Council.

STATE LIQUOR STORE. A liquor store or distributor established under and pursuant to the laws of the state for the package sale of liquor at retail.
(Prior Code, § 3-3-2)

§ 111.16 LICENSE REQUIRED; FEE; APPLICATION; INVESTIGATION.

(A) *License required; fee.* It shall be unlawful to sell liquor by the drink unless a license has been obtained and all rules and regulations concerning the licensing and operation of a place of business where liquor is sold are complied with. Each licensee shall pay an annual license fee of \$225 per annum in advance; provided, all licenses issued hereunder shall expire at 1:00 a.m. on January 1 of the following year. Any licensee who operates for only a portion of the year may have his or her license fee prorated from the date he or she commences operation to the end of the calendar year, but in no event for less than six months.
(Prior Code, § 3-3-3)

(B) *Application for license.* Before there shall be any lawful sale of liquor by the drink, an application must be made for such license by the proposed licensee and filed with the Clerk in the form and manner herein provided. Such application shall provide for the name of the applicant, the location of the proposed business, and such other information as may be prescribed and required by the Council. At the time said application is filed, the applicant shall also present a copy of an application for a state license and also the license issued by the state for the sale of liquor by the drink at retail, and no license will be issued until a license has first been issued by the state. All applications shall be filed with the Clerk and referred to the Council for approval. The license fee shall be paid to the Clerk at the time of making application, and upon approval of said application by the Council, the Clerk shall issue and deliver the license to the applicant.
(Prior Code, § 3-3-4)

(C) *Investigation of applicant.* Upon receipt of application for a license accompanied by the license fee, the Chief of Police, within 90 days thereafter, shall cause to be made a thorough investigation of all matters pertaining thereto and report his or her findings to the Council. The Council shall then act upon said application according to the facts presented and either approve or disapprove the application. Upon approval by the Council, the Clerk shall then issue said license, or upon disapproval by the Council, the Clerk shall so notify the applicant and return the license fee, less the costs of investigation, to the applicant. In making the investigation required by this subchapter, the Chief of Police shall have the power to investigate and examine the books and records of the licensee and any person having a financial interest in any business to be conducted on the licensed premises.

(Prior Code, § 3-3-5)

Penalty, see § 111.99

§ 111.17 LICENSE TRANSFER.

Licenses issued under the provisions of Ordinance 3, Ordinance 4, and Ordinance 43 of the ordinances of the city shall be transferable. Application to transfer any license issued hereunder shall be made to the Clerk. Upon receipt of such application, the same investigation and determination, with respect to the transferee as are required by the original license holder, shall be made. The City Council shall determine that all conditions required of an original licensee hereunder have been met and, within 30 days of receiving application, grant or deny the transfer of said license. In the event the City Council grants the transfer of said license, the license shall be endorsed over to the proposed transferee by said licensee for the remainder of the period for which such license has been issued, and the Clerk shall note the approval thereof upon such license. Each application for a transfer of license shall be accompanied by a transfer fee equal to 10% of the cost of such license.

(Prior Code, § 3-3-15) (Ord. 116, passed 6-11-1984)

§ 111.18 SALES RESTRICTED; HOURS OF OPERATION.

(A) *Sale by the drink.* It shall be unlawful for any licensee to sell, keep for sale, dispense, give away, or otherwise dispose of any liquor in the original containers or otherwise than by retail sale by the drink.

(Prior Code, § 3-3-8)

(B) *Hours of sale.* No liquor shall be sold, offered for sale, given away, consumed, or permitted to be consumed upon any licensed premises during the following hours:

- (1) Christmas from 2:00 a.m. to 10:00 a.m. the following day;
- (2) On any other day between 2:00 a.m. and 10:00 a.m.; and

(3) On the day of a general or special election until after the time when the polls are closed; provided, this division (B)(3) shall not apply to city elections.
(Prior Code, § 3-3-9)

(C) Sale prohibited; certain persons.

(1) No licensee or his or her 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 21;
- (b) Any person actually, apparently, or obviously intoxicated;
- (c) A habitual drunkard; or
- (d) An interdicted person.

(2) Any person under the age of 21 or other person who knowingly misrepresents his or her qualifications for the purpose of obtaining liquor from such licensee shall be equally guilty, along with such licensee, of a misdemeanor.

(Prior Code, § 3-3-10)

(Ord. 4, passed 12-16-1964; Ord. 129, passed 10-12-1987) Penalty, see § 111.99

§ 111.19 MINORS, REGULATIONS.

(A) Prohibited. No person under the age of 21, shall enter, remain in, or loiter in or about any place licensed for the sale of liquor by the drink at retail nor shall any licensee or any person in charge thereof or on duty while employed by the licensee therein permit or allow any person under the age specified to remain in or loiter in or about such place.

(B) Exceptions. It shall not be unlawful nor shall division (A) above be construed to restrict any person under the age of 21 from being:

(1) Upon the premises of any restaurant, 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;

(2) In any building a part or portion of which is used as a place where liquor is sold by the drink provided such place is separated or partitioned from the remainder of said building and access to such place through a doorway or other means of ingress can be controlled to prevent persons under the age specified herein from entering therein; or

(3) In 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.

(C) *Posted notice.* Every licensee herein referred to shall keep a sign conspicuously posted over or near each entrance to any place from which persons under 21 are herein restricted giving public notice of such fact. The wording and size of such signs shall be in accordance with such regulations as the Chief of Police may prescribe.

(Prior Code, § 3-3-11) (Ord. 4, passed 12-16-1964; Ord. 85, passed 2-22-1979; Ord. 129, passed 10-12-1987) Penalty, see § 111.99

§ 111.20 INSPECTION BY POLICE.

(A) The police officers of the city, the county, or the state shall have the right to enter into and upon the premises licensed at any and all times when said premises are occupied for the purpose of checking the license, liquors held for sale, and the premises thereof. The purposes for such inspections are termed to be public, and no writ or search shall be required.

(B) All peace officers appointed by the state, the city, or the county shall have free access at all times to the licensed premises, and any information regarding the manner and method of the operation of said premises or the sale of said liquor shall be submitted to the Council for appropriate action.
(Prior Code, § 3-3-6)

§ 111.21 PURCHASE OF LIQUOR FROM STATE LIQUOR DISPENSARY.

All liquor sold by any licensee shall be purchased from the state liquor dispensary through its regular retail stores and distributors at the posted price thereof. The state liquor dispensary is hereby authorized and directed to make such sales for cash to be paid at the time of purchase upon a special permit issued to such licensee in such form as shall be prescribed by the Superintendent of the state liquor dispensary. The *POSTED PRICE*, as used herein, shall mean the retail price of such liquor as fixed and determined by the state liquor dispensary.

(Prior Code, § 3-3-7)

§ 111.22 RESTAURANTS, CERTIFICATE OF ENDORSEMENT.

Every applicant for a state license for the sale of liquor by the drink or for the sale of beer for consumption on the premises claiming that the premises for which such license is sought constitutes and is operated as a restaurant shall, with each application for state license and with each application for renewal of license, file with the Chief of Police a statement under oath setting forth that such premises

constitutes and is operated as such restaurant. Upon issuance of a state license for the sale of liquor by the drink or for the sale of beer for consumption on the premises, for premises constituting and operated as a restaurant, and for which the licensee has filed the sworn statement herein required, the Chief of Police shall endorse on the face of such license the fact that it has been issued to a restaurant. Unless such sworn statement shall have been filed with the Chief of Police and his or her said endorsement shall appear on the face of the license, the restriction contained in § 111.20(B) hereof shall apply; notwithstanding, such premises may, in fact, constitute and be operated as a restaurant, and the posting of signs, as provided for in § 111.19(B) hereof, shall be required. In such event, the licensee shall advise the Chief of Police, by mail, that his or her premises no longer constitutes a restaurant so that the certificate of endorsement may be recalled.

(Prior Code, § 3-3-12)

§ 111.23 PREMISES, ADVERTISING REGULATIONS.

(A) *Premises regulations.* Every licensee must conform to all regulations and laws of the state and the provisions of this subchapter. Liquor by the drink shall be sold only on premises where there is a full and unobstructed view from the outside, and nothing shall be placed on or over the windows or doors to obstruct said view. All premises shall be adequately lighted and subject to periodic sanitary inspection. No gambling of any kind or character shall be operated upon said premises, and no gambling devices shall be maintained thereon.

(Prior Code, § 3-3-13)

(B) *Advertising restricted.* It shall be unlawful for any licensee to adopt or use any name, sign, or advertisement outside of the licensed premises advertising the handling or sale of liquor.

(Prior Code, § 3-3-14)

(Ord. 4, passed 12-16-1964) Penalty, see § 111.99

BEER

§ 111.35 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEER. Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, and/or other ingredients in drinkable water.

RETAILER. Any person engaged in the sale or distribution of beer to the consumer.
(Prior Code, § 3-2-2) (Ord. 3, passed 12-16-1964; Ord. 85, passed 2-22-1979)

§ 111.36 LICENSES.

(A) *License required; fees.* It shall be unlawful for any person to dispose of beer without first obtaining a proper license. The fees for the sale of draught, bottled, or canned beer shall be as follows:

(1) Bottled or canned beer when not consumed on the premises where sold: \$50; and

(2) Draught, canned, or bottled beer when consumed on premises where sold: \$150.

(Prior Code, § 3-2-3)

(B) *License; fee; period.*

(1) All licenses shall be granted by the Mayor and Council for a period of one year, beginning January 1 and ending December 31. A full year's license fee shall be collected after January 1. The City Council shall grant or deny the application within 30 days of the time it is filed with the City Clerk. Prior to any revocation or suspension, the licensee shall be afforded a hearing according to Idaho Code § 23-1016. Whenever the Mayor and City Council denies an application, they shall specify in writing:

(a) The statutes, ordinances, and standards used in evaluating the application;

(b) The reason for the denial; and

(c) The actions, if any, that the applicant could take to obtain the license, transfer, or renewal thereof.

(2) In all cases where the City Council is considering applications for licenses, transfers, or renewals thereof, a transcribable, verbatim record of the proceeding shall be made. If the applicant for a license, transfer, or renewal is denied, a transcribable, verbatim record of the proceedings shall be kept for a period of not less than six months after a final decision on the matter. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his or her expense. The City Council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law.

(Prior Code, § 3-2-4)

(C) *License; investigation of applicants.* No license shall be granted hereunder until there has been an investigation by the Law Enforcement Department of all applicants hereunder. After investigation, the applicants will be forwarded to the City Council with a recommendation from the law enforcement officer. If the officer recommends that an application be denied, he or she shall state in writing:

(1) The statutes or ordinances and standards used in evaluating the application;

(2) The reason for denial; and

(3) The action, if any, that the applicant could take to obtain the license, transfer, or renewal thereof.

(Prior Code, § 3-2-5)

(Ord. 3, passed 12-16-1964; Ord. 107, passed 6-1-1981; Ord. 115, passed 1-9-1984) Penalty, see § 111.99

Statutory reference:

Related provisions, see Idaho Code § 23-1016

§ 111.37 REVOCATION OF LICENSE.

The Council shall retain the right, at all times, to revoke and cancel any license for just cause. When any license is revoked, the licensee shall have the privilege of appearing before the Council to appeal such revocation. Any conduct or act on the part of the licensee which may be sufficient cause for revocation of the license must be brought to the attention of the Council.

(Prior Code, § 3-2-8) (Ord. 3, passed 12-16-1964)

§ 111.38 TRANSFER OF LICENSE.

Licenses issued under the provisions of Ordinance 3, Ordinance 4, and Ordinance 43 of the ordinances of the city shall be transferable. Application to transfer any license issued hereunder shall be made to the Clerk. Upon receipt of such application, the same investigation and determination, with respect to the transferee as are required by the original license holder, shall be made. The City Council shall determine that all conditions required of an original licensee hereunder have been met and, within 30 days of receiving application, grant or deny the transfer of said license. In the event the City Council grants the transfer of said license, the license shall be endorsed over to the proposed transferee by said licensee for the remainder of the period for which such license has been issued, and the Clerk shall note the approval thereof upon such license. Each application for a transfer of license shall be accompanied by a transfer fee equal to 10% of the cost of such license.

(Prior Code, § 3-2-9) (Ord. 116, passed 6-11-1984)

§ 111.39 HOURS OF SALE.

It shall be unlawful for any person to sell beer between the hours of 2:00 a.m. and 7:00 a.m.

(Prior Code, § 3-2-6) (Ord. 3, passed 12-16-1964; Ord. 129, passed 10-12-1987) Penalty, see § 111.99

§ 111.40 MINORS PROHIBITED.

It shall be unlawful for any person to offer beer to any person under the age of 21, and it shall be unlawful for any person under the age of 21, to frequent, loiter in or about, or patronize any beer

dispensary, and it shall likewise be unlawful for any owner of such beer dispensary or his or her employees to permit any such person under the age of 21 to be in or to be employed in such dispensary. (Prior Code, § 3-2-7) (Ord. 3, passed 12-16-1964; Ord. 85, passed 2-22-1979; Ord. 129, passed 10-12-1987) Penalty, see § 111.99

WINE

§ 111.55 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSIONER. The Commissioner of Law Enforcement of the State of Idaho.

RETAIL WINE LICENSE. A license issued by the Commissioner authorizing a person to sell wine at retail.

RETAILER. A person to whom a retail wine license has been issued.

WINE. Any alcoholic beverage containing not more than 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.

(Prior Code, § 3-4-2) (Ord. 43, passed 4-20-1972; Ord. 86, passed 2-22-1979)

§ 111.56 LICENSE; APPLICATIONS; ISSUANCE.

(A) *License required; fee.* It shall be lawful for any person to sell wine at retail or wine by the drink within the corporate limits of the city after having first procured a license therefor. The license fee imposed and collected shall be the sum of \$50 per year when wine is not consumed on premises where sold. The license fee shall be \$100 per year when wine is consumed by the drink on premises where sold. Such license year shall be from 12:01 a.m. on January 1 through December 31; provided, however, should a license be issued for less than a full calendar year, the license fee shall be prorated in accordance with the actual months of issuance.

(Prior Code, § 3-4-3)

(B) *Application for license.* Application for license shall be in writing, signed, and sworn to by the applicant upon application forms furnished by the Clerk. Such application shall be filed by the Clerk and

presented to the Mayor and Council at the next meeting of the Council for their approval, rejection, or further consideration.

(Prior Code, § 3-4-4)

(C) *Issuance of license.* Upon filing the application for a license and production of evidence (as required by § 111.57 herein) as to the qualifications of the applicant and by the payment of the required license fee, the Clerk shall, upon approval of the Council, issue to the applicant a license to sell wine at retail within the city for such calendar year or the remainder thereof.

(Prior Code, § 3-4-6)

(Ord. 43, passed 4-20-1972; Ord. 86, passed 2-22-1979) Penalty, see § 111.99

§ 111.57 QUALIFICATIONS OF APPLICANTS.

The applicant for a license shall possess all of the qualifications necessary to obtain a license from the State Commissioner of Law Enforcement, as prescribed by the laws of the state, and maintain such qualifications throughout the period for which such license is issued. The possession of licenses regularly issued by the Department of Law Enforcement and the county, in addition to a city beer license, shall be prima facie evidence of the applicant's qualifications to receive a license hereunder.

(Prior Code, § 3-4-5)

§ 111.58 REVOCATION OF LICENSE.

The right shall be and remain at all times vested in the Mayor and Council, and the Mayor and Council may, as hereinafter provided, revoke or cancel any license for fraud or misrepresentation in its procurement or for any conduct or act of the licensee or his or her employees or any conduct or act permitted by him or her on the premises where such business is conducted or in connection therewith or adjacent thereto, tending to render such business or such premises where the same is conducted as a public nuisance or menace to the health, peace, safety, or general welfare of the city; provided, revocation or suspension of the state license by the Commissioner of Law Enforcement shall be deemed prima facie evidence for revocation or suspension of the license issued herein.

(Prior Code, § 3-4-10)

§ 111.59 TRANSFER OF LICENSE.

Licenses issued under the provisions of Ordinance 3, Ordinance 4, and Ordinance 43 of the city shall be transferable. Application to transfer any license issued hereunder shall be made to the Clerk. Upon receipt of such application, the same investigation and determination, with respect to the transferee as are required by the original license holder, shall be made. The City Council shall determine that all

conditions required of an original licensee hereunder have been met and within 30 days of receiving application, grant or deny the transfer of said license. In the event the City Council grants the transfer of said license, the license shall be endorsed over to the proposed transferee by said licensee for the remainder of the period for which such license has been issued, and the Clerk shall note the approval thereof upon such license. Each application for a transfer of license shall be accompanied by a transfer fee equal to 10% of the cost of such license.

(Prior Code, § 3-4-12) (Ord. 116, passed 6-11-1984)

§ 111.60 CONSUMPTION ON PREMISES.

Retailers who do not possess a valid license for the retail sale of liquor by the drink or valid license for consumption of wine to be consumed on the premises shall not permit consumption of wine on the licensed premises and may sell the wine only in its original, unbroken, sealed container. Wine sold for consumption on the retailer's premises may be sold only if the retailer has a valid wine by the drink license and only during hours that liquor by the drink may be sold pursuant to the laws of the state.

(Prior Code, § 3-4-7) (Ord. 86, passed 2-22-1979)

§ 111.61 POSSESSION.

No person may, while operating or riding in or upon a motor vehicle upon a public highway of this state, have in his or her possession any wine in an open or unsealed container of any kind.

(Prior Code, § 3-4-8) (Ord. 43, passed 4-20-1972) Penalty, see § 111.99

§ 111.62 MISREPRESENTATION OF AGE.

(A) No person under the age of 21 may purchase, consume, or possess wine.

(B) No person shall give, sell, or deliver wine to any person under the age of 21.

(C) No person under the age of 21 shall, by any means, represent to any retailer or distributor or to any agent or employee of such retailer or distributor that he or she is 21 for the purpose of inducing such retailer or distributor or his or her agent or employee to sell, serve, or dispense wine to such person.

(D) No person shall, by any means, represent to any retailer or distributor or the agent or employee of such retailer or distributor that any other person is 21 when, in fact, such other person is under the age of 21 for the purpose of inducing such retailer or distributor or the agent or employee of such retailer or distributor to sell, serve, or dispense wine to such other person.

(Prior Code, § 3-4-9) (Ord. 43, passed 4-20-1972; Ord. 86, passed 2-22-1979; Ord. 129, passed 10-12-1987) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates any of the provisions of §§ 111.55 through 111.62 or fails to comply with any of the terms and conditions of therein shall be guilty of a misdemeanor.
(Prior Code, § 3-4-11) (Ord. 43, passed 4-20-1972)

CHAPTER 112: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

- 112.01 Definitions
- 112.02 License requirement
- 112.03 Application procedure
- 112.04 Standards for issuance
- 112.05 Revocation procedure
- 112.06 Standards for revocation
- 112.07 Appeal procedure
- 112.08 Exhibition of identification
- 112.09 Town policy on soliciting
- 112.10 Notice regulating soliciting
- 112.11 Duty of solicitors to ascertain notice
- 112.12 Prohibited solicitation

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the city.

PEDDLER. Any person not an itinerant merchant who:

(1) Travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Without traveling from place to place, sells or offers goods for sale from any public place within the city.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a **SOLICITOR** is not a peddler.

§ 112.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the city.

(B) It shall be unlawful for any nonresident merchant to engage in business without first obtaining a license therefor in compliance with the provisions of this chapter. The license fee, which shall be charged by the Clerk for such license, shall be \$5 per month or \$25 per year.
(Prior Code, § 3-5-2)

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof.
(Ord. 6, passed 2-9-1965; Ord. 88, passed 2-22-1979) Penalty, see § 10.99

§ 112.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the City Clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the town;

(b) The local address of such individual;

(c) The permanent address of such individual; and

(d) The capacity in which such individual will act.

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on the applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock; and

(c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application.

(6) The nature of the advertising proposed to be done for the business; and

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) above, has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant; and

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application, if required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C) above, a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

Penalty, see § 10.99

§ 112.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) (1) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare.

(2) In particular, it will constitute valid reason for disapproval of an application if there is tangible evidence that the applicant:

- (a) Has been convicted of a crime of moral turpitude;
- (b) Has made willful misstatements in the application;
- (c) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;
- (d) Has committed prior fraudulent acts; or
- (e) Has a record of continual breaches of solicited contracts.

§ 112.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the City Clerk after notice and hearing, pursuant to the standards in § 112.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his or her last known address at least ten days prior to the date set for the hearing.

§ 112.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application;
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license;
- (C) Any violation of this chapter;
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 112.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 112.04 or 112.06 shall have the right to appeal to the City Council members. The appeal shall be taken by filing with the City Council members, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The City Council members shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 112.05.

(B) The order of the City Council members after the hearing shall be final.

§ 112.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The City Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he or she is engaged in the business licensed.

Penalty, see § 10.99

§ 112.09 TOWN POLICY ON SOLICITING.

It is hereby declared to be the policy of the city that the occupants of the residences in the city shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

§ 112.10 NOTICE REGULATING SOLICITING.

(A) Notice of the refusal of invitation to solicitors to any residence shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO SOLICITORS INVITED"

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(B) The letters shall be at least one-third inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 112.11 DUTY OF SOLICITORS TO ASCERTAIN NOTICE.

(A) It shall be the duty of every solicitor, upon going onto any premises in the city upon which a residence is located, to first examine the notice provided for in § 112.10, if any is attached, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
Penalty, see § 10.99

§ 112.12 PROHIBITED SOLICITATION.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 112.10.

Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. OFFENSES GENERALLY**
- 131. OFFENSES AGAINST PEACE, MORALS, AND DECENCY**
- 132. OFFENSES AGAINST PEOPLE AND AUTHORITY**
- 133. OFFENSES AGAINST PROPERTY**

CHAPTER 130: OFFENSES GENERALLY

Section

- 130.01 Title
- 130.02 Definitions
- 130.03 State law applicable
- 130.04 Aiding an offense

§ 130.01 TITLE.

This title shall be known as and may be cited as the "General Offenses Ordinance of the City."
(Prior Code, § 8-1-1)

§ 130.02 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASSAULT. An unlawful attempt, coupled with present ability, to commit a violent injury on the person of another.

BATTERY. Any willful and unlawful use of force or violence upon the person of another.

FIREARMS. Any instrument used in the propulsion of shot shells or bullets or other harmful objects by the action of gunpowder exploded within it or by the action of compressed air within it or by the power of springs including what is commonly known as air rifles or BB guns.

PETTY LARCENY. The taking, stealing, carrying away, carrying, leading, or driving away the personal property of another when the personal property so stolen, taken, carried, lead, or driven away does not exceed the value of \$150.

SHALL. Always mandatory and not merely directory.
(Prior Code, § 8-1-2)

§ 130.03 STATE LAW APPLICABLE.

It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by state law insofar as such laws are applicable within the city.
(Prior Code, § 8-1-6) Penalty, see § 10.99

§ 130.04 AIDING AN OFFENSE.

It shall be unlawful for any person to, in any way or manner, aid, abet, counsel, advise, or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.
(Prior Code, § 8-1-7) Penalty, see § 10.99

CHAPTER 131: OFFENSES AGAINST PEACE, MORALS, AND DECENCY

Section

- 131.01 Disturbing the peace
- 131.02 Disorderly conduct
- 131.03 Unlawful assembly
- 131.04 Gambling
- 131.05 Prostitution
- 131.06 Unlawful consumption, possession of liquor
- 131.07 Drunkenness
- 131.08 Weapons
- 131.09 Curfew

§ 131.01 DISTURBING THE PEACE.

It shall be unlawful for any person to willfully, maliciously, intentionally, or unnecessarily disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior or by offensive or unbecoming conduct or for any person to threaten, quarrel, fight, or provoke an assault or battery or curse or swear or utter any obscene, vulgar, or indecent language in the presence of another.

(Prior Code, § 8-1-5) Penalty, see § 10.99

§ 131.02 DISORDERLY CONDUCT.

It shall be unlawful for any person to engage in any illegal or improper diversion or to use insulting, indecent, or immoral language or to be guilty of any indecent, insulting, or immoral conduct or behavior.

(Prior Code, § 8-1-4) Penalty, see § 10.99

§ 131.03 UNLAWFUL ASSEMBLY.

It shall be unlawful for two or more persons to assemble for the purpose of disturbing the peace or for the purpose of committing any unlawful act and for any such persons to fail or refuse to immediately

disperse upon an order to do so by a police officer. It shall be unlawful for any person, except public officers and persons assisting in preserving the peace, to remain present at the place of such riot, rout, or unlawful assembly.

(Prior Code, § 8-1-8) Penalty, see § 10.99

§ 131.04 GAMBLING.

It shall be unlawful for any person to deal, play, or conduct (either as owner, employee, or lessee), whether for hire or not, any game played with cards, dice, or any other device for money, checks, credit, or other representative of value.

(Prior Code, § 8-1-9) Penalty, see § 10.99

§ 131.05 PROSTITUTION.

(A) *Prostitution.* It shall be unlawful for any person to pursue or advertise in any manner his or her vocation as a prostitute or for any person to advertise the profession of a prostitute or solicit for a prostitute.

(B) *House of prostitution.* It shall be unlawful for any person to keep or assist in the keeping of a house of ill-fame or of prostitution or to knowingly reside therein or to knowingly rent, lease, or permit any person to occupy any such house or room owned, leased, or controlled by such person.

(Prior Code, § 8-1-11) Penalty, see § 10.99

§ 131.06 UNLAWFUL CONSUMPTION, POSSESSION OF LIQUOR.

It shall be unlawful for any person to drink and consume any alcoholic beverages or to have in his or her possession any open container or alcoholic or intoxicating beverages upon any public lands, streets, alleys, or public ways or in any vehicle within the corporate limits of the city.

(Prior Code, § 8-1-15) (Ord. 36, passed 1-11-1971) Penalty, see § 10.99

§ 131.07 DRUNKENNESS.

It shall be unlawful for any person to be found drunk, intoxicated, or under the influence of intoxicating liquor upon any public thoroughfare or other public place. No act committed by a person while in a state of voluntary intoxication is less criminal by reason of his or her having been in such condition.

(Prior Code, § 8-1-16) (Ord. 92, passed 2-22-1979) Penalty, see § 10.99

§ 131.08 WEAPONS.

(A) *Concealed weapons.* It shall be unlawful for any person to carry concealed upon his or her person any brass knuckles, revolver, pistol, dagger, stiletto, or other deadly weapon.

(B) *Discharge of firearms prohibited.* It shall be unlawful for any person to discharge firearms of any kind or description within the limits of the city; provided, however, this shall not apply to police officers in the discharge of their duties.

(C) *Exceptions; permits.* The City Council may at any time, upon application, grant permits to shooting galleries, gun clubs, and others for shooting within the city limits in fixed localities and under fixed rules. Such permits shall be in writing attested by the City Clerk, conforming to such requirements as the City Council shall demand, and the permit thus issued shall be subject to revocation at any time by action of the City Council.

(Prior Code, § 8-1-22) Penalty, see § 10.99

§ 131.09 CURFEW.

(A) *Prohibited hours for minors on streets.* It is unlawful for any minor to be on any public ground or in any public place within the city during the hours outlined below unless said minor is accompanied by or has written permission from a parent or guardian dated for the current day or is working at or traveling directly to or from employment or traveling directly to or from a school function:

(1) Under 14 years of age: 9:00 p.m. to 6:00 a.m.; and

(2) Ages 14 through 17: 10:00 p.m. to 6:00 a.m.

(B) *Responsibility of parents and guardians.* Any parent or guardian having custody of any minor who encourages, allows, or abets said minor in violating division (A) above shall be deemed guilty of contributing to the delinquency of said minor.

(Prior Code, § 8-4-1) (Ord. 155, passed 7-10-2000; Ord. 164, passed 8-11-2005) Penalty, see § 10.99

CHAPTER 132: OFFENSES AGAINST PEOPLE AND AUTHORITY

Section

- 132.01 Assault and battery
- 132.02 Encouraging delinquency
- 132.03 Offenses concerning minors
- 132.04 False representation; impersonating officers
- 132.05 Offenses regarding prisoners
- 132.06 Failing to assist; resisting arrest; eluding

Cross-reference:

Minor curfew, see 131.09

§ 132.01 ASSAULT AND BATTERY.

It shall be unlawful for any person to commit an assault or a battery, as defined in § 130.02 hereof. (Prior Code, § 8-1-3) Penalty, see § 10.99

§ 132.02 ENCOURAGING DELINQUENCY.

It shall be unlawful for any person, by any act or neglect, to encourage, aid, or cause a child to come within the purview or jurisdiction of the State Child Protective Act, being Idaho Code Title 16, Chapter 16.

(Prior Code, § 8-1-13) (Ord. 36, passed 1-11-1971; Ord. 92, passed 2-22-1979) Penalty, see § 10.99

Statutory reference:

Related provisions, see Idaho Code Title 18, Chapter 15

§ 132.03 OFFENSES CONCERNING MINORS.

(A) *Beer, liquor – procuring for, giving, or selling.* It shall be unlawful for any person to procure, sell, or give away any beer to any person under the age of 21. It shall be unlawful for any person under 21 to purchase, attempt to purchase, or otherwise procure or consume beer.

(B) *Intoxicating liquors – procuring for, giving, or selling.* It shall be unlawful for any person to procure, sell, or give away any intoxicating liquor to any person under the age of 21, and it shall further

be unlawful for any person under the age of 21 to purchase, attempt to purchase, or otherwise procure or consume any intoxicating liquor.

(Prior Code, § 8-1-14) (Ord. 36, passed 1-11-1971; Ord. 92, passed 2-22-1979; Ord. 129, passed 10-12-1987) Penalty, see § 10.99

§ 132.04 FALSE REPRESENTATION; IMPERSONATING OFFICERS.

It shall be unlawful for any person to falsely represent himself or herself to be a law enforcement officer or to attempt to impersonate any such officer or, without authority, to perform any official act therein on behalf of such an officer.

(Prior Code, § 8-1-18) Penalty, see § 10.99

§ 132.05 OFFENSES REGARDING PRISONERS.

(A) *Aid in escape.* It shall be unlawful for any person to aid or assist any person to escape from lawful confinement or to assist any person to escape from the custody of any peace officer.

(B) *Escapes.* It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody.

(C) *Furnishing weapons and other articles to prisoners.* It shall be unlawful for any person to furnish or attempt to furnish or take into jail or to deliver or attempt to deliver to any prisoner confined or in the custody of any officer any weapon, tool, intoxicating liquors, any narcotics, drugs, or other articles without the consent of the officer in charge.

(Prior Code, § 8-1-23) Penalty, see § 10.99

§ 132.06 FAILING TO ASSIST; RESISTING ARREST; ELUDING.

(A) *Police officers – offenses concerning.*

(1) *Giving assistance to.* It shall be unlawful for any citizen over the age of 18 years to refuse or neglect to render assistance to any police officer when called upon for such assistance or aid in the suppression of riot or other unlawful assemblage or in the arrest of any person who has committed an offense.

(2) *Resisting an officer.* It shall be unlawful for any person to willfully interfere with, resist, delay, obstruct, molest, or threaten to molest any law enforcement officer in the exercise of his or her official duties.

(Prior Code, § 8-1-24)

(B) *Eluding or fleeing from police.* Any driver of a motor vehicle who willfully fails or refuses to bring his or her vehicle to a stop or who otherwise flees or attempts to elude a pursuing police vehicle (when given visual or audible signal by hand, voice, emergency light, or siren) to bring the vehicle to a stop shall be guilty of a misdemeanor.

(Prior Code, § 8-1-26)

(Ord. 36, passed 1-11-1971; Ord. 119, passed 12-10-1984) Penalty, see § 10.99

CHAPTER 133: OFFENSES AGAINST PROPERTY

Section

- 133.01 Petty larceny
- 133.02 Abandoned refrigerators
- 133.03 Obtaining items with false pretenses
- 133.04 Entering without paying for admission
- 133.05 Prohibited acts on private or public property
- 133.06 Trespassing
- 133.07 Electric fences

§ 133.01 PETTY LARCENY.

It shall be unlawful for any person to commit petty larceny, as defined in § 130.02 hereof.
(Prior Code, § 8-1-10) Penalty, see § 10.99

§ 133.02 ABANDONED REFRIGERATORS.

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building, or other structure or within any unoccupied or abandoned building, dwelling, or other structure under his or her control in a place accessible to children any: abandoned, unattended, or discarded ice box, refrigerator, or other container which has a door or lid, snaplock, or other locking device which may not be released from the inside without first removing said door or lid, snaplock, or other locking device or by first fastening, bolting, or locking the same in such a manner that it is impossible to open the same by the use of the hands.

(Prior Code, § 8-1-12) (Ord. 36, passed 1-11-1971) Penalty, see § 10.99

§ 133.03 OBTAINING ITEMS WITH FALSE PRETENSES.

It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses or to enter any public place and call for refreshments or food or other articles and receive the same and refuse to pay for same, depart without paying for same, or without satisfying the person from whom he or she received the food, refreshments, goods, wares, and merchandise that the same need not be paid for.

(Prior Code, § 8-1-17) Penalty, see § 10.99

§ 133.04 ENTERING WITHOUT PAYING FOR ADMISSION.

It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fees, any theater, ballroom, lecture, concert, or other place where admission fees are charged; provided, however, nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement. (Prior Code, § 8-1-19) (Ord. 36, passed 1-11-1971) Penalty, see § 10.99

§ 133.05 PROHIBITED ACTS ON PRIVATE OR PUBLIC PROPERTY.

(A) *Malicious injury to property.* It shall be unlawful for any person to willfully and maliciously injure, deface, mutilate, remove, pull down, break, or in any manner interfere with or molest or secret or destroy any real or personal property belonging to or under the control of any person.

(B) *Deposits of injurious materials.* It shall be unlawful for any person to deposit, place, or allow to remain in or upon any public thoroughfare any material or substances injurious to persons or property.

(C) *Water flowing on streets.* It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare. (Prior Code, § 8-1-20) (Ord. 36, passed 1-11-1971; Ord. 92, passed 2-22-1979) Penalty, see § 10.99

§ 133.06 TRESPASSING.

It shall be unlawful for any person to take down any fence, let down any bars, or open any gate in or on the property of another without the consent of the owner, occupant, or person in charge thereof. (Prior Code, § 8-1-21) Penalty, see § 10.99

§ 133.07 ELECTRIC FENCES.

It shall be unlawful for any person to erect or maintain any electric fence. (Prior Code, § 8-1-25) (Ord. 36, passed 1-11-1971) Penalty, see § 10.99

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. TRAILER COACHES AND TRAILER COURTS

152. ZONING

CHAPTER 150: BUILDING REGULATIONS

Section

Codes Adopted

- 150.01 Adoption of Building Code
- 150.02 Adoption of Plumbing Code
- 150.03 Adoption of Electrical Code
- 150.04 Adoption of Abatement of Dangerous Building Code and Life Safety Code

Street and House Numbering System

- 150.15 Numbers required
- 150.16 Street Commissioner to supervise; records required
- 150.17 System of numbering
- 150.18 Designation of even and odd numbers
- 150.19 Numbering of blocks
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- 150.21 Change of street names

CODES ADOPTED

§ 150.01 ADOPTION OF BUILDING CODE.

(A) There is hereby adopted for the purpose of regulating and controlling all buildings and structures in the city the International Building Code, prepared by the International Code Council, and as the same may hereafter be revised or amended. The same is hereby adopted and incorporated in this section as fully as though set forth at length herein.

(B) Three copies of the International Building Code, together with all amendments thereto, duly certified by the City Clerk, shall be kept on file in the office of the Clerk for use and examination of and by the public.

(Prior Code, § 4-1-1) (Ord. 61, passed 10-14-1975; Ord. 91, passed 2-22-1979)

§ 150.02 ADOPTION OF PLUMBING CODE.

(A) There is hereby adopted for the purpose of establishing minimum standards of design, materials, and workmanship for all plumbing hereafter installed, altered, or repaired in the city, the Uniform Plumbing Code, prepared by the International Association of Plumbing and Mechanical Officials, published by same, 2024 edition thereof, and as the same may hereafter be revised or amended. The same is hereby adopted and incorporated in this section as fully as though set forth at length herein.

(B) Three copies of the Uniform Plumbing Code, 2024 edition, together with all amendments thereto, duly certified by the City Clerk, shall be kept on file in the office of the Clerk for use and examination of and by the public.

(Prior Code, § 4-2-1) (Ord. 63, passed 10-14-1975; Ord. 91, passed 2-22-1979)

§ 150.03 ADOPTION OF ELECTRICAL CODE.

(A) There is hereby adopted for the purpose of regulating and controlling all electrical wiring installations or electrical fixtures in the city, the National Electrical Code, prepared by the National Fire Protection Association, 2023 edition thereof, and as the same may hereafter be revised or amended. The same is hereby adopted and incorporated in this section as fully as though set forth at length herein.

(B) Three copies of the National Electrical Code, 2023 edition, together with all amendments thereto, duly certified by the City Clerk, shall be kept on file in the office of the Clerk for use and examination of and by the public.

(Prior Code, § 4-3-1) (Ord. 64, passed 10-14-1975; Ord. 91, passed 2-22-1979)

§ 150.04 ADOPTION OF ABATEMENT OF DANGEROUS BUILDING CODE AND LIFE SAFETY CODE.

(A) There is hereby adopted for the purpose of regulating and controlling all buildings and structures in the city, the Uniform Code for the Abatement of Dangerous Buildings, prepared by the International Conference of Building Officials, published by the same, 1997 edition thereof, and the Life Safety Code, prepared by the National Fire Protection Association, published by the same, 2024 edition thereof, and as either may hereafter be revised or amended. The same are hereby adopted and incorporated in this section as fully as though set forth at length herein.

(B) Three copies of the Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, and the Life Safety Code, 2024 edition, together with all amendments thereto, duly certified by the City Clerk shall be kept on file in the office of the Clerk for use and examination of and by the public.

(Prior Code, § 4-4-1) (Ord. 71, passed 1-3-1977; Ord. 91, passed 2-22-1979)

STREET AND HOUSE NUMBERING SYSTEM

§ 150.15 NUMBERS REQUIRED.

All dwelling, tenement, or business houses or buildings, whether occupied or vacant, situated within the city shall be numbered as hereinafter provided. In numbering any such dwelling, tenement, or business house or building only, whole numbers shall be placed on every 25 feet of front ground, wherever practicable, whether improved or vacant, and any such building or structure with less frontage than 25 feet shall receive a half number.

(Prior Code, § 7-2-1)

§ 150.16 STREET COMMISSIONER TO SUPERVISE; RECORDS REQUIRED.

All numbering indicated shall be under the direction of the City Street Commissioner, who shall keep on file in the City Clerk's office a map of the said city showing the complete system of block numbering. He or she shall also keep a complete record of all numbers assigned to each and every dwelling located within said blocks. Persons who desire information relative to numbers previously assigned or who desire numbers for new buildings shall apply to the City Clerk's office for the same. No charges will be made for this service.

(Prior Code, § 7-2-3)

§ 150.17 SYSTEM OF NUMBERING.

(A) All streets running parallel with Main Street shall be designated as running north and south. All numbers on these north and south streets will commence at Pierce Avenue and be numbered from thence north and south respectively.

(B) All avenues running parallel with Pierce Avenue shall be designated as running east and west. All numbers on avenues running east and west shall commence at Main Street and be numbered from thence east and west respectively.

(Prior Code, § 7-2-2)

§ 150.18 DESIGNATION OF EVEN AND ODD NUMBERS.

On all avenues running east and west, even numbers shall be placed on the north side of the street and odd numbers on the south side thereof; on all streets running north and south, even numbers shall be placed on the east side of the street and odd numbers on the west side thereof.

(Prior Code, § 7-2-4)

§ 150.19 NUMBERING OF BLOCKS.

All blocks shall be numbered by hundreds beginning with 100 on Pierce Avenue intersecting with Main Street as the commencement point thereof, a second block being numbered 200 and so on; such system shall apply to all streets running either north and south and on all avenues running east and west.

(Prior Code, § 7-2-5)

§ 150.20 SIZE OF NUMBERING.

All numbers on residences shall be not less than three inches in height.

(Prior Code, § 7-2-6)

§ 150.21 CHANGE OF STREET NAMES.

(A) All streets designated as running east and west, as shown on the official plat of the original townsite, will hereafter be known as avenues: Pierce Street shall be Pierce Avenue, George Street shall be George Avenue, Weippe Street shall be Weippe Avenue, and Fir Street shall be Fir Avenue.

(B) In the event additional streets are opened running parallel with the streets named in division (A) above, they shall be named and known as avenues, and all extensions of streets shall take the name of the corresponding street from which the extension is made.

(Prior Code, § 7-2-7) (Ord. 101, passed 4-7-1980)

CHAPTER 151: TRAILER COACHES AND TRAILER COURTS

Section

- 151.01 Definitions
- 151.02 License; fee required
- 151.03 Site provisions
- 151.04 Service building
- 151.05 Water supply
- 151.06 Sewage disposal
- 151.07 Refuse disposal

§ 151.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPENDENT TRAILER COACH. A trailer coach which does not have a toilet and a bathtub or shower.

SERVICE BUILDING. Building housing toilet facilities for men and women with slop water closet and laundry facilities and with separate bath or shower accommodations.

TRAILER COACH. Any vehicle used or so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

TRAILER COACH SPACE. A plot of ground within a trailer court designated for the accommodation of one trailer coach.

TRAILER COURT. Any plot of ground upon which two or more trailer coaches occupied for dwelling or sleeping purposes are located.
(Prior Code, § 3-6-1)

§ 151.02 LICENSE; FEE REQUIRED.

It shall be unlawful for any person to establish, operate, or maintain or permit to be established, operated, or maintained upon any property owned or controlled by him or her a trailer park within the limits of the city without first having secured a license therefor. Such license shall expire on December 31 of each year. The fee for said license shall be \$25 per year or part thereof, plus \$5 for each unit in excess of the minimum number of five.

(Prior Code, § 3-6-7) (Ord. 98, passed 11-6-1979) Penalty, see § 10.99

§ 151.03 SITE PROVISIONS.

(A) The trailer court must be well-drained, not adjacent to swamps or marshes, and adequately lighted at night. Each trailer coach space shall contain a minimum of 1,000 square feet, shall be at least 25 feet wide, and shall have its boundaries clearly defined. The space shall abut on a driveway not less than 20 feet in width, which shall have unobstructed access to a public street or highway. Trailer coaches shall be parked on each space so that there will be at least 15 feet of clearance between coaches, ten feet between coaches and any adjoining property line, 25 feet between coaches and any public street or highway, and 15 feet between coaches and any building or structure. No greater number of coaches shall be allowed than the number of trailer coach spaces available therefor.

(B) Sufficient area shall be provided for the parking of at least one motor vehicle for each trailer coach space. Suitable vehicular access for firefighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided.

(C) A separate area shall be provided for recreational purposes, which area shall be in a location not subject to traffic hazards, and shall provide 100 square feet of open area for each trailer coach space. (Prior Code, § 3-6-2)

§ 151.04 SERVICE BUILDING.

(A) Each trailer court, except trailer courts which cater only to independent trailer coaches, shall be provided with one or more service buildings adequately equipped with flush-type fixtures.

(B) No service building shall contain less than two toilets for females and one toilet for males, two lavatories and one shower for each sex, a urinal for males, laundry tray, and a slop water closet. To serve more than 20 dependent trailer coaches, additional fixtures shall be provided as herein set forth.

(1) Toilet facilities for females shall consist of at least one flush-type water closet for every ten dependent trailer coaches; toilet facilities for males shall consist of one flush-type water closet or urinal for every ten dependent trailer coaches.

(2) Urinals shall be substituted for not more than one-third of the toilet fixtures required for men. Each water closet shall be in a private compartment.

(3) Toilet facilities for males and females shall be separated or located in the same building by a sound-resistant wall. A lavatory for each sex shall be provided for every ten dependent trailer coaches. A bathtub or shower for each sex shall be provided for every 20 dependent trailer coaches, and each bathtub or shower shall be in a separate compartment.

(4) Laundry facilities shall be provided in the ratio of one unit for each 20 trailer coach spaces. Drying space in the ratio of 50 feet to each coach space or other adequate clothes-drying facilities shall be provided to accommodate the laundry of the trailer court occupants.

(5) A slop water closet shall be provided in a separate room in the service building. Each building shall:

(a) Be located not more than 200 feet from any dependent trailer coach and at least 15 feet from any trailer coach;

(b) Be of permanent construction and shall be provided with adequate light, heat, and ventilation; and

(c) Have its interior of moisture-resistant material to promote frequent washing and cleaning.

(Prior Code, § 3-6-3)

§ 151.05 WATER SUPPLY.

An adequate water supply shall come from the municipal water supply system. An adequate supply of hot and cold water shall be provided at all times in each service building.

(Prior Code, § 3-6-4)

§ 151.06 SEWAGE DISPOSAL.

Waste from toilets, slop water closets, bathtubs, showers, lavatories, and laundries shall be discharged into the public sewer system. Each trailer coach space shall have a trapped sewer inlet to receive all trailer coach wastes.

(Prior Code, § 3-6-5)

§ 151.07 REFUSE DISPOSAL.

Refuse must be stored in fly-tight and rodent-proof containers, which containers shall be provided in adequate numbers, within 150 feet of each trailer coach. All refuse will be disposed of according to provisions in Idaho Code Title 6, Chapter 2.

(Prior Code, § 3-6-6) (Ord. 90, passed 2-22-1979)

Statutory reference:

Related provisions, see Idaho Code Title 6, Chapter 2

CHAPTER 152: ZONING

Section

General Provisions

- 152.01 Building setback regulations
- 152.02 Variances

Planning and Zoning Commission

- 152.15 Definitions
- 152.16 Creation
- 152.17 Qualification and terms of office
- 152.18 Organization, rules, and meetings
- 152.19 Duties
- 152.20 Maps, plats, and replats
- 152.21 Employees and expenditures

- 152.99 Penalty

GENERAL PROVISIONS

§ 152.01 BUILDING SETBACK REGULATIONS.

Buildings shall not be closer than:

- (A) Twenty feet from the property line on front-facing streets;
- (B) Twenty feet from the property line on side-facing streets;
- (C) Five feet from the property line on side of center lots; and
- (D) Five feet from the property line on back-facing alleys.

(Prior Code, § 5-1-1)

§ 152.02 VARIANCES.

(A) Where there are unnecessary hardships and practical difficulties which render it difficult to carry out the provisions of this chapter, the Council shall have power, in passing upon requests for special exceptions, to grant a variance in harmony with the general purpose and intent of the provisions of this chapter relating to the use of land and/or structures, and any construction, structural, or equipment changes or alterations of structures relating to this chapter, so that the spirit of this chapter will be observed, public safety secured, and substantial justice done.

(B) However, the Council shall not vary any of the rules, regulations, or provisions of this chapter unless it shall find that all of the following conditions exist in each case of a request for a special exception:

(1) The land and/or structure in question cannot be reasonably used and cannot yield a reasonable return if used only for the purposes permitted and in accordance with other requirements in the district in which the land or structure is located;

(2) The plight of the owner is due to unique circumstances which are not the general condition in the neighborhood and are not the result of the owner's action; and

(3) The use requested by the owner, if established, will not be a general classification differing from the essential use provisions of the district in which the land and/or structure is located.
(Prior Code, § 5-1-2)

PLANNING AND ZONING COMMISSION**§ 152.15 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPOINTIVE MEMBERS. All other members of the Planning and Zoning Commission.

COMMISSION. The Planning and Zoning Commission created by this chapter.

EX OFFICIO MEMBERS. The members of the Planning and Zoning Commission chosen from among those who hold membership by virtue of holding a city or county office.
(Prior Code, § 2-1-1)

§ 152.16 CREATION.

There is hereby created a Planning Commission to consist of 12 members appointed by the Mayor and confirmed by the Council. The Planning Commission shall also serve as the Zoning Commission. No more than one-third of the members may be ex officio members by virtue of public office or position held in the city.

(Prior Code, § 2-1-2)

§ 152.17 QUALIFICATION AND TERMS OF OFFICE.

Appointive members shall be resident taxpayers of the city; provided, one member may be a nonresident taxpayer. Term of office for ex officio members shall correspond to their respective tenures of office. Term of office for the first appointive members shall be four members serving for two years, four members serving for four years, and four members serving for six years. Thereafter, the term of office for each appointive member shall be six years. Vacancies occurring otherwise than through the expiration of terms shall be filled by the Mayor and confirmed by the Council for the balance of the unexpired terms. Members may be removed after a hearing before the City Council and by a majority vote of the Council. Members shall be selected without respect to political affiliation and shall serve without compensation.

(Prior Code, § 2-1-3)

§ 152.18 ORGANIZATION, RULES, AND MEETINGS.

At the first meeting, the Planning and Zoning Commission shall elect its own Chairperson and shall create and fill such other offices as it may deem necessary. One regular meeting shall be held each month for not less than nine months in each year. Additional meetings may be called as the Chairperson determines necessary. A majority of the appointive members of the Commission shall be necessary to constitute a quorum at any meeting. Written rules consistent with this subchapter and the laws of this state for the transaction of business of the Commission shall be adopted, and a written record of meetings, resolutions, findings, and determinations shall be kept. All meetings and records shall be open to the public.

(Prior Code, § 2-1-4)

§ 152.19 DUTIES.

It shall be the duty of the Planning and Zoning Commission to recommend and make suggestions to the Council for the adoption of a Comprehensive Plan for the physical development of the city; for the formation of zoning districts; to make suggestions concerning the laying out, widening, extending, and locating of streets, roads, and highways; for the relief of traffic; to make suggestions concerning

density of population and development of land within the jurisdiction of the city; to make suggestions concerning the future growth, development, and beautification of the city in respect to its public buildings, streets, parks, grounds, and lands consistent with the future growth and development of the city in order to promote the public health, morals, safety, and welfare of the inhabitants of the city; and to give suggestions and advice to individuals concerning landscaping or location of buildings, structures, or works to be erected, constructed, or altered by or for such individual.

(Prior Code, § 2-1-5)

§ 152.20 MAPS, PLATS, AND REPLATS.

Any and all maps, plats, and replats of lands which require the approval of the Council shall first be submitted to the Planning and Zoning Commission for its suggestion. The Commission shall have a reasonable time, to be fixed by the Council, within which to examine such maps, plats, and replats before returning to the same with its suggestions.

(Prior Code, § 2-1-6)

§ 152.21 EMPLOYEES AND EXPENDITURES.

Upon approval of the Council, the Planning and Zoning Commission may accept, receive, and expend funds, grants, and services from the federal government or those agencies and instrumentalities of state or local governments or from civic sources and may contract with respect thereto and provide such information and reports as may be necessary to secure such financial aid. Expenditures (exclusive of gifts, grants, funds, and services) shall be within the amounts appropriated and set aside by the City Council for the purposes of the Commission, as set forth by this subchapter. Within such limits, the Planning Commission is authorized to employ such employees and technical advisors as are deemed necessary for its work.

(Prior Code, § 2-1-7) (Ord. 58, passed 4-7-1975)

§ 152.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) It shall be unlawful to use or occupy any building, structure, or premises in violation of the terms of §§ 152.01 and 152.02. Any person who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of §§ 152.01 and 152.02 shall be guilty of a misdemeanor, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Prior Code, § 5-1-3) (Ord. 49, passed 7-9-1973)

TABLE OF SPECIAL ORDINANCES

[Reserved]

PARALLEL REFERENCES

References to Idaho Code
References to Prior Code
References to Resolutions
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REFERENCES TO IDAHO CODE

| <i>Idaho Code Cite</i> | <i>Code Section</i> |
|--------------------------------|---------------------|
| Title 6, Chapter 2 | 151.07 |
| Title 16, Chapter 16 18-111 | 132.02 10.12 |
| Title 18, Chapter 15 | 132.02 |
| Title 19, Chapter 51, 19-5117 | 31.02 |
| Title 19, Chapter 51, 19-5118 | 31.02 |
| Title 23 23-1016 | 111.01 111.36 |
| Title 25, Chapter 28 | 90.20, 90.21 |
| 34-1701 through 34 -1705 | 11.16 |
| Title 49, Chapter 6 | 70.01 |
| Title 49, Chapter 6, 49-601 | 70.02 |
| Title 50, Chapter 9 | 10.03 |
| Title 67, Chapter 52 | 10.12 |

REFERENCES TO PRIOR CODE

| <i>Prior Code</i> | <i>2023 Code</i> |
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| 1-3-2 | 10.12 |
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Weippe - Parallel References

| <i>Prior Code</i> | <i>2023 Code</i> |
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| 3-1-5 | 110.03 |
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References to Prior Code

| <i>Prior Code</i> | <i>2023 Code</i> |
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| 3-4-10 | 111.58 |
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Weippe - Parallel References

| <i>Prior Code</i> | <i>2023 Code</i> |
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| 6-3-1 | 51.01 |
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